



5-2010

## **Traditional Musician-Centered Perspectives on Ownership of Creative Expressions**

Dick Kawooya  
*University of Tennessee - Knoxville*

Follow this and additional works at: [https://trace.tennessee.edu/utk\\_graddiss](https://trace.tennessee.edu/utk_graddiss)



Part of the [Critical and Cultural Studies Commons](#)

---

### **Recommended Citation**

Kawooya, Dick, "Traditional Musician-Centered Perspectives on Ownership of Creative Expressions. " PhD diss., University of Tennessee, 2010.  
[https://trace.tennessee.edu/utk\\_graddiss/711](https://trace.tennessee.edu/utk_graddiss/711)

This Dissertation is brought to you for free and open access by the Graduate School at TRACE: Tennessee Research and Creative Exchange. It has been accepted for inclusion in Doctoral Dissertations by an authorized administrator of TRACE: Tennessee Research and Creative Exchange. For more information, please contact [trace@utk.edu](mailto:trace@utk.edu).

To the Graduate Council:

I am submitting herewith a dissertation written by Dick Kawooya entitled "Traditional Musician-Centered Perspectives on Ownership of Creative Expressions." I have examined the final electronic copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in Communication and Information.

Benjamin Bates, Major Professor

We have read this dissertation and recommend its acceptance:

John Shefner, Bharat Mehra, Robert Sundasky

Accepted for the Council:

Carolyn R. Hodges

Vice Provost and Dean of the Graduate School

(Original signatures are on file with official student records.)

To the Graduate Council:

I am submitting herewith a dissertation written by Dick Kawooya entitled “Traditional Musician-centered perspectives on *ownership* of creative expressions.” I have examined the final electronic copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirement for the degree of Doctor of Philosophy with a major in Communication and Information.

**Benjamin Bates**

---

**Major Professor**

We have read this dissertation and recommend its acceptance:

---

**John Shefner**

---

**Bharat Mehra**

---

**Robert Sundasky**

Accepted for the Council:

---

**Dr. Carolyn R. Hodges**  
Vice Provost and Dean  
of Graduate Studies

(Original signatures are on file with official student records.)

# **Traditional Musician-centered perspectives on ownership of creative expressions**

A Dissertation  
Presented for the  
Doctor of Philosophy Degree  
The University of Tennessee, Knoxville

Dick Kawooya  
May 2010

Copyright © Dick Kawooya, 2008  
All rights reserved

## **Dedications**

To my wife Betty and son Michael who continue to be a great source of inspiration. To my mother whose love and perseverance saw me through the most difficult moments in my life. Lastly, to my sisters Daphine and Immaculate, and brother Vincent. We've walked a long journey together.

## **Acknowledgments**

I owe a great deal to a number of people for supporting me throughout my studies, specifically the completion of this study. First, I am grateful to Professor Benjamin Bates for his continued support and guidance in the course of preparing this dissertation. I am particularly grateful for tolerating the many interruptions along the way. Other committee members, Professors Bharat Mehra, John Shefner, Robert Sundasky have been accommodating as well.

I am indebted to Professor Wallace Koehler at Valdosta State University for introducing me and making my graduate studies in United States possible. It was his wise counsel that attracted me to graduate studies at Valdosta State University in 2001. His continued advice made it possible for me to go through the PhD at Tennessee. Prof Koehler has worked behind the scene in the course of writing of this dissertation. I am equally indebted to Dr.Kendra Albright at the University of South Carolina. Early on Kendra became my mentor and her family became my family. Kendra continues to be a great source of inspiration.

The peoples of Georgia and Tennessee have made it possible for me to attain graduate studies through their generous support through graduate assistantships. The two institutions I have attended in Georgia and Tennessee being publicly supported institutions, I cannot but be grateful to the taxpayers in the two states and other donors to the two institutions.

My mother emphasized education and the window of opportunities. I never doubted her and hope I have not disappointed. I cannot emphasize how much influence she has been on me, my sisters and brother. She is an incredible woman.

Traditional musicians in Uganda opened their doors to me and embraced this work. Not because they stood to gain from this work but because they thought it was important.

Thank you for helping me appreciate what you do and teaching me so much in so short a time.



## Abstract

Historically, traditional music in Africa was attributed to the collective society and not to individual musicians. Given the changing socioeconomic, cultural and political environments prevalent in most African societies, collective ethos are increasingly problematic to the very survival of expressive cultures like music. Individual musicians cannot effectively live off the traditional music they make without offending their traditional societies. Without meaningful incomes from traditional music, musicians cannot contribute to traditional music because it is difficult in a collectivist environment to exploit the opportunities of the global intellectual property regimes. This situation is likely to undermine the future of traditional expressive cultures. Given the problematic nature of the collective ownership of music, this study examined the perspectives of traditional musicians towards ownership of traditional music in Uganda in light of the changing socioeconomic, cultural and political environments. The study framed the collective approach to ownership of traditional music as problematic to musicians. Three central questions were examined: *What are the traditional musician's life experiences and work environments in Uganda's current socioeconomic and cultural environment? What are the perceptions of Uganda's traditional musicians towards ownership of creative works or expressions? How do musicians' life experiences and work environments shape their perceptions and construction of ownership of creative expressions?* The study employed a critical cultural analytical and theoretical framework to question the value of collectivism that requires musicians to live by an increasingly misplaced cultural practice. Qualitative data was collected using a phenomenological tools and procedures to capture musicians' life experiences and impact of those

experiences on their views on ownership of traditional music. Nine individual and two group interviews were collected over a period of one month in two regions in Uganda, *Busoga* and *Buganda*. It was established that the current socioeconomic environment calls for a break from, or flexibility in, certain traditional views and approaches to traditional music. Specific legal remedies were recommended to enable musicians live off traditional music at the same time attempting to preserve the cultural elements in the music. That entails striking a balance between economic interests of individual musicians and the cultural values of their societies.

# Table of Contents

<b>Dedications.....</b>	<b>iii</b>
<b>Acknowledgments .....</b>	<b>iv</b>
<b>Abstract.....</b>	<b>vi</b>
<b>Table of Contents .....</b>	<b>viii</b>
<b>List of Tables .....</b>	<b>xi</b>
<b>List of Figures.....</b>	<b>xii</b>
<b>Chapter One .....</b>	<b>1</b>
1.0 Introduction.....	1
1.2 Western Intellectual Property views in Africa .....	7
1.3 Persistence of collectivism but at what cost?.....	9
1.4 Scholarship on Ownership of African traditional music .....	12
1.5 Purpose and justification of the study.....	14
1.6 Research question .....	15
1.7 Significance .....	16
1.8 Limitations.....	17
1.9 Structure of the dissertation .....	19
<b>Chapter Two.....</b>	<b>24</b>
2.0 Introduction.....	24
2.1 Ownership of creative expressions and customary practices .....	25
2.2 African Customary Practices and Traditional Music .....	27
2.3 Ownership in the western intellectual property system .....	44
2.4 Traditional Music and Copyright in Uganda .....	52
2.5 Critical cultural approach and ownership of traditional music .....	54
<b>Chapter Three .....</b>	<b>63</b>
3.0 Introduction.....	63
3.1 Traditional Music in Africa and Uganda: the study contexts.....	66

3.2	<i>“The Pearl of Africa”</i> .....	72
3.3	<i>Traditional Music in Uganda: Instrumentation, Dancing and Singing..</i>	79
3.4	<i>Why study Uganda?</i> .....	87
<b>Chapter Four .....</b>		<b>92</b>
4.0	<i>Introduction</i> .....	92
4.1	<i>Constructivist-phenomenological inquiry</i> .....	92
4.2	<i>Data Collection</i> .....	100
4.2.1	Initial Survey of Uganda’s music industry .....	100
4.2.2	Participant selection and procedure .....	103
4.2.3	Group Interviews .....	109
4.2.4	In-depth Narrative Interviews.....	109
4.2.5	Musical Artifacts and photography .....	114
4.2.6	Researcher as the Instrument and participant.....	114
4.2.7	Data Transcription and Translation .....	117
4.3	Data Analysis.....	117
4.3.1	Interpretive Phenomenological Approach and Coding .....	117
4.3.2	Trustworthiness of the Findings .....	121
<b>Chapter Five .....</b>		<b>125</b>
5.0	Introduction .....	125
5.2	Group Interviews .....	129
5.2.1	National Council of Folklists of Uganda (NACOFU).....	130
5.2.1.1	The Senator Festival .....	139
5.2.1.2	Changing face of culture groups and traditional music .....	148
5.2.2	<i>Traditional music as a hunting ground</i> .....	150
5.2.2.1	About the group .....	150
5.2.2.2	Group as Hunting ground .....	153
5.3	<i>Individual interviews</i> .....	159
5.3.1	Musicians’ Lived Experiences ( <i>Experiential</i> ) .....	166
5.3.2	The Industry.....	205
5.3.3	Musician .....	211
5.3.4	Ownership.....	220
5.4	Summary of Findings .....	237
<b>Chapter Six .....</b>		<b>247</b>
6.0	Introduction .....	247
6.1	Recap of the Study.....	249
6.2	Discussion of Findings .....	251
6.3	The Need to Confronting Rigid Cultural Beliefs .....	259

6.4	Lingering Legal questions .....	271
6.5	Conclusion and Recommendations .....	275
<b>6.5</b>	<b>Implications of findings .....</b>	<b>277</b>
<b>6.6.</b>	<b>Questions for Further research .....</b>	<b>281</b>
	<b>References .....</b>	<b>283</b>
	<b>Appendices .....</b>	<b>296</b>
	<b>Appendix I: Interview Guide .....</b>	<b>297</b>
	<b>Interview guide:.....</b>	<b>297</b>
	<b>Appendix II: Informed Consent Statement.....</b>	<b>299</b>
	<b>Vita .....</b>	<b>302</b>

## List of Tables

		<i>Page</i>
Table 4.0	Showing Demographic Makeup of the Study participants	107
Table 5.1	Thematic Categories and associated sub-themes	164
Table 5.2	Table Showing Thematic Categories and Crossover Sub-themes (underlined)	245

## List of Figures

		<i>Page</i>
Figure 3.1	Map of Africa showing Uganda's location	64
Figure 3.2	Map of Uganda showing tribal locations and distributions	65
Figure 3.3	The trumpet ( <i>amakondere</i> )	81
Figure 3.4	The lyre ( <i>endongo</i> )	82
Figure 3.5	The flute ( <i>endere</i> )	83
Figure 3.6	The drum ( <i>engoma</i> )	84
Figure 3.7	The harp ( <i>enanga</i> )	85
Figure 3.8	Ugandan map showing post-independence political regions	89
Figure 4.1	Grass thatched structure venue for the conversational interview	97
Figure 4.2	Researcher engaging the <i>Mr. Matta</i> , the Group Leader and Founder	98
Figure 4.3	The conversation was often interjected with a musical interlude	99
Figure 4.4	With...spectators!	100
Figure 4.5	Screenshot of an interview transcript showing line and page numbering	121
Figure 4.6	A screenshot of an interview transcript showing the three theme levels	123
Figure 4.7	The analysis 'sheet' for each interview showing question number and theme levels	124

Figure 5.1	Sole performing musician at a Senator Festival	144
Figure 5.2	Group dance competition	145
Figure 5.3	Music Ensemble competition	146
Figure 5.4	Instrument Competition	147
Figure 5.5	Colorful promotional poster	148
Figure 5.6	Interrelationships amongst thematic descriptors	168
Figure 5.7	Performance by Samuel Bakabulindi's performing group	182



# Chapter One

## 1.0 Introduction

Africa's traditional musicians work in environments where *ownership* of intellectual works like songs, dances and folktales is anything but clear. Traditional musicians<sup>1</sup> have to acknowledge the collective values dictated by the customary laws, practices and values of their communities. They also live and work in socioeconomic environments increasingly rooted in values that are different or at odds with those of their traditional communities.<sup>2</sup> The collective ethos of traditional communities in Africa means that a traditional musician claiming individual *ownership* of a traditional piece of music goes against the collective customs and cultural values of the community. With *ownership* of traditional music in the balance, musicians may not easily live off their music for they can't claim new forms they create as personal property. Lack of clarity threatens musicians' livelihood, undermines the continued production of traditional music and brings into question the future of the cultures represented by the music.

Notwithstanding the collective values of traditional societies, it's imperative that questions of *ownership* of traditional expressive forms in Africa takes into account of

---

<sup>1</sup> Traditional music is conceptualized within the broader framework of traditional or cultural expressions. Traditional cultural expression (TCE) or Expressions of Folklore (EoF) is the official language of the World Intellectual Property Organization's (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). Recent work of the IGC treats TCE/EoF together for purposes of national, regional or international protection without discriminating against any expressive form, music inclusive. Creative expressions and music are, therefore, used interchangeably in this study to reflect the closeness of music as part of a range of expressive forms typically treated together for purposes of legal protection and/or scholarship.

<sup>2</sup> Such as the western individualistic approach to *ownership* of intellectual works

musicians' views as creative individuals. On the assumption that traditional musicians find the current environment problematic due to lack of clarity about *ownership*, this study took a critical look at the collectivist approach to ownership of traditional music with the goal of understanding the musicians' perspective on *ownership* of traditional music. I perceived the current environment, which requires individual musicians to subscribe to the collectivist approach, as restraining musicians' potential to exploit traditional music. That in turn undermines the very survival of the music for posterity. While it would be worthwhile to examine and question the external forces partly responsible for changes in the socioeconomic, cultural and political environments in which traditional musicians live and work, this study established that even more important is the ability of the traditional societies their cultural and customary practices, norms, and values to adjust to changing environments for purposes of surviving pressures in an increasingly global economy. Kuruk (2002) noted that customary practices of traditional African societies adapted and survived the "introduction of European and other foreign legal systems in Africa, urbanization and the growth of a money economy" without losing the core elements of their traditional values (Kuruk 2002, 8). Yet within expressive cultures, there are elements that portray cultural and customary practices such as collective *ownership*, as inalienable and infallible. By taking a critical approach to the study of *ownership*, this study looked at traditional musicians as subcultures or subgroups attempting to resist, but not totally undermining, the dominant collectivist views of their traditional communities (Kellner 1995a). *Ownership* represents musicians' attempts to challenge the forces underlying the production and consumption of traditional music. At the same time, musicians are afraid of challenging their century old traditions and

customs even when the environment has changed to warrant certain adjustments. As creative individuals struggling to live off this work while preserving their cultures, traditional musicians ought to be heard on questions of *ownership*; otherwise the hostile environment in which they work threatens their existence and by implication that of the music. Traditional musicians can and should act, individually and collectively, to sketch out their own approaches and perspectives on *ownership* despite the entrenched collectivist approach. Musicians are better positioned to cause change for their own good and that of the community they represent. Strict adherence to collective approaches prescribed by traditional communities leaves traditional musicians struggling to continue creating expressive forms based on traditional resources. Conceptualizing or adopting notions of *ownership* is the best way for traditional musicians to make sense of the confused environment and forces that define the production, distribution, consumption and use traditional resources.

Historically, creative expressions in Africa's predominantly oral cultures were treated as the collective 'property' of traditional groups or ethnic communities, not as individual possessions. While individual contributions were acknowledged by societies, they were perceived and treated as the community's collective repertoire rather than personal property. Many ethnic groups in Africa assigned the making, production and performance of creative expressions to individuals, or sections of the community, on custodial basis leading to specialization in the creative industries (Kuruk 2002). Private *ownership* was not the goal; the focus was on facilitating the continued production of expressive forms as

important cultural artifacts for the entire group. Private *ownership* was perceived as likely to limit access and further development of existing forms by others in the community.

Some argue that individual *ownership* of works of intellectual nature, as opposed to the collective approach, creates monopolies threatening its continued production (McCann and Gibson 2004). Madian (2005) reminds us that in an oral tradition “ownership of musical heritage is unclear: indeed, the very concept of *ownership* is a poor fit for the complex way in which oral culture is collectively held, developed, and spread between people.” (2). The oral nature of most African societies meant that over time, the origins or contributors to popular folkloric materials like folksongs were lost from the community’s collective memory. Hence, the widely held view that expressive forms in traditional African settings were never ascribed to an individual but to cultural or ethnic communities in general (Amegatcher 2002; Githaiga 1998).

Scholars argue that collective *ownership*,<sup>3</sup> with cultural institutions at the pinnacle of social order, strengthened cohesive forces in cultural expressions (Barz 2004; Cooke 2002). Collective *ownership*, or a sense of lack of *ownership*, was a significant element in traditional communities since creative expressions as cultural artifacts cemented social cohesion through music and dances that emphasized community and group identity (Barz 2004). Expressive forms also nurtured a sense of 'Africanness' by emphasizing morality and integrity (Kuruk 2002). Individual *ownership* and control of expressive forms would

---

<sup>3</sup>“Custodianship’ is a more appropriate term but ownership is used for clarity given its wide use in the contemporary intellectual property contexts.

weaken the cohesive forces and moral attributes inherent in these forms. Vesting *ownership* of expressive forms in the community served to create systems of 'intellectual property' protection akin to the contemporary 'western' systems of intellectual property.

Communal *ownership* values were affirmed through customary laws, practices and protocols handed from one generation another (Amegatcher 2002; Kuruk 2002; WIPO IGC 2001). Individual *ownership* and legal protection extended by the state to individuals meant relocating “communal practice...to the state institutions” (Gibson 2003, 52). Such relocation would weaken the binding forces in expressive forms, since individual and state interests didn't (and probably today don't) necessarily coincide with the collective interests and aspirations of traditional groups (Gibson 2004). Additionally, traditional communities expected their customary practices to be adhered to beyond the communities themselves (WIPO IGC 2001). The struggle over *ownership* and control of creative expressions based on traditional resources extended, and still extends, beyond ethnic communities to national, regional and global contexts. Within communities and nation-states, struggles over *ownership* today leave traditional musicians in the middle in fast changing socioeconomic, cultural and political environments. The rights in folklore or traditional expressions could only be determined with reference to customary laws and practices. Indeed, the World Intellectual Property Organisation's (WIPO) Intergovernmental Committee on Intellectual Property, and Genetic Resources, Traditional Knowledge and Folklore (WIPO IGC) that was set up in 2000 asserts that what makes music 'traditional' has more to do with “customary and intergenerational” context within which it's made and disseminated (WIPO IGC 2001). Yet my study noted

that the same customary laws, practices and protocols are at odds with some creative individuals in traditional communities, at least in the context of traditional music making in the contemporary settings. The main research problem addressed by the study is that cultural and customary values prescribing collective *ownership* by the community make it difficult, if not impossible, for traditional musicians to live off their music and consequently threaten the continued production of traditional music.

Owing to significant changes in Africa's socioeconomic, political and cultural settings, and demographics, requiring creative individuals to adhere to traditional norms, practices and values of collectivism in the production and distribution of music, such practices and values, threaten rather than protect traditional resources. In context of traditional music, if customary practices are strictly interpreted and applied to require collective *ownership* today, traditional musicians are left with little choices on what they can, or can't, do with the music they make from existing cultural resources. As noted throughout the study, this threatens the continued production of the music in light of changing socioeconomic and cultural environments in Africa. A number of factors are responsible for these changes. These include distortion of the political history of African societies by colonialism and post-colonial conflicts resulting from that distortion. Some demographic factors are equally responsible including movements of African communities from place to place, intermarriages contributing to breakdown of barriers amongst communities and identities, and insertion of western socioeconomic relations and their attendant approaches to *ownership*. Consequently, the historical regulatory nature of African customary laws and practices, when applied to traditional music production, performance and distribution in

the current socioeconomic environments, undermines rather than enhance the production of traditional music. This study noted that the current *ownership* system is informed and partly distorted by the ‘western’ system of intellectual property *ownership*. What is the ‘western system’ and why should Africa’s historically collective values and practices bend to this system? The section below briefly introduces the system and lays the foundation for the central argument that traditional African values and practices ought to change if the music and expressive forms are to survive in the prevailing circumstances.

## **1.2 Western Intellectual Property views in Africa**

The 'western' intellectual property systems were introduced in African societies mainly through European colonial experiences. Introduction of ‘western’ systems and approaches to creative expression is partly implicated for the contemporary environment of multiple perspectives on *ownership* and *control* of creative expressions in Africa (Kuruk 2002). The laws governing 'western' intellectual property system, also known as intellectual property rights (IPRs), are premised on the individual, or a legal entity, as owner of exclusive rights in intellectual works (UK Commission on Intellectual Property Rights 2002; McCann nd; Madian 2005). Exclusive rights include but are not limited to distribution, reproduction, adaptation and application or use of one's creative works (UK Commission on Intellectual Property Rights 2002). On the basis of *ownership*, Africa's communal systems were conceptually different from 'western' IPR systems that ascribe

*ownership* and *control* to individuals (Kuruk 2002; Madian 2005)<sup>4</sup>. IPRs cover areas as diverse as computer software, plant breeders' rights, geographical indications (geographical origin of a product), trade secrets, industrial designs and database protection. The oldest and most pervasive are: *copyright* which covers literary, scientific and artistic works expressed in material forms; *patent* that protects inventions with industrial applications and *trademark* for signs and symbols associated with products, services or companies (UK Commission on Intellectual Property Rights 2002).

Although colonial conquest was responsible for the initial insertion of 'western' legal systems in former colonies, today the campaign to harmonize intellectual property laws across the world is the primary vehicle for infusing western systems of intellectual property *ownership* in Africa (Okediji 2003). Harmonization is achieved through international organizations like the World Intellectual Property Organization (WIPO). The WIPO administers international treaties and conventions majority of which reflect IPR trends<sup>5</sup> and economic interests of individual western countries (Khan 2002). However, the main goal for introducing 'western' systems of intellectual property in poor countries is to aid expansion of the western capitalist system whose European origins rested on wealth accumulation and control by individuals (Bettig 1996; Douglass and Robert 1976; McCann nd; Woodmansee and Jaszi 1994). Indeed, global trade in IP goods

---

<sup>4</sup>“Western” is a metaphor used by organizations such as the Organization for Economic Cooperation and Development (OECD) to identify advanced capitalist countries of North America, Europe, Australia and Asia used.

<sup>5</sup>United States was originally active in the global harmonization of patents but is now actively involved in all spheres of intellectual property rights. France was instrumental in the establishment of some copyright treaties notably the Berne Convention of 1886. However these instruments often reflect national laws or the general intellectual property scene.



and services, of which Africa is firmly part, is fast expanding but to the advantage of western countries (Khan 2002; Okediji 2003; Reichman and Maskus 2004). Experts argue that capitalism not only disrupted communal systems of *ownership, control, protection and preservation of expressive forms* but also disenfranchised creative processes in traditional societies (Gibson 2004). Traditional societies historically adjusted to changing socioeconomic and political circumstances for the very survival of the societies. However, traditional societies that still require strict adherence to collectivism have not adjusted to the prevailing circumstances with the likely consequence that the music will soon disappear under the pressure of alternative expressive forms. Traditional musicians, like many creative individuals in traditional societies, play important roles in the continued production of expressive forms that would otherwise disappear under the weight of the current legal and economic environment. Flexibility of traditional values and ethos should afford the musicians the much needed space to continue producing the music and as a result preserving cultures.

### **1.3 Persistence of collectivism but at what cost?**

Notwithstanding the penetration of individualist systems in Africa's socioeconomic, cultural and political settings, there is a persistence of the communal *ownership* systems (Amegatcher 2002; Githaiga 1998; Kuruk 2002). Given the pervasiveness of western systems in Africa today, the persistence of collective *ownership* points to the resilience of traditional African values and cultural institutions more than it does to the failure of the harmonization campaign (Kuruk 2002; Boateng 2002). Due to the multiplicity of

intellectual property rights systems in Africa, the resultant environment is one of competing perspectives on intellectual property *ownership* and *control* ranging from individualism to collectivism. For instance, traditional musicians, the focus of this study, draw from historically shared communal resources to create cultural products attributed to them as private property rather than the community collectively (Tsukada 2004; McCann nd). Private appropriation of communal resources was historically repugnant and in some places remains so (Tsukada 2004). Kuruk (2002) explains the crisis faced by creative individuals as they negotiate between socioeconomic and political pressures of the contemporary environment, on one hand, and historically binding customary practices and cultural values, on the other. He observes that creative individuals in ethnic communities:

who should be bound by the norms, socio-economic factors seem to have eroded the significance of norms otherwise applicable to them. Initially, the simple nature and small size of traditional societies made it possible to accommodate a system of specialists [creative individuals] providing for other members without any commercial motives largely out of necessity, and as a gesture of generosity emanating from abundant resources. The advent of the modern state, however, has dispensed with the need for mutual co-operation to protect the community. In some areas, notions of collective ownership have been contaminated by concepts of private ownership and of production for profit as resources became scarce and the competition for them keen. As a result, considerations of communal interests seem to have given way to individualistic notions with their attendant commercialism. (20).

Based on Kuruk's analysis, the current trend of commercializing communal resources is a result of the reorganization of traditional societies into nation-states with limited potential of shielding communities from the on-slaughter of capitalistic forces. Reverting to 'private ownership' by musicians is more a response to the prevailing circumstances than it is the abandonment of the communal values previously cherished by the communities. It is also a normal shift that traditional societies have been accustomed to since time

immemorial. Traditional musicians should not be blamed for commercializing traditional expressions and the individualistic tendencies that comes with it. Rather, the assault of the capitalist system on the African traditional societies is responsible. However, similar to the impact on other African cultural heritage, traditional music and the customary practices around it should be in position to endure and overcome different external influences. The change in environment calls for understanding the socioeconomic challenges endured by musicians.

Understanding musicians' working conditions and perspectives on *ownership* of creative expressions is critical to the very survival of traditional expressive forms. Based on lived experience, as creative individuals operating in multifaceted intellectual property *ownership* environments, traditional musicians are better positioned to provide insights on the appropriate ways to conceptualize *ownership* of traditional music and expressive forms in the current socioeconomic and political environments. Musician-centered perspectives should inform policy choices aimed at aligning different approaches to *ownership* with the goal of protecting the very existence of traditional creative expressions, music in particular.<sup>6</sup>

---

<sup>6</sup> While the foregoing discussion seemingly presents *ownership* of creative expressions as a dichotomy between African and western systems, the intention is not to reduce Africa's complex intellectual property environments to just two competing systems. In this study, the two contrasting approaches are framed as extreme ends on a continuum of perspectives on *ownership* of intellectual resources. The multiple perspectives along the continuum represent variations of the two approaches. Take the western context, there are marked differences in the intellectual property systems in the western world. In the realm of copyright, for instance, there exist different traditions based on the treatment of economic and moral rights of creators of intellectual property. The European tradition emphasizes the moral as well as economic rights of creative individuals whereas the Anglo-American tradition is inclined to economic rights with little attention to the

## 1.4 Scholarship on Ownership of African traditional music

Despite the problematic nature of *ownership* of traditional music in Africa and notwithstanding the growing and valid body of research and literature on Africa's traditional music predominantly from ethnomusicological and anthropological perspectives, questions of *ownership* of creative works in the traditional music contexts have received little attention. The bulk of traditional music scholarship focuses on the musical repertoires of ethnic groups in different African countries (Anderson 1968; Anderson 1984; Beeko 2005; Gray 1991; Kubik 1964; Nompula 2000; Wachsmann 1957; Wegner 1993); analyzing the defining features of Africa's traditional music or its roles and place in ethnic enclaves (Barz 2004; Euba 1970; Euba 1989a; Euba 1989b). Literature also looks at royalty and musical instrumentation in Africa (Cooke 2001; Lush 1935; Kubik 1964; Woodson 1984), and musicians' coping mechanisms in contemporary settings (Coplan 1982; Cook 2001, Barz 2004). Legal scholars have commented extensively on the intersection of western legal systems and traditional African expressive forms and knowledge, focusing on protection of these forms (Amegatcher 2002; Britz and Lipinski 2001; Githaiga 1998; Kuruk 2002). However, scholars

---

moral rights. In the African context, we find valid approaches to collectivism due to differences amongst ethnic groups. Several groups intersecting geographically are not necessarily homogeneous culturally. Similarly, groups that are separated geographically are unlikely to exhibit similarities in approaches to communal values due to variations in cultural values and customary practices. Customary practices and laws, the source for *ownership* rules of creative expressions, often differ within and between groups. The above scenario demonstrates the system as far from homogeneous. Africa's communal approaches differ from community to community so are the western intellectual property systems on which many African intellectual property laws are based. Therefore, Africa's complex IPR environment is far from a duopolistic system of intellectual property system. However, the multiplicity of perspectives on intellectual property *ownership* is partly responsible for the *intellectual property crisis in Africa's*. Although not the singular cause of that crisis, this multiplicity of perspectives is a major cause of *ownership* problems for traditional musicians whose works draw from traditional resources. Musicians find themselves at crossroads *vis-a-vis ownership* and *control* of resultant works as further discussed below.

attempting to examine intellectual property questions in context of traditional African societies are often preoccupied with 'discovering' western systems in traditional African settings (Tsukada 2004). Moreover traditional musicians as contributors to the traditional expressive forms are rarely consulted in such studies. Take the study by Tsukada (2004) that examined the historical evolution of the 'indigenous system of copyright among the *Fante* people in Ghana, West Africa. In the attempt to understand how the *Fante* made and protected their traditional music, Tsukada (2004) got preoccupied with demonstrating parallels between western and traditional systems of 'copyright.' While a few musicians were interviewed, the study presented a bias towards western approaches to intellectual property by attempting to establish the "traditional system of copyright" amongst the *Fante*. Secondly, the study did not examine perceptions of today's traditional musicians towards *ownership* of traditional resources today. Rather it sought to affirm the existence of the *Fante* indigenous system of copyright. Likewise, Tsukada didn't study musicians' lived experiences and work environments which shape their approaches and perceptions on *ownership* of traditional creative expressions.

Others have focused on Africa's traditional expressive forms in the global market place, examining key actors, political structures and forces underpinning exchange of these forms (Boateng 2002). Literature also focuses on examining formal education as a vehicle for sustaining traditional expressive forms in Africa (Amoaku 1982; Euba 1970; Horton 1980). Scholars have not tackled questions of *ownership* of creative works from the perspective of traditional musicians working in multifaceted intellectual property *ownership* environments. Traditional musicians as creative individuals in traditional communities are well positioned to offer remedies to Africa's intellectual property

conundrum, at least from the perspectives of creative individuals in traditional communities. This study recognizes that musician-centered perspectives and approaches to *ownership* of expressive resources are crucial to the continued production of traditional expressive forms. And the perspectives on *ownership* are deeply engrained in musicians' work environments as well as lived experiences.

### **1.5 Purpose and justification of the study**

The challenges of establishing legal and policy frameworks friendly to Africa's traditional cultural expressions, music in particular, are alluded to in the foregoing discussions. The overall purpose of the study is twofold: first, to understand musicians' lived experiences and work environments taking into account of the socioeconomic, cultural and political structures that shape their lives. Having understood musicians' experience and work environments, the study examines and articulates their perspectives on *ownership* of traditional expressive forms. It is assumed that these views should and will inform legal and policy efforts aimed at protecting and promoting traditional expressive forms. The foregoing discussion raised problems associated with Africa's multifaceted intellectual property *ownership* environment, notably the threats to continued production of traditional creative expressions, music in particular. Resolving questions of *ownership* and *control* in traditional communities is necessary if countries are to adopt laws and policies favorable to the continued production and preservation of traditional creative expressions.

## 1.6 Research question

Given the restrictive approaches to *ownership* of traditional expressive forms, this study found it necessary to examine *ownership* with musicians as creative individuals in traditional societies. It was assumed that musicians' perspectives on *ownership* will inform policy and legal responses to Uganda and Africa's *ownership* problems. In light of the purpose of the study, the researcher was interested in three research questions:

- i). *What are traditional musician's life experiences and work environments in Uganda's current socioeconomic and cultural environment?*
- ii). *What are the perceptions of Uganda's traditional musicians towards ownership of creative works or expressions?*
- iii). *How do musicians' life experiences and work environments shape their perceptions and construction of ownership of creative expressions?*

The three questions focused on the fundamental concept of *ownership* as a basis for examining issues relating to intellectual property systems appropriate to Uganda and Africa's traditional expressive forms. Musicians' views on *ownership* of creative expressions were perceived to be shaped by their life experiences as members of ethnic communities as well as the political, socioeconomic and cultural environments in which musicians work. This study examined their perceptions towards *ownership* by probing their lived experiences and work environments and how these coalescent around *ownership*.

## 1.7 Significance

The primary motive for examining the ownership question is partly rooted in the desire to understand how creative individuals in Africa, musicians in particular and traditional communities are dealing with changing intellectual property terrains. I first became aware of the need to undertake that investigation following a session WIPO's development agenda on intellectual property. Listening to both developed and developing country representatives, it became clear that the debate was far removed from some of the realities of ordinary individuals especially in developing countries. Even more important were the sociocultural nuances clearly absent in the analysis at an international norm setting and policy making body. This study makes a small but hopefully significant contribution to the international IP discourse from an African perspective or, more appropriately, the perspectives of traditional musicians in *Buganda* and *Busoga* regions of Uganda. It makes a few important contributions. It was noted that the global economic and social changes have had significant and irreversible impacts on traditional African societies. Without concerted efforts in terms of flexibilities in customary practices and laws regulating expressive cultures, most of their cultures will soon disappear to the detriment of the communities. By examining *ownership* of traditional music as an important aspect of their expressive cultures, the study contributes to the understanding of the best ways in supporting traditional musicians involved in the preservation of expressive cultures. Failure of traditional musicians to live off their work because they are tied to the collectivist cultural practices and, therefore, can't claim individual *ownership* of emergent forms was shown as a threat to the very expressive forms musicians are meant to preserve. It is argued in this study that this is an important



moment when Africa's socioeconomic and political realities have shifted tremendously as to require a rethinking of the customary and cultural practices so as to permit the continued production of traditional expressive forms. Unlike numerous studies and commentaries that call on traditional communities to hold to their cultural practices, this study argues that some practices are indeed detrimental to the cultural survival of those communities. It was noted that western legal regimes must accommodate certain customary and cultural practices by giving special attention to certain groups in traditional communities, musicians in the case of this study.

## **1.8 Limitations**

Due to the lengthy and engaging nature of the interviews, only a few were conducted within the time available to the researcher. While the number of interviews helped the researcher understand musicians' perspectives on *ownership* and their lived experiences, more interviews with certain categories of traditional musicians would help throw more light on the environment in which such musicians live and work. For instance, rural based musicians are facing significantly different challenges and certainly less economic benefits from their work compared to their urban counter parts. More interviews with them would help illuminate challenges they face. It would also help us better understand whether there are significant differences between rural musicians and their urban counterparts on perceptions of *ownership* and mechanisms used to make a living off traditional music. However, this doesn't diminish the importance of the interviews done especially in urban areas. This is where most socioeconomic changes are felt by musicians. Likewise that is where Ugandans are more exposed to outside or foreign

entertainment forms that are likely to undermine the importance and influence of traditional music.

The second limitation relates to the translation, transcription and analysis of the data. Translation is always likely to lead to loss of meaning and nuances that are important to the understanding of certain elements of the interview. The fact that some interviews were conducted in *Luganda* and translated into English by the researcher means that some elements and information from the interviews are lost. As a result transcripts based on translation might miss certain elements may not be as rich and representative of the participants' language as the few conducted in English. A related constraint pertains to the development of thematic categories. Some closely reflect the questions posed to the participants. As expected, the responses and the thematic categories we came up with closely relate to the questions asked. Consequently, while we followed the Interpretive Phenomenological Approach (IPA) in the analysis of the data, the thematic categories that group together several sub-themes may come close to the questions posed. However, that should not undermine the analysis and the sub-themes we came up with. These reflect the views of the participants and our interpretation of their views. Most important, the sub-themes for a thematic category when taken together, they capture what was said in that category than the label attached to the category.

## 1.9 Structure of the dissertation

Chapter one introduces the study briefly examining the problematic nature of traditional music *ownership* environment rooted in Africa's historically communal *ownership* of creative expressions. The chapter finds the collectivist approach problematic for traditional musicians living and working in environments increasingly aligned with non-traditional values on intellectual and cultural resources. The chapter presents the justification of study and central research questions.

Chapter two presents the different aspects of intellectual property *ownership*, including systems based on traditional African customary laws and practices, on one hand, and the western intellectual property rights system, on the other. The chapter surveys ethnomusicological, cultural as well as anthropological literature relating to Africa's music, functional roles of traditional music and its manifestations in different contexts (particularly education and learning). These themes are linked to the central question of *ownership*. The chapter ends with a discussion of the critical cultural perspective which forms the analytical and 'theoretical' frameworks for the study. Cultural studies literature that was surveyed examines the historical roots of the critical cultural school, the different strands of critical cultural studies, and its specific application to Africa's situation, particularly intellectual property under examination in this study. It is noted that, of the several critical cultural strands that came about, the British strand is most relevant to the current study. The British school perceived culture as a tool for subjugating and suppressing the views and perspectives of certain groups in society.

Consequently, these groups get isolated from mainstream social activities. According to Keller (1995a), British scholars used cultural studies to create avenues for sharing the views and experiences of marginalized groups. Critical cultural studies is employed in this study, to achieve the stated purpose of this study, that is, articulating the views and perspectives of traditional musicians, an increasingly subjugated groups in African traditional societies. Within the framework of the British cultural approach and Boateng's (2002) call for 're-examining and understanding' African cultures, this study attempts to 'rethink' the notion of collectivism and the expectation that traditional musicians cannot privately 'own' musical forms created by them drawing from historically shared resources. To the extent that traditional music ensures the preservation and continuation of traditional cultures, rethinking collectivism is for the benefit of the traditional societies as it is for musicians.

Chapter three examines traditional music in Africa with specific reference to Uganda's situation. Traditional music is examined by looking at aspects of *ownership* relating to music and education, its functional roles and Diaspora experiences. The chapter also considers Uganda's remarkable history characterized by the country's political instabilities emanating from early colonial anomalies. These political instabilities greatly impacted the identities, positions, locations and organization of many traditional communities in Uganda, their cultural institutions and expressive forms. That history partly explains the current political and economic struggles faced by the Ugandans and traditional musicians in particular. We note that Uganda's colonial past and current economic difficulties are not entirely unrelated. Lastly, the chapter presents the

justification of Uganda as the study site noting her rich and unique cultural heritage and comparatively long history of recorded musical history.

Chapter four presents the study methodology, site, data collection, translation, and transcription. The constructivist-phenomenological inquiry and qualitative methods employed in data collection are discussed as well as data handling and analysis. The study site is described in detail providing the historical background of *Buganda* and *Busoga*, the two regions where the study was situated. In addition, the music industry in Uganda is briefly discussed focusing on the nature and functional roles of music in Africa' traditional and contemporary societies. We note that functional uses of music in society impacts musicians' perception of *ownership* and issues related to that music such as instrumentation and music making. Increasingly the economic interests override cultural goals but do not entirely diminish the cultural values.

Chapter five is divided into two broad sections. Section one draws from two group interviews to examine the current environment in which traditional music is produced and consumed. The section facilitates the understanding of musicians' work environments, their upbringing, lived experiences and responses to changing socioeconomic environments (contextual issues). Secondly, we gain insights into what and how the study contexts shape musicians' views on *ownership*. Put differently, does the musicians' work experiences and environments influence their perceptions of *ownership*? This section enables the understanding of the study contexts by focusing on two contrasting but complementary traditional groups. One group, made up of National Council of Folklists

of Uganda (NACOFU) officials, is actively mobilizing traditional musicians across the country with the goal of transforming traditional expressions as sources of livelihood for musicians. Along those lines, the interview with the group focused on the marketing campaigns NACOFU was undertaking to introduce a new beer brand using traditional music to break through cultural barriers. NACOFU is promoting awareness of copyright among traditional musicians with emphasis on strong protection of expressive forms. The second group interview was conducted with a performing group based in *Iganga*, a small rural town in eastern Uganda. Owing to lack of clarity on *ownership* of creative expressions, NACOFU identified this particular group to demonstrate vulnerability of performing groups and the economic vitality of traditional music in Uganda.

Section two of the chapter presents findings from individual interviews focusing on four thematic categories that emerged from the empirical data. Thematic categories include: *experiential/life experiences*, *industry*, *music* and *ownership*. Under the first three thematic categories, *experiential/life experiences*, *industry* and *music*, participants share their lives as well as contexts in which they work. *Ownership* encompasses participants' perceptions of *ownership* of creative expressions bringing together perspectives from the other three categories. Consequently, the study findings are presented by proceeding from the general (contextual issues) to the specific (musicians' lived experiences, *ownership* and its different manifestations).

Chapter six presents the synthesis of the study findings followed by concluding remarks, recommendations and questions for further research. Based on the findings of this study,

the chapter makes brief reference to the best legal and policy environment favorable to the continued production of traditional music in Africa and expressive forms in general. It is recommended that the shifts and rearrangement among traditional musicians and groups aimed at surviving the current socioeconomic hardships reported in this study be encouraged for the good of the music, individual musicians, and the societies they represent. Such changes should be supported even where they go against historically shared values like collectivism for these values were never meant to be static. Lastly, policy and legal systems at different levels should be cognizant of these changes but at the same time responsive to certain cultural values, practices and laws surrounding the music and musicians. It was the preferred choice of the study participants that traditional music *ownership* be addressed in and by the mainstream legal system (intellectual property regime) rather than their customary laws. Hence the recommendation that existing legal regimes address traditional music and musicians by paying attention to the needs of individual musicians and the need to preserve cultural values of their communities through expressive forms.

## Chapter Two

### 2.0 Introduction

This chapter covers the review of literature relevant to traditional music and expressive form in Africa. It also covers critical cultural studies, the analytical/theoretical framework used in the study. *Ownership* of creative expressions amongst traditional musicians in Uganda and Africa is the central question in the study. Literature reviewed in this chapter tackles different aspects of *ownership* of intellectual works including traditional African customary laws and practices on music and expressive forms (Amegatcher 2002; ; Boateng 2002; Kuruk 2002; Madian 2005; Tsukada 2004; WIPO IGC 2001) and *ownership* in the western intellectual property rights system (Feather 1988; Khan 2002; Khong 2006; Liang 2005; Maskus 2000). The study of African music, whether on *ownership*, or other aspects of music, is incomplete without a thorough examination of the ethnomusicological scholarship in and on Africa. While the literature is seemingly tangential to the central questions of this study, *ownership* of expressive forms cannot be understood or divorced from traditional music questions tackled by ethnomusicological and anthropological scholars. Ethnomusicological literature facilitates the understanding of the social and cultural contexts in which music is made and *ownership* is defined. A varied body of ethnomusicology and cultural anthropology literature on Africa is examined covering instrumentation and functional roles of music in African societies (Anderson 1968; Bansisa 1936; Barz 2004; Cooke 2001 2002; Kyagambidwa 1955; Kubik 1964; Lush 1935; Nketia 1974; Wachsmann 1971; Woodson 1984) and traditional music in educational contexts (Amoaku 1982; Euba 1989b; Horton 1980). The chapter



ends with a discussion of the critical cultural perspective which forms the analytical and ‘theoretical’ framework for the study. Cultural studies literature surveyed examine the historical roots of the critical cultural school (Grossberg 1989; Grossberg; Keller 1995a & 1995b; Keller 1994; Nelson & Treicher 1992), different strands of critical cultural studies (Agger 1992; Hall 1980; Johnson 1987), and its specific application to Africa's situation, particularly intellectual property under examination in this study (Boateng 2002; Tomaselli 1999).

## **2.1 Ownership of creative expressions and customary practices**

Customs and customary practices are the essence of traditional African communities. To the extent that customs define *ownership* of expressive forms like music, dances, and folkloric resources in general, scholarship on customs is of interest to this study. Customs in Africa were historically recognized legal sources and guiding principles for the harmonious existence of communities. Customary practices remain integral parts of traditional societies in Africa and/ or part of the 'mainstream' national legal infrastructure. Notwithstanding challenges associated with customary laws and practice, discussed below, customary laws and practices provide the framework for defining and assigning *ownership* of cultural expressions (Kuruk 2002; WIPO IGC 2001). Therefore, examination of *ownership* of traditional expressive forms would be incomplete without understanding the customary contexts in which those forms are created, used and recreated. Conversely, examination of customary practices is incomplete without accounting for ways in which expressive forms, including traditional music, are conduits

for teaching customs to the young and old in formal and informal settings of traditional communities (Amoaku 1982; Euba 1988; Horton 1980). Expressive forms also contribute to preservation of customs from one generation to another (Barz 2004). Expressive forms, music in particular, embody customary practices, laws and norms unique to each or related groups. Today customary beliefs, values and practices evident in traditional music are important for bonding people with shared history, ancestry and cultural resources. However, we note that strict interpretation and application of these beliefs, values and practices in the contemporary settings, especially music production, might be more detrimental than helpful to the very survival of that music.

The discussion that follows examines the question of *ownership* by drawing from scholarship on customary practices and laws to analyze the nature of customs in traditional societies. The focus is on the fundamental tenets of customary laws and practices applicable to expressive forms. In so doing, we examine the historical role of African customary systems as regulatory frameworks for traditional music production, performance and distribution. Another dimension to the study of music *ownership* is the question of state appropriation of traditional expressive forms under the pretext of national heritage. Ghana and, to some extent Egypt, provide interesting cases of state appropriation of traditional resources otherwise historically belonging to ethnic groups that make up the country. We refer to this as *cultural nationalism*. Cultural nationalism is examined in context of customary practices and laws that shape *ownership* in traditional sense.

## 2.2 African Customary Practices and Traditional Music

According to the Merriam-Webster dictionary, customs refers to:

“a usage or practice common to many or to a particular place or class or habitual with an individual; long-established practice considered as unwritten law; repeated practice, and the whole body of usages, practices, or conventions that regulate social life.” (Merriam-Webster, 2007).

Therefore, customs reflect peoples' ways of life, resources around them and the community's rules of engagement. Customs set parameters of acceptable and unacceptable conduct. Scholars emphasize that customs are inextricable from communities in question (Kuruk 2002; WIPO IGC 2001). WIPO IGC (2001) notes that customs ought to be seen as “forming part of an [a] holistic world view of indigenous communities, suggesting that it can only be fully understood and comprehensively applied within the community itself.” (17). Kuruk (2002) supports the above assertion suggesting that the “scope of rights in folklore [including expressive forms] can be determined only with reference to the customary practices of specific communities.... Folklore forms part of the customary law of ... communities and quite naturally will be subject to that system of law.” (5). However, as a result of social dynamics, including migrations and intermarriages, traditional communities in Africa tend to be mixed. The requirement that customary laws are subjected to the broader community in question contributes to the complex nature of *ownership* of traditional expressive forms since the production and consumption of expressive forms today transcends traditional communities. Additionally, expressive forms and instrumentation are likely to transcend groups as a result of borrowing and adapting of forms. This trend reflects socioeconomic, cultural and political dynamics in contemporary African settings. A few scholars have

examined the question of *ownership* of expressive form in context of customary laws and practices. Following the first section, work from those scholars is discussed looking at customary laws and practices in general.

The WIPO IGC (2001) focuses on the intersection of customary law and intellectual property rights. The WIPO IGC points out that “customary laws and protocols are an intrinsic part of the life, values, world view and the very identity of many traditional, local and indigenous communities.” (3). WIPO IGC (2001) further notes that in some communities, customs as legal sources “may be codified or not; they may be written or oral; they may be expressly articulated or implicit in a community’s practices; they may be formally recognized by external legal systems in various ways, or currently not recognized by the community” (WIPO IGC 2001, 11). The above elements of customary law and practices relate to questions of *ownership*, production, preservation and distribution of music as important facets for the very identity of traditional communities and their customs. *Ownership* of expressive forms cannot be defined without reference to customary laws, practices and resultant rights afforded to individuals as part of the community. WIPO IGC (2001) notes that customary laws and practices “define how traditional cultural heritage is shared and developed, and how traditional knowledge systems are appropriately sustained and managed within a community” (1). The pivotal nature of customary laws and practices to “the very identity of many indigenous, local and other traditional communities” (WIPO IGC 2001, 1), indicates that expressive forms can only be treated within prescribed customary laws and practices. Indeed the IGC notes that, “these laws and protocols concern many aspects of their life [traditional groups] as

communities...they can define rights and responsibilities of community members on important aspects of their life, culture and world view: customary law can relate to use of and access to natural resources, rights and obligations relating to land, inheritance and property, conduct of spiritual life, maintenance of cultural heritage and knowledge systems, and many other matters” (WIPO IGC 2001, 1). Against that background, *ownership* of expressive forms based on customary practices is strictly defined with reference to the entire community, hence the notion of collectivism or communal *ownership*.

WIPO’s IGC (2001) observes that recognition of customary laws can be achieved through different mechanisms. For instance, customary laws on inheritance can be applied in determining *ownership* of IP [Intellectual Property]. That points to flexibility of customary legal systems but also leads to varied definitions and application of customary laws from group to group or region to region. For most part, however, differences are slight. IGC noted similarities between African and the Pacific where *ownership* of cultural expressions resides with:

- (a) “the group, clan or community of people or
- (b) the individual who is recognized by a group, clan or community of people as the individual in whom the custody or protection of the traditional knowledge or expressions of culture are entrusted in accordance with the customary law and practices of that group, clan or community.”<sup>7</sup>

Similar approaches with slight modifications are evident in many customary settings in Africa. Similarities between the Pacific and African customary views on ownership, or custodianship, come as no surprise given the historical links between the two peoples.

---

<sup>7</sup>The Pacific Community, Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture, 2002

Looking at Africa's customary law and its protection of folklore [and traditional music], Kuruk (2002) argued that Africa's customary laws and practices don't necessarily address *ownership* but rights, obligations, responsibilities, duties or privileges assigned to individuals or groups like clans in the community. Oftentimes these rights were, and in some cases still are, assigned to individuals in trust for the community at large. Kuruk observes that the “rights to folklore [such as traditional music] are vested in particular segments of African communities and exercised under carefully circumscribed conditions.” (7). He cites numerous cases of rights segmentation including “the recitation of *oriki*, a praise singing poetry among the Yoruba in Nigeria,” that was “restricted to certain families.” (7). Likewise “among the Lozi in Zimbabwe, each traditional leader has his own praise songs containing both historical lore and proverbial wisdom that are recited on important occasions by a select group of bandsmen.” (7). He observes that “in some communities, precise rules govern who can make, or play certain musical instruments, at what time and for what reasons they are played. Thus, the great national drums of the Lozi which are beaten only for war, or in national emergencies, are kept under the watchful eyes of a special council of elders.” (7-8). Assignment of special rights, duties and responsibilities as ones cited above is an honor to the groups and individuals in question. However, the rights don't constitute private *ownership* but custodianship on behalf of the larger community. Kuruk draws examples of such special privileges from Uganda where “each Baganda king in Uganda has a select group of drummers who play special drums to ensure the permanency of his office. Among the *Bahima* of Uganda, only women keep harps while the *Banyankole* authorize only women

to make harps which they use at home. Among the *Baganda*, fifes are owned by and played mainly by herd boys” (7-8). The question necessarily is how do customary laws and practices bind individuals and groups to these collective values?

Kuruk's account of customary laws and practices in Africa throws light on customary forces that bind individual and community members on the basis of kinship through family lineage and/or clan membership. Family members are accountable to family heads who in turn account to clan leaders, themselves accountable to a higher leader, the tribal leader or king/chief (Kuruk 2002). Depending on the community in question, leaders at different levels control “farmland and other property of the group, arbitrates disputes and imposes punishment to control the behaviour of group members. In this regard, the powers of chiefs and lineage elders can be quite extensive” (9). Kuruk notes that sanctions for going against established rules are severe, including “censure, to fines, to ostracism or even expulsion from the group.” (9). Severity of the sanctions prevented members from engaging in unacceptable conduct. Oftentimes offenders would bring shame or punishment to their families, lineage or clans, hence the notion of collective responsibilities (Kuruk 2002). Due to collective responsibility, everybody is accountable for the actions of another so that “all clansmen are responsible for the actions of other clansmen and are required to protect them.” (10). In context of *ownership* of expressive forms, deviance from collective values such as personal claims to music were unheard of and likely to attract punishment for the individual, his/her family and/or group to which the musician belonged. Kuruk observes that collective responsibility applied to sanctions but also effectively pre-empted the “unnecessary wrongdoing because of the inherent

belief that any offense committed by clansmen would be avenged against any member of the clan.” (10). By implication, traditional musicians as entertainers in traditional communities would protect each other from offending collective rules and practices. Today these values still bind musicians who stake claim to traditional communities. Unlike in the past, however, enforcement of sanctions varies from community to community.

Kuruk further notes that customary laws tend to be flexible in light of socioeconomic and political changes. He notes that “it [customary law] has adjusted to such influences as the introduction of European and other foreign legal systems in Africa, urbanization and the growth of a money economy.” (6-7). Malleability of the customary systems is the more important today for socioeconomic welfare of musicians and, by implication, the very survival of ethnic cultures for groups in question. Dynamism in customary legal system is best illustrated “in customary rules about land ownership where it is now possible to own land individually unlike earlier times where land belonged to the family as a group and no individual could own a piece of land absolutely or sell it” (7). Unlike physical property, however, application of customary laws to expressive forms presents unique challenges due to the intangible nature of expressive forms but also the imprecise nature of the customary legal system.

Kuruk (2002) examines customary systems in Africa and the rights afforded to ethnic communities and their cultural expressions under customary laws and practices. He looks at the “nature of communal rights in folklore [including traditional music], why they are



binding and how they are enforced traditionally” (5). He observes that “understanding the strengths and weaknesses of folklore rights at the community level is essential to an appreciation of how the rights would be treated...under the statutory regimes which purport to enforce such rights in the same manner they are recognized at the community level” (5). Kuruk's analysis of customary systems and rights is based on the community as a whole. He offers no remedies to creative individuals in traditional societies caught up in environments of multifaceted approaches to ownership of creative expressions. He narrowly focuses on rights afforded to communities under customary laws. However his work relates to this study because it attempts to examine ways in which customary laws can be aligned with mainstream statutory regimes that attempt to address questions of traditional cultural expressions based on traditional values and practices. In that regard, Kuruk emphasizes the need for flexibility in enforcing customary rights in traditional expression. As noted earlier, this is particularly important for creative individuals whose works draw from traditional resources. Continued production and development of traditional expressive forms rests on flexible systems that enable creative individuals live off their work without repercussions for offending traditional values and practices.

On his part, Amegatcher (2002) demonstrates the mismatch between customary practices and values, on one hand, and copyright laws on the other, by highlighting the contradictions arising from subjecting traditional cultural resources to copyright laws in Africa. Traditional resources remain deeply rooted in customary practices. Amegatcher asserts that it was the “nature of communal property to be enjoyed by any person belonging to the particular [traditional] community” (37). Besides oral tradition, most

traditional societies had no concept of ‘property’ in intellectual work. For instance, Amegatcher (2002) points out that “Ghanaians did not see the creation of literary, musical or artistic work as generating any property rights [to be owned]...because their own notions of property were very basic and did not include intangible things like stock and shares” (38). Amegatcher is in agreement with Kuruk that customary practices didn’t prescribe *ownership* but appropriate obligations or duties to individuals or groups in a given ethnic community. Duties, obligations and people’s ways of life were regulated by practices under uncodified customary laws (Amegatcher 2002). In the context of expressive cultures and folklore in general, the duties, obligations and rights for the individuals, or the group, were the closest traditional African societies came to property rights for intellectual works.

Amegatcher's choice of case study, Ghanaian copyright law, illustrates the precarious environments in which traditional musicians work caused by contradictions in the framing of *ownership* in the traditional context. Ghana transferred protection of traditional expressive forms from customary practices and laws to copyright. Ghana is part of a trend in Africa, and elsewhere in the non-western world, where western-oriented copyright laws are the preferred means for protecting traditional music and folkloric resources. Ghana took that step through the Ghanaian Copyright Act of 1985 whose Article 5 stipulates that:

- (1) Works of Ghanaian folklore are hereby protected by Copyright.
- (2) The rights of authors under this Law in such folklore are hereby vested in the Republic of Ghana as if the Republic were the original creator of the works (Amegatcher 2002, 36).

The same law established the Ghanaian Folklore Board to:

- (a) Administer, monitor and register works of Ghanaian folklore on behalf of the Republic;
- (b) Maintain a register of works of Ghanaian folklore at the Copyright Office;
- (c) Preserve and monitor the use of folklore works in Ghana;
- (d) Provide members of the public with information and advice on matters relating to folklore;
- (e) Promote activities which will increase public awareness on the activities of the Board; and
- (f) Promote activities for the dissemination of folklore works at home and abroad (Amegatcher 2002, 36).

Whereas the move was politically expedient, Amegatcher contends that the copyright law effectively shifted *ownership* and control of traditional musical resources from customary context to the state. Traditional communities tend to be suspicious of state institutions assuming jurisdictions over cultural resources. The state is primarily interested in economic exploitation by licensing traditional resources to foreign musicians and corporate interests in the music industry. No wonder Ghana's shift was prompted by an offer from Paul Simon for a popular Ghanaian tune *Yaa Amponsah*.

A response from Ghanaian musicians disapproving of government actions was promptly issued through their representative organization, the Committee on Misgivings of Music Industry Practitioners (CMMIP):

“it is unfair that Ghanaians are not exempted from paying for the use of Ghanaian folklore which is a heritage collectively bequeathed to all Ghanaians by their forebears. The Committee is therefore vehemently opposed to Ghanaians paying any fees or getting permission to use Ghanaian folklore as stipulated under this section. What the proposed Bill is saying, in effect is that a Ghanaian weaver must seek permission and pay to weave *kente* or a writer to use *Kweku Ananse* stories in screen plays” (Amegatcher 2002, 36).

As the first African country in Sub-Saharan Africa to attain independence from European colonialists, Ghana exploited ethnic cultural resources in the struggle for independence.

The state in Ghana also used it to create a sense of nationalism in post-independence Ghana. However, the current policy of *cultural nationalism* in Ghana, best illustrates contested authority over cultural resources in the contemporary African settings. Contestations serve to complicate *ownership* and control of traditional cultural expressions.

Kuruk (2002) agrees with the CMMIP in observing that “it is palpably wrong to use intellectual property criteria to invalidate customary law rules because folklore is so inconsistent with intellectual property law that prescribing an incompatibility test by reference to intellectual property statutes means the virtual abolition of rights in folklore.” (21). Differences between customary practices and laws, on one hand, and intellectual property laws, on the other, subject traditional expressions and creative individuals to multiple sources of law and authority on *ownership* of traditional music. On one hand, as members of ethnic communities contributing to their cultures, musicians remain bound by customary laws and practices. On the other hand, intellectual property statutes fail to accommodate the rights to their works on grounds that they draw from traditional resources. Where traditional musicians are covered by national laws, such laws are inconsistent with customary practices. Countries that attempted to integrate customary laws into the mainstream legal systems have since abandoned the practice, besides constitutional mention of customary practices. Other countries have never found it necessary to explore those options (Kuruk 2002). Instead, many including Senegal, Tanzania, Ghana, Nigeria and Uganda, the site for this study, have brought traditional resources in the ambit of western-based intellectual property legal systems as folklore

(Amegatcher 2002; Kuruk 2002; Nwauche 2005). The nature and consequences for relocating traditional resources belonging to ethnics groups is one of the issues examined by Tsukada's study.

Tsukada's (2004) ethnomusicological study of the *Fante* is one of the few empirical studies examining intellectual property with creative individuals in traditional African contexts. Tsukada's historical study focused on the so-called 'indigenous system of copyright' among the *Fante* ethnic group of Ghana. Tsukada aimed at demonstrating "ways in which an indigenous system of 'copyright' operated in traditional *Fante* society of southern Ghana" (1). Secondary he explored "the socio-political factors that drove such a system away from their society [*Fante*] in the light of the cultural policy of the postcolonial government in Ghana." (1). He asserts that "it has often been neglected that a system of 'copyright' in a wider sense operates in some non-Western traditional societies...[but] the *Fante* people of southern Ghana provide a powerful illustration of this case." (1). Tsukada examined the *Fante* lexicological stock "concerning music performance relating to their indigenous sense of copyright" (1). He noted use of phrases like "*wia obi nanyansa*," which translates into "to copy someone's drum patterns." (1). He also observed use of the word *wia*, which in music terms, means "copying pattern." Tsukada further observed use of that word (*wia*) today in reference to 'stealing.' His study 'revealed' that different *Fante* groups (chieftaincies) had their own drum patterns and assembles that were jealously guarded from other groups sometimes leading to wars between groups in the event of *wia obi nanyansa*. On the basis of the verbal expressions, Tsukada concluded that the *Fante* "conceive[d] of music patterns as a kind of property,

which is rather intellectual in nature.” (2). Tsukada's second source of evidence on the *Fante* system of copyright was the *Fante* military organization called *asafo*. The *Fante* had seven *asafos* but each *asafo* had its own music, infringement on which frequently caused “outbreak of riots caused by company feuds as one of the salient aspects of *Fante* history.”(4). Tsukada was careful not to equate this system of copyright to the western-based system, but one “based on collective ownership by social groups, such as royal lineages and military companies.” (3). However, appropriating the term 'copyright' with specific legal meaning in western sense misrepresents the *Fante* system whose historical evolution Tsukada labored to study. However, the study does address questions of *ownership* in the contemporary settings in light of confused *ownership* environment for traditional creative expressions.

Tsukada's study also clarified on sociocultural factors that changed the *Fante* system of copyright. Based on field interviews with traditional musicians on how expressive forms were handled in the past, Tsukada concluded that the decline of the *Fante* system of copyright was partly the result of creation of numerous cultural or performing groups with a national character. Post-independence Ghana saw an exponential growth of performing groups that “attempted to rearrange Ghanaian traditional forms of music and dance into new styles suitable for modern contexts” (4). This necessarily pointed to important political trajectories in post-colonial Africa that led to systematic introduction of a policy of *cultural nationalism* in Ghana and due to shared colonial experience, in other African countries as well. *Cultural nationalism*, which is further discussed in subsequent sections, entails the state assuming *ownership* or custody of the collective

cultural forms from the different ethnic groups (Amoaku 1971; Boateng 2002). State assumption of cultural artifacts and symbols is meant to create a sense of nationalism using traditional expressive forms as social fabrics for holding different groups together as a nation (Boateng 2002; Tsukada 2004). *Cultural nationalism* permeates the rhetoric of 'national heritage' used in many African countries today to galvanize populations regardless of their ethnic backgrounds (Amoaku 1971). As noted earlier, performing arts were important elements in Ghana's struggles for independence, attained in 1957. Likewise traditional music was central in the post-independence state formation in Ghana. Cultural resources were rallying points in a highly fragmented multi-ethnic country. Performing groups with a national character were formed to create a sense of nationalism but also as means of rehabilitating Africa's badly ridiculed cultural practices. Cultural revitalization campaigns were designed to "develop new styles of music, dance and drama in modern contexts, based on traditional forms" (Tsukada 2004, 5). Kwame Nkrumah the first president of Ghana approached nation-building by constructing "national culture and identity" (Tsukada 2004, 5). The National Dance Company was formed by Government to "experiment with traditional models to create new forms for staged performance" based on traditional resources from across the country (Tsukada 2004, 5). Tsukada notes that, many private cultural groups sprung up inspired by the National Dance Company. Today, professional performing groups are an African phenomenon from Egypt (Madain 2005) to Uganda (Barz 2004; Cooke 2002) and East Africa in general (Barz 2004).

Africa's challenge on *ownership* of traditional music is, therefore, compounded by the many diverse ethnic groups making up a typical African country whose resources have become the target of state appropriation in the name of preserving *national heritage* (Boateng 2002). Contests over ownership of cultural resources due to *cultural nationalism* further illustrate the precarious environments in which the actual creators of traditional content operate. Traditional musicians are caught between state regulations based on western IPR systems and claim to traditional resources, on one hand, and musicians' own consciousness of traditional customary practices and laws, on the other.

Additionally, Tsukada established that education policies of the post-independence government were geared towards teaching of traditional performing arts in schools by traditional musicians. According to Tsukada, that entailed rethinking long-held views on *ownership* of the traditional resources by musicians many of whom had to 'decontextualize.' Through the national cultural or theatre movement and education system, ethnic groups lost control over their cultural resources but also changed their perspectives towards these resources. Tsukada's study has far reaching implications for the current intellectual property crisis in Africa. First, it attempts to examine, from the historical context, the fundamental tenets of the traditional African systems of 'intellectual property.' For the current study, Tsukada's findings confirm the notion that Africa's collectivist or communal approaches evolved over time to reflect changing socioeconomic, cultural and political realities. However, Tsukada's study fails to show, beyond anecdotal evidence, that the *Fante* had the so-called indigenous copyright system "equivalent to what we call music copyright." Secondly and more significant, by



examining the early stages of *cultural nationalism*, Tsukada provides the historical basis to explain the current intellectual property crisis not only in Ghana but elsewhere in Africa. Whereas the study reveals that musicians and ethnic groups abandoned their “indigenous system of copyright,” it tells us little about the current perceptions of traditional musicians towards *ownership* of creative resources based on historically shared cultural resources. But it is clear that music education curriculum, professional cultural troupes and assembles, as well as national festivals are important avenues for sustaining *cultural nationalism* (Amoaku 1971; Barz 2004; Boatenge 2002).

Struggles emanating from nationalization of cultures are evident when *cultural nationalism* is contrasted with *cultural self-determination*. It is a relatively different approach where ethnic groups set parameters for *ownership* and utilization of cultural resources (Mills 1996; Sutherland 1995). The impact of *cultural self-determination* is markedly different from *cultural nationalism* because groups have greater control over *ownership*, utilization and continued production of creative forms. Approach to *ownership*, therefore, is critical to preservation and perpetuation of expressive forms once fragmented authority and multiple points of controls arise.

The National Theatre Movement alluded to by Tsukada was the focus of Botwe-Asamoah’s (1999) empirical study of Ghanaian first leader Kwame Nkrumah’s political thoughts and policies. Botwe-Asamoah recognizes the potential of theatre and the performing arts in restoring Africa’s pride and moral fabrics after years of denigration by European colonialists. Botwe-Asamoah thinks that critics of Nkrumah’s policies often

fail to see his Pan-African Cultural agenda. As noted earlier, the main criticism stems from the not-so-friendly policy of nationalizing ethnically-based expressive forms that effectively stripped communities of their very identity through the policy of *cultural nationalism*. In defiance, Botwe-Asamoah looks up to the institutions that emerged out of Nkrumah's policies as instrumental in redefining Ghana and Africa's post-independence character by 'underrating' the legacy of colonialism.

Ghana was the site for yet another seminal work by Boateng (2002) focusing on the intellectual property protection of folkloric clothing materials, *Adinkra* and *Kente*, of the *Asante* people. Boateng's study focused on appropriation of *Adinkra* and *Kente* from a materialistic cultural studies approach examining cloth makers. She, therefore, focused on aspects of traditional cultural expression different from what this particular study tackled. In addition, her study was set in different socio-cultural and political settings. That notwithstanding, the study revealed significant concerns regarding *ownership* and control of indigenous and traditional resources, much of which is directly controlled by the state but strongly claimed by local artisans. Boateng established that in case of *Adinkra* and *Kente*, originality and *ownership* claims were not simply between the state and indigenous communities but increasingly between creative individuals within communities (Boateng 2002). Internal struggles can be attributed to repositioning of traditional musicians to gain from traditional resources. As noted from Kuruk, such struggles are bound to happen in the contemporary environment where *ownership*, control and authority over traditional resources is unclear or contested. Ghana's long history of *cultural nationalism* makes it a unique context for examining the intellectual

property problem in Africa. However, to the extent that the intellectual property transcends Ghana, examination of the contemporary intellectual property crisis elsewhere in Africa is warranted.

The policy of *cultural nationalism* hasn't been as successful everywhere in Africa as it was in Ghana. Nonetheless it presents similar *ownership* challenges wherever applied in Africa. According to Madian (2005), the Egyptian government's quest to 'modernize' Egyptian cultural heritage through nationalizing culture debased indigenous folkloric music from certain Egyptian ethnic groups. Elite members of the groups have turned to western entertainment forms and cultural resources. The lower class has retained connections with folkloric resources or more appropriately pseudo-Egyptian music. These are not authentic folkloric resources. Madian's (2005) examination of Egyptian government efforts to “protect and preserve the musical heritage of Egypt” revealed failed policies. Such policies are based on mistaken attempts of covering Egyptian “national cultural heritage” under western copyright laws that are “inappropriate for an orally-derived musical tradition” (1).

As noted earlier, music traditions at national levels are far-removed from the real communities where these traditions are created and expressed to reflect community experiences. The communities have an obligation to their musical heritage. Removal of cultural resources from the communities explains why the Egyptian government failed to follow up on programs and initiatives developed to protect ‘Egyptian’ national heritage. In Madian's view, the above problems are directly linked to wide-spread “cultural

inferiority complex” illustrated by domination of the Egyptian music industry by foreign cultural resources especially “western orchestral music...based around a symphonic orchestra, distinguished conductors, and performances within the distinguished setting of the European concert hall” (4). Egyptians are resigned to pseudo-folk music popularized by the lower class to resist domination by the middle class whose musical tastes significantly differ from Egyptian folkloric genres (Madian 2005). Overall Madian argues that Egyptian government efforts to nationalize cultures were “rooted in a political agenda that conflicts with the requirements for the preservation of authentic Egyptian musical traditions.” (1). Ironically, Madian encourages exploitation of recent trends of “Islamic Nationalism” in the Arab world that is linked to the cassette industry as an area for Egyptian government policy intervention. The policy should exploit that nationalism to protect “Egyptian heritage” by preventing “Quranic recitation [Egyptian] from displacement by Saudi Arabian-style recordings.” (1).

### **2.3 Ownership in the western intellectual property system**

Several studies have examined western intellectual property rights in Africa, including protection of intellectual rights in artistic works and sustainable development (Josey 2004); suitability of copyright and the existing infrastructure for literary creativity (Sihanya 2003); popular music in post-socialist Tanzania (Perullo 2003) and a comparative study of challenges for protecting literary works in Ghana and Canada (Asmah 1999). Traditional music, like other genres, is a result of intellectual effort. However unlike other genres, traditional music in Africa was not primarily produced for the market place (Kuruk 2002). Subjecting traditional music production and consumption

to market dynamics would entail treating it as intellectual assets yet 'propertizing' music was antithetical to traditional customary practices and laws. Maskus (2000) defines intellectual assets as “pieces of information that may have economic value” (27). Maskus (2000) rightly points out that “to the extent that their [intellectual assets] *ownership* is recognized, such assets are called intellectual property” (27). Intellectual property, like physical property, derives its societal recognition from distinct historical perspectives on property *ownership*. The very notion of property “is based on rights of exclusion” (Khan 2002, 8). Hence rights, private or individual, were the basis for establishing property, physical or intellectual, in the western sense (Khan 2002). In case of intellectual property, the resultant rights are termed intellectual property rights (IPR).

IPRs are rights granted by the state to individuals, or legal entities, as private property to foster innovation by rewarding intellectual effort (Merges et al 2003; Bettig 1996).

Hence, the individualistic approach to *ownership* of creative expressions. Extending the notion of private property to intellectual property arena was a radical step due to the *nonrivalrous* and *nonexcludable* nature of intellectual works (Merges et al 2003).

*Nonrivalrous* means that “one person’s use of it does not diminish another’s use” and *nonexcludable* because “through private means, it may not be possible to prevent others from using the information without authorization” (Maskus 2000, 28-29).

Despite the convoluted history of the Western intellectual property system, scholars agree that it originally rested, and still rests, on *ownership* privileges<sup>8</sup> extended to the

---

<sup>8</sup>Hereafter referred to privileges

individual<sup>9</sup> through exclusive, in some cases perpetual, rights in intellectual works (Bowker 1912; Khong 2006; Liang 2005). The European intellectual property system, patent and copyright in particular, originated from the *Republic of Venice* in the fifteenth century (Khan 2002). One such system was the French privilege system for copyright that started in 1498 requiring application for exclusive rights in creative materials by individuals. Khan (2002) notes that rights under the French system were granted upon payment of a 'formal' fee and securing an official seal of the King. Unlike most western countries, France balanced the rights of the privileged individual, or rights owners, and the general public by creating mechanisms for expiration of exclusive rights and, thereafter, transfers of creative works to the public domain. But individual rights, economic and moral, remained central to the French system. The French Revolution decrees of the early 1790s reversed some of the privileges to create "uniform statutory claims to literary property" (Khan 2002, 34) to enable all creative individuals, not just a few, access the system equally to own intellectual property.

Khan (2002) observes that the British copyright system was not much different from the French for printers, booksellers and stationers<sup>10</sup> initially claimed 'copy-rights'<sup>1112</sup> and

---

<sup>9</sup>Publishing companies (or guilds) and stationers not individuals were the primary beneficiaries under early systems. Indeed Khong (2006) notes that the "guild of writers of text-letters, lymners, bookbinders, booksellers, and possibly parchminers" formed in 1403, predated the Statute and the formal British copyright system. Printers, booksellers, publishers and/or stationers dominated the guild when the printing press was introduced in England. These, through the Stationers' company had more or less exclusive rights to printing. Today corporations in the content industry more than creative individuals continue to benefit and dominate copyright ownership and control.

<sup>10</sup>Khan notes that "in 1557, the Worshipful Company of Stationers, a publishers' guild, was founded on the authority of a royal charter and controlled the book trade for the next one hundred and fifty years. This company created and controlled the right of their constituent members to make copies, so in effect their "copy right" was a private property right that existed in perpetuity, independently of state or statutory rights." (Khan 2002, 35).

other special privileges from the state. The *Statute of Anne*<sup>13</sup> was adopted in 1710 as the first copyright law in Europe to address concerns in the existing British system (Khan 2002; Liang 2005; Mills 1996; Bowker 1912). *The Statute of Anne*, like the French Revolution decrees, attempted to remove special treatment of privileged individuals and companies, particularly the Stationers' Guild in Britain. The Stationers' Company owned and controlled, in perpetuity, rights in printed materials often bought from the authors (Khan 2002; Khong 2006). Since this Company was an exclusive membership club, the authors didn't have control over their works, hence the sense that the *Statute of Anne* opened up rights in such works to anybody engaged in creative activities. It's worth noting that the *Statute of Anne* was the first copyright act in the world and, therefore, potentially influenced trends elsewhere in Europe particularly the move towards dismantling privilege systems (Feather 1988; Khong 2006).

Disagreements remain on whether attempts to dismantle privilege systems translated into lesser *ownership* powers of printers, booksellers, publishers, stationers and other privileged individuals. Some scholars submit that far from undermining the privilege system, *The Statute* strengthen privileges at the expense of the public domain (Liang 2005) while others submit that the reverse was true (Khong 2006). However, historical evidence in the British system points to failed attempts by the publishers to regain lost privileges using the rhetoric of 'authors natural rights.' Publishers claimed that authors

---

<sup>11</sup>Copy-right is popularly used in reference to the 'right to print' introduced by the Stationers' Company as opposed to copyright which refers to the law (Khong 2006).

<sup>12</sup>Special privileges were granted to the Stationer's Company, representing the guild by the Crown in 1557 solely to "control printing under the pretext of assisting the crown in regulating the press" (Khong 2006, 38).

<sup>13</sup>The Statute was named Anne after Queen Anne in whose reign it was adopted.

were naturally entitled to certain privileges in their works. The rhetoric ended in futility in the landmark case of *Donaldson v. Beckett* [98 Eng. Rep. 257 (1774)]. The Court ruled that the authors' common law rights in unpublished works ceases on publication, the point at which the *Statute* picks up to define “the nature and scope of any copyright claim” (Khan 2002, 36). Khong (2006) commenting on the case notes that “existence and survival of the common law right” would have created perpetual protection and *ownership* of creative works (44). To some extent the ruling opened up the system to claims of individual *ownership* and *control* as opposed to exclusivity under cartels like the *Stationers' Company*.

Presenting the system as privileging individuals was misleading, for copyright benefited stationers and printing companies more than it did creative individuals (Khan 2002; Mills 1996). Authors often passed their rights to publishers who recouped profits from mass distribution of their intellectual works. The intellectual property system is justified on grounds that such reward system motivates creative individuals to produce and make public intellectual works that would otherwise remain undisclosed (Maskus 2000).

Sceptics find it ironical that exclusive rights to individuals, or individual *ownership*, can guarantee access to new ideas and works especially to the public (Bettig 1996; Correa 2000; Lessig 2004; Lipinski 1999; Mashelkar 2001a; Mashelkar 2001b; Maskus and Reichman 2004; McLeod 2001). Proponents argue, as already stated above, that information and ideas as precursors to intellectual property present major challenges for they are *nonrivalrous* and *nonexcludable*, meaning that:



Once the initial costs are incurred, ideas can be reproduced at zero marginal cost and it may be difficult to exclude others from their use. Thus, in a competitive market public goods may suffer from under provision or may never be created because of a lack of incentive on the part of the original provider if he bears the initial costs but is unable to appropriate the benefits (Khan 2002, 50).

Economic analysis of information in the market place, or information goods, is beyond the scope of this study, but suffices to note that *ownership* and control of information-based intellectual goods was the rationale for establishing the western intellectual right property system (Kingma 2001). Thus far, some scholars have examined the relationship between economic development and intellectual property rights particularly in developing countries (Dutfield 2001; Evenson 1991; Gould and Gruben 1996; Mansfield 1986; Park and Ginarte 1997; Rapp and Rozek 1990; UNCTAD 1996). Pursuit of economic interests has driven evolution of the western intellectual property rights system. Consequently, copyright systems at national or international levels evolved along the original British and French legal frameworks with slight variations based on individual economic and/or moral rights claims. The French system shaped the international copyright system, especially the Berne Convention for the Protection of Literary and Artistic Works of 1886 revised in 1979 (Musungu and Dutfield 2003). The *Statute of Anne* was the basis for the copyright system in United States. Through harmonization at the international levels, US copyright standards have been introduced in national laws of various African countries, Uganda inclusive. The American system attempted to democratize copyright but did not introduce major changes in the conceptualization of *ownership*. They only made *ownership* of intellectual works more accessible to individuals across the social and economic spectrum. Indeed, American system is heavily pragmatic and instrumentalist in defining individual or private rights. Pursuit of economic

benefits in creative works to serve the public good was the overriding goal in the early US policy.

With slight variations, the same treatment of privileged individuals existed in the European patent systems notably Britain's *Statute of Monopolies* of 1624. As the name suggests, this Statute, one of the earliest in Europe, sought to create monopolies in 'first and true inventors' (Khan 2002). Patent systems elected access barriers in form of stringent technical requirements for granting patents. High costs associated with filing of patent applications were another drawback besides lack of access to information on existing patents (Khan 2002). Patent, like copyright *ownership*, was based on the same individual privilege system. Privileges somewhat remained or were reintroduced in the western system to facilitate economic exploitation of creative industries. Not until 1842 “when music was added into the definition of a *book*,” it was not part of the western intellectual property system (Mills 1996, 57). Music was only treated as a separate intellectual entity by copyright in 1882 (England) and 1831 (US). Treatment of music in the copyright system in the west evolved in tandem with changes in the music industry (Mills 1996). These changes in the music industry often reflected trends towards commercialization and private claims to music in these societies (Mills 1996). Such trends in the western societies partly explain the fundamental differences between western and traditional African music, since the latter evolved along different path reflecting experiences of traditional African communities. In the traditional African contexts, economic interests of creative individuals coupled with other exclusionary rights available in western systems would put individuals against their collective

communities. The communal system for rewarding creative individuals grounded in customs and practices discussed earlier didn't primarily rest on individual economic benefits. The communal non-free market economy rewarded creative individuals through recognition by members of the traditional group collectively and/ or cultural leadership. For instance the special status of *omusagya wa kabaka* (or Kabaka's<sup>14</sup> man/servant) in the traditional *Buganda* Kingdom of Uganda attributed to a wide range of individual servants in the Royal palace was a great honor to whoever received the 'title.'<sup>15</sup> As for musicians such titles often reflected instruments or roles one played such as Kabaka's *omulere* [flutist] or *omulanzi* [nanga player]. Whereas this special recognition in *Buganda* slowly changed to material rewards such as payment to traditional musicians that resided in the *Lubiri* [palace] and performed for the *Kabaka* in monthly shifts (*ebisanja* – plural, *ekisanja* – singular), material gains worked within the confines of the collective or communal cultural practices. Working for the *Kabaka* was working for the collective society (Kafumbe 2006). Consequently material gains never trumped obligation to collective group through entertaining the *Kabaka* and his occasional visitors. Scholars have extensively examined the continued changes in the traditional music scene in Africa blaming changes to pressure and influence of external cultural forms, technologies or even contacts with other peoples (Barz 2004; Cooke 2002). Outside influence of expressive forms and cultures is not simply a case of western versus African but, as earlier noted, they take on inter-ethnic group influences and integrations creating

---

<sup>14</sup>Kabaka is the King in the Buganda Kingdom of Uganda. This study was primarily located in this region.

<sup>15</sup>In real terms *omusagya wa Kabaka* was not a formal title but something casually assigned to an individual serving or paying allegiance to the *Kabaka* (King).

complex *ownership* environments in Africa's expressive forms (Barz 2004; Cooke 2002, Kubik 2002).

Pertinent as the reviewed literature is to this study, much of it doesn't cover the intersection between music, intellectual property and the question of *ownership* in the traditional African context. The review of the literature exposes lack of African literature and scholarship at the intersection of *ownership*, intellectual property and traditional music production in Africa. Where such literature exists, it rarely reports on empirical studies involving creative individuals working in the realm of traditional resources. Even fewer studies have tackled questions of intellectual property in the traditional context despite the confused state of intellectual property systems in Africa today. On the basis of lack of such literature and scholarship, this study sought to make small but significant contributions to the understanding of the intersection of *ownership*, intellectual property and traditional music production in Africa through musicians.

## **2.4 Traditional Music and Copyright in Uganda**

As a former British colony, Uganda's copyright (and intellectual property) law reflects the same history as that of the former colonial masters. The first law, the Copyright Act of 1953, like most early laws only covered sheet music but not rights associated with music performance and composition that are part of the contemporary copyright laws. The 1953 law was amended in 1964 leading to the Copyright Act of 1964 Cap 215. The amendment followed the independence of Uganda from the British never led to

substantive changes in the law. However, it clearly protected ‘music,’ which was defined as works that include, “any musical work, irrespective of musical quality, and words composed for musical accompaniment” (Uganda Government 1964, 2). The Act also provided for public performance of protected works including musical works. As one would expect, it granted exclusive rights to the ‘author’ of the work. The Copyright Act of 1964 was amended in 2006 leading to The Copyrights And Neighbouring Rights Act of 2006. This new Act made substantive changes in a number of areas, most of which are outside the scope of this study. However, one addition relevant to this study was made to the Copyright Act, that is, inclusion of ‘traditional folklore’ among works eligible for copyright protection. Unfortunately that is the only instance of mentioning folkloric works; the law does not elaborate on how those works should be treated since by their traditional nature they are markedly different from other copyrightable works. Likewise there is no desegregation of folkloric works into music, foods, cloth, etc, treatment of which should differ. The Act also introduced and elaborated on the Neighbouring rights, or the rights of public performances and rights relating to public broadcasting of protected works. Neighbouring rights impact on traditional music as they do other music genres. This study makes specific recommendations involving public performance of traditional music as a mechanism for generating incomes for traditional musicians. The Act provides for moral rights, which were not available in previous Acts. Moral rights protect the intellectual integrity of the works and are inalienable. These rights are particularly important to traditional music since it is a way for communities to express and share their cultures with the outside world. Clearly Uganda’s Copyright system

leaves out traditional music or does little to ensure a comprehensive treatment of the subject.

## **2.5 Critical cultural approach and ownership of traditional music**

Thus far, we have noted an inextricable link between expressive forms and culture in traditional groups. The study of *ownership* of musical artifacts, customary practices and laws in Africa is, consequently, a study of cultural aspects of different traditional groups (Kuruk 2002). At least that was the conclusion Bigalke's (1982) study of the Ndlambe of Southeastern Africa revealed. That study noted that music affects culture and vice versa. Agger (1992) notes that studying culture is a "legitimate subject of academic inquiry because culture matters; it is serious business and thus should be taken seriously" (4). Agger (1992) reminds us that culture is "any expressive activity contributing to social learning" (2). By implication, music as an expressive form is a core element of any culture. Indeed Merriam (1977) notes that some ethnomusicologists and anthropologists study music as an integral part of any human or community culture. Musical expressions, therefore, symbolize cultural values, traditions and norms (Cooke 2002). Musical artifacts, as cultural symbols, take 'outsiders' into the society thereby contributing to understanding and appreciation of the culture. Merriam (1977) further notes the intricate relationship between a given people, their music and culture stating that music reflects people's behavior which behaviors are molded by their values, attitudes and belief systems.

In examining *ownership* of creative expressions in the contemporary environments, this study takes a critical cultural approach. The numerous contemporary critical cultural strands are rooted in the work of British scholars, starting with Richard Hoggart, the first director of the famous Centre for Contemporary Cultural Studies (CCCS) at the University of Birmingham. The resultant British school of cultural studies borrowed from Marxist theory to analyze culture and structural power relations in the British society (Hall 1992). British scholars at the Centre were influenced by earlier work at the Frankfurt school where the focus was on mass culture or cultural theory.

The influence of the Frankfurt school is evident in the works of British scholars like Stuart Hall, Raymond Williams, Paul Willis and Paul Gilroy. Unlike the Frankfurt school, the British School focused on ‘dethroning’ the elitist approach in the British society that perpetuated the high/low cultural dichotomy thereby stratifying society along classes and race. Whereas the British strand of cultural studies focused on the study of popular culture, today the focus is “on how our everyday lives are constructed, how culture forms its subjects” (Turner 2003, 2-3). Sparks (1977) noted that the British Cultural studies “defined its separation from its parent [preceding strands] by its populism” (8). Agger (1992) observes that there is “a refusal to vouchsafe mandarin high culture in the fashion of the original Frankfurt school” (4). British school sets itself apart from the Frankfurt strand and other cultural study offshoots that focused on different aspects of cultural artifacts including the American school (media effects) to Marxist theory of culture (Sparks 1977; Agger 1992). The American strand concentrated less on structural relations but “power in its textual and symbolic aspects” (Boateng 2002, 7). On

the other hand, the British school concerned itself with culture as a tool for subjugation and suppression of certain views and perspectives but also isolating some groups from mainstream social activities.

To the extent that questions of dominance and resistance transcend societies and geographical regions, the first application of the critical cultural studies is to make the case for an African approach to cultural studies. In so doing, Boateng (2002) warns that no one can lay claim to a single African cultural studies but possibly regional or national approaches to cultural studies grounded in unique historical realities of societies in question. However, she notes that is a:

unifying feature of an African cultural studies would be the continent's history of colonial subjugation. That history would however vary from one region to another depending on the nature of colonization experience, as well as regional histories that mediated in the colonial encounter. It would also vary from one nation to another because of the histories of local groups, their relationships with one another and with the colonizers. (Boateng 8-9).

She takes note of the small but growing community of African cultural studies scholars including Tomaselli, K. G, Masilela, Nyamnjoh, and Mama. The network remains small compared to the British and American cultural study domains. However, there are emerging areas of agreement amongst scholars:

concerning African cultural studies approaches include the need to pay attention to the intellectual history in which African scholarship has developed. They also agree on the need to critically re-examine and understand African culture, and to be committed to social and political transformation (Boateng 2002, 14).

Scholars agitate for social and political transformation that isn't necessarily grounded in the developmentalist model which preoccupies much of African scholarship (Boateng



2002). African scholars are uneasy about uncritical borrowing from western theoretical frameworks. However, such theoretical frameworks are useful if ‘anchored’ in the African contexts (Beyaraza 2004; Boateng 2002). The second application of the critical cultural approach is specific to this study. It draws from the British cultural approach and Boateng’s call for ‘re-examining and understanding’ African cultures. In this study, we attempt to ‘rethink’ the notion of collectivism of creative expressions and the expectation that traditional musicians cannot privately ‘own’ musical forms they create by drawing from historically shared resources. We note that failure for alternative approaches to *ownership* of expressive forms threatens the continued production of African traditional music.

As if to address the above concerns, Mutere (1995) advocates for an African-centered perspective on traditional music based on its oral conceptual contexts. According to him, African music is an invaluable source of information on the African ‘cultural agency’ that must be protected through continued production. On the basis of orality, Mutere is dismissive of the concept ‘music,’ arguing that it is a Eurocentric conceptualization with no African equivalent. Unfortunately Mutere offers no insights on the ‘African’ conceptualization of music. The current study, therefore, hinges on the two important aspects of cultural studies that cut across the different strands of ‘western’ cultural studies. First, *domination* and *resistance* are central themes to cultural studies (Boateng 2002; Kellner 1995a). All cultural study strands coalesce around the two themes, which form logical themes for examining the *ownership* and control of creative expressions in the African cultural contexts. Secondly, cultural studies attempt to problematize the

relationship between culture and society but recognize that the study of cultures “can never be understood according to the premises of any one theoretical position” (Blundell, Shepherd and Taylor 1993, 2-3). This study of *ownership* of traditional expressive forms is based on these two aspects of cultural studies as they relate to the African musical cultures under investigation. The cultural approach is employed to tackle the *ownership* question by framing culture as a tool and medium for *domination* and *subjugation* as well as *resistance* of preconceived notions of *ownership* and control of creative resources.

Use of the cultural approach is based on the understanding of traditional music, including dances, instrumentation and singing, as an important avenue for communicating cultural values held by different ethnic groups in Africa (Agger 1992; Barz 2004). Reference to cultural values is significant as it relates music to customs and practices, a subject identified earlier as relevant to defining *ownership* and control over cultural resources. Approaching *ownership* through the critical cultural lens is, therefore, acknowledgment that *ownership* of musical resources is deeply embedded in cultural values and belief systems of ethnic communities. Understanding such systems provides the framework for exploring the attendant socioeconomic and political roles, or manifestations, of traditional cultural expressions. On that note, Keller (1995a) advises that “cultural studies insists that culture must be studied within the social relations and systems through which culture is produced and consumed, and thus the study of culture is intimately bound up with the study of society, politics and economics.” (6). The study of *ownership* is not an exercise limited to simply establishing *ownership* of cultural artifacts but one that considers the wider implications especially control of expressive forms including socioeconomic and

political power inherent in the forms. Taking that broad approach, this study aims at elevating traditional musicians' voices on *ownership* of creative expressions based on the understanding of their lived experiences and work environments. In elevating musicians' voices, the critical cultural approach is used as a framework for examining musicians' coping mechanisms in environments with changing socioeconomic, cultural and political forces that require repositioning on the part of traditional musicians. The critical cultural framework is employed to challenge and question the rationale for holding 'hostage' individual musicians to collective conscious simply because they belong to the groups when in actual terms individuals in a group "remain individuals ready to rebel and change the system" at given historical moments (Beyaraza 2004, 130). With reference to traditional musicians of Akan ethnic community of Ghana, Beeko (2005) suggests that:

traditional musicians in the Akan culture, like most people on the surface of the earth, also have the natural capacity to consciously or unconsciously effect changes in their environments, play significant roles in most human-initiated change processes, and make contributions to both the material and institutional aspects of their culture, as their creative sensibilities or tendencies continue to bring about various forms of innovations from time to time (Beeko 2005, xx).

Indeed Beeko's study examined creative activities of composer-performers in Akan community and concluded they were not only contributing to Akan traditional music, they were its beacon of hope. As variously stated in this study, it is premised that continued production of traditional music rests on rethinking *ownership* starting with musicians not just as creative individuals but change agents. The examination of *ownership* of expressive forms, recognizes that music is an important aspect of cultures which cultures are sometimes tools for *domination* and *subjugation* but also *resistance*. These issues are of interest to any critical cultural studies (Kellner 1995a; Kellner 1995b).

According to Kellner (1995a) cultural studies is “interested in how subcultural groups resist dominant forms of culture and identity, creating their own style and identities” (6). For the current study, *ownership* and the crisis of intellectual property in Africa is a reflection of the contestation underlying the production and consumption of music with traditional musicians at the center of multiple systems and approaches to intellectual property. In context of this study, such treatment of cultural and cultural artifacts perceives traditional music in its contexts as important forms worth examining despite being outside mainstream entertainment forms. By the same token, traditional musicians as creative individuals working outside the mainstream entertainment industry ought to be heard on questions of *ownership* otherwise the existing environment of competing perspectives threatens the very existence of these forms. Cultural perspectives on traditional musical expressions should be shaped by the group collectively or individuals within a culture. However, the traditional musicians, individually and collectively, like other members of a culture, can sketch out own perspectives on *ownership* despite the perceived collectivist approach in the Ugandan and African settings. Lastly, individuals in that context, be it traditional musicians or other members of the group, can cause change, or contribute to change, of a culture as they construct meanings in today’s media laden environment. Reference to cultural (critical) studies in this study is not to pursue its self-declared political agenda but to affirm the need for cultural self-determination on the part of the musicians. Extending that argument to traditional music, Ugandan and African traditional musicians, individually or collectively, can and should hold divergent views on *ownership* of creative expressions without reprisal from the communities. This is essential to resolving the intellectual property crisis from the traditional music

perspective. That is essential for continued production of cultural expressions and furtherance of cultural values in increasingly capital driven socio-economic and political relations in Uganda and Africa in general (Barz 2004).

As noted above, the second reason for adopting cultural approach rests on the flexibility of the cultural studies framework since it is not a theoretical framework as such. Cultural studies is employed not in the strict sense of a theory but as a contextual lens through which we undertake a holistic examination of *ownership* of cultural artifacts in Africa without unnecessary constraints of theoretical and disciplinary prescriptions (Grossberg, Nelson and Treichler 1992; Hall 1980; Hoggart 1970). This approach to cultural studies is in line with Hoggart's thinking that there was no theoretical claim to cultural studies. Doing so would lock up cultural studies in one or more disciplinary areas. Rather he conceived it as "interdisciplinary endeavour...extolling its virtues as a mode of analysis" (Schulman 1993). Agger (1992) notes that most proponents of cultural studies "oppose the disciplinary society in Foucault's sense...they recognize that the fragmentation and specialization of knowledge lead to its hierarchization" (18). Besides cultural studies not being a theoretical framework, it lacks a disciplinary base and, therefore, has no ties to any "distinct methodology, no statistical, ethnomethodological, or textual analysis to call its own. Its methodology could....best be seen as bricolage" (Grossberg, Nelson and Treichler 1992). For the current study, that flexibility permits not only approaching the study from specific groups (traditional groups and musicians within those groups), and from within a specific context (Africa and Uganda in particular). It also enables us to examine music *ownership* issues from a constructivist-phenomenological paradigm.

Phenomenological tools used for data collection, analysis and interpretation as described in the next chapter, facilitate deeper interactions and understanding of *ownership* and musicians' work environments from their perspectives based on lived experiences in real social contexts.

## Chapter Three

### 3.0 Introduction

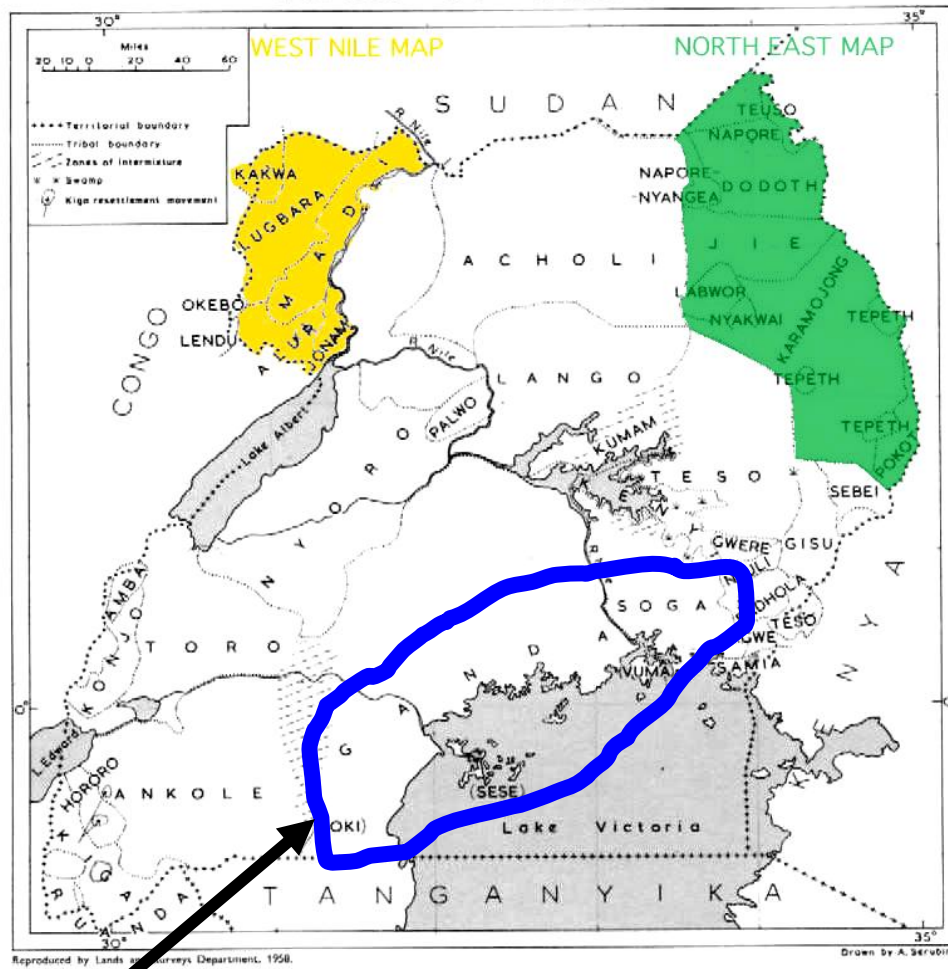
The previous chapter examines the basis of Africa's intellectual property crisis occasioned by the multiple perspectives on *ownership* of creative expressions. The current chapter presents traditional music in Africa with specific reference to Uganda. It serves to provide some background on Ugandan music with specific reference to recent trends. Traditional music is examined by looking at music and education, its functional roles and Diaspora experiences. The second section examines Uganda's remarkable history that is juxtaposed to the country's political instabilities emanating from colonial experiences. Political instabilities greatly impacted traditional cultural institutions and expressive forms. That history partly explains the current political and economic struggles noting that the country's colonial past and current economic problems are not entirely unrelated. Uganda is located in the Eastern part of Africa as shown by Figure 3.1. The last section justifies Uganda as the study site noting her rich and unique cultural heritage and comparatively long history of recording and documenting that history. Uganda's historical struggles are examined in two regions *Buganda* and *Budoga*, where the study was conducted (see Figure 3.2).



Figure 3.1 Map of Africa showing Uganda's location



# TRIBES OF UGANDA



Source-Map 3 Goldthorpe and Wilson

*Buganda and Busoga region*

Figure 3.2 Map of Uganda showing tribal locations and distributions

### 3.1 Traditional Music in Africa and Uganda: the study contexts

Traditional music in Africa and Uganda is closely linked to cultural institutions like kingships. Even for small groups organized around clans, the clan provides the contextual framework for music making, production, distribution and consumption. Nation-states created as a result of Africa's colonial experience left cultural institutions that had existed for years in awkward positions politically, socially, culturally and economically. The tension between the state and cultural institutions often resulted in political conflicts like the situation in Uganda in the mid 1960s. Milton Obote, the Prime Minister at the time attacked the *lubiri* (*Buganda* palace) and overthrew the *Kabaka* (the King in *Buganda*). Based on Uganda's experience, traditional expressive forms were affected by the disruption of cultural institutions which provided the central organizing structure for the production of traditional music and shaping of musicians' creativity (Kubik 2002). Broadly, traditional institutions were the embodiment of community customs and traditions and, therefore, symbolize authority over expressive forms. Such tensions and conflicts were generally common elsewhere Africa and not unique to Uganda. The discussion that follows reflects that shared history.

The study of African music has been undertaken by a number of scholars. Some have concentrated on appropriation and exploitation of indigenous music from Africa (Sandler 2001) others examined intellectual property in ethnic groups (Josey 2004, Tsukada 2004). Out of concern for the extinction of traditional music, or simply the love for traditional expressive forms, scholars have been preoccupied with the teaching of traditional music or traditional music in Africa's education systems. Scholars have looked at African

traditional music in non-traditional education settings (Smith 2004); traditional music education standards (Grove 2002); music in elementary education (Klinger 1996); professional teachers' association and music education (Brown 1999), and music education and teacher training (DeVane 1980). Most of these studies attempt to understand the production of African music and how it facilitates or ensures continuity of the music in an environment with alternative entertainment forms.

For instance, Amegago (2000) decries the negative fragmentation of African performing arts into music, dance and theatre which subsequently creates new individualistic artists. Amegago attributes this to western education and implicates fragmentation of the music for the indifference of African youth towards African performing arts and traditional cultures in general. Additionally, Amegago faults commodification for reducing performing arts to simply entertainment and the evangelical churches for rejecting that art form in its cultural contexts. Amegago proposes an education curriculum that reintegrates that art into the larger 'cultural fabric' devoid of fragmentation into music, dance and theatre. However, in referring to 'West African music and dance forms,' Amegago undermines own project by appropriating the very terms (music, dance) he seeks to eliminate from Africa's lexicological stock.

Despite the problematic influence of the educational contexts towards reconfiguring traditional music in Africa, Ross-Hammond (1999) studied Western African Bush music schools in Liberia where boys and girls receive traditional music education and training. The study revealed that (1) Music is highly valued and facilitates speech development.

(2) The musical instruments used are tuned and constructed to imitate speech. (3) Music is naturally interwoven into the very core and fabric of West Africa's history, traditions, knowledge, culture, and religious beliefs. Unlike formalistic western-oriented school settings where music is a separate element in the curriculum, the Bush schools treat music as an intrinsic element of 'successful teaching and learning' experience. In context of this study and specifically the *ownership* question, the Bush schools provide an excellent venue for teaching through traditional music without too much *decontextualization* Tsukada complained about. In agreement with the current study, Ross-Hammond strongly advocates for revisiting cultural perceptions of music. However, unlike the stated position of this study of taking a musician-centered perspective to *ownership*, Ross-Hammond offers no new directions on how traditional music *ownership* should be reconfigured.

Koops (2006) conducted a study in a suburban community of the Gambia with the intention of understanding how 'cultural elements' could be integrated into western-based formal education system. She studied the forms and meanings of children's music making with the intention of drawing lessons to apply to teaching world music in formal elementary school curriculum. Koops concluded that teaching of music in schools can benefit from learning processes of children in valid musical cultures; teaching ought to focus on a music culture and what music means in that culture, and finally actual experiencing (lived) of cultures in question.

An earlier study by Nompula (2000) was conducted in real school environments with South African children. The study tested their singing skills of local *Xhosa* songs and European folk songs. Two groups of children were instructed in *Xhosa* and European folk songs and tested after 18 days of instructions. The *Xhosa* group performed better than the European group. On the basis of positive outcomes from instruction sessions, Nompula recommended inclusion of *Xhosa* music in school curricula across the country. Good intentioned as Nompula's recommendation is, in a country with multiple languages and ethnic communities with distinct customs, singling out *Xhosa* represents bias against other groups. Nompula must have resisted recommending music from other cultures for such a project is not tenable given the numerous ethnic groups. Including all groups leaves the South African school curricula with nothing but music teaching. Badu-Younger (2003) carried out a related study among the *Ewe* of Ghana in West Africa to determine how people of Western and/or non-*Ewe* cultural backgrounds could be taught *Ewe* cultures. Focusing on a recreational dance, *Adzogbo*, Badu-Younger produced a digital video documentary with *Mawuli Kpli Mi Adzogbo* Group performing to demonstrate the structure and organization of the music and dance. A video documentary afforded the capturing of the 'real' structure and organization of that music.

Lo-Bamijoko's (1981) study on standardization of musical instrument tuning in educational contexts in Nigeria illustrates the problem of *decontextualization* raised by Tsukada (2004). Lo-Bamijoko argues that at the center of Nigeria's music education is lack of standardization of musical instruments. In a multiethnic country like Nigeria, standardization at national level makes sense. However, to achieve standardization

certain features and elements in traditional instruments are lost completely or modified to the detriment of the originating community. In the context of this study, the question is who owns the ‘new’ instrument design or form created by modifying existing ones? It is likely that *ownership* of the modified instrument is uncertain or relegated to the state as part of the national heritage.

With the current transnational flows of people associated with globalization, Africa has registered significant outflow of her population into the Diaspora. Africans in Diaspora are hungry for authentic expressive forms for their own entertainment. Scholars have considered African music in Diaspora like Canon’s (2005) study of Ghanaian and Senegalese music in Los Angeles. Mundundu’s (2005) study of a US based African performing art company, the *Umoja African Arts Company*, was quite instructive on the changing nature of African expressive forms amongst the Diaspora. He attempted to understand the reason behind creation of such African performing groups, their ‘knowledge and understanding’ of African traditional norms and cross-ethnic presentations. Mundundu attributed the rapid growth of such groups to an influx of Africans into Diaspora, growing interest of American (or Western societies) of ‘World Music’ and education institutions that continue to expand curricula to cover this kind of music. These groups, like the ones formed back in Africa, have had a transformative effect on forms they present as well as their perception of *ownership* and *control* over expressive forms. These groups further move *ownership* and *control* away from the ethnic communities into global realms. Ethnic communities may not claim *ownership* of resultant forms given that they are physically or geographical removed from their

Diaspora descendants. Likewise, ethnic communities may not control authenticity of Diaspora performances. Collins (1995) in his study of the Ghanaian concert party (comic opera) and highlife music noted what he calls the ‘black cultural feedback’ phenomenon where African Diaspora influences performances back home. Collin’s work has an important dimension to the current study for it examines the “anti-hegemonic nature of African popular performance in terms of both its role in the anti-colonial struggle and in present day social protest” (2). The anti-hegemonic stance is central to the current study to the extent that musicians were instrumental in the decolonization of Africa but remain involved in social protest in post-independence Africa. This study hypothesizes that one such struggle is the construction of *ownership* of traditional expressive forms in environments that increasingly call upon traditional musicians to rethink the *modus operandi* for their own survival and that of expressive forms.

Music in traditional African societies plays different roles which are a subject of intense scholarly scrutiny by cultural anthropologists and ethnomusicologists. For most part, these functions transcend entertainment to spiritual and royal functions as observed by numerous scholars across the continent (Anderson 1968; Barz 2004; Cooke 2001; Kafumbe 2006; Katamba and Cooke 1987; Kubik 2002; Wachsmann 1971; Wanyama 2006). A few studies examine some key function of traditional music in different Africa for example Byerly (1996) study of music and democracy building in South Africa (Byerly 1996). More highlighted below generally show that *ownership* of traditional music impacts its functional roles in a given community.

An ethnographic study of *kwaya* (the choir) music by Barz (2004) in Tanzania brings to the fore the religious and social function of traditional music in African societies. Barz used contemporary performances of an urban Lutheran choir to examine the historical and organizational elements of religious music rooted in missionary influences, and to some extent, traditions. By retaining the old and developing new forms fused with the old, *kwaya* music, according to Barz, bridges the old and new musical traditions. Even within the institutional framework (*kwaya*), African music retains the core evolving character based on the old. That is an important feature in thinking about *ownership* of ‘new’ forms based on the old. A related study noted effectiveness of music, dance and drama in communicating the gospel to the Lugbara people of Uganda (Drati 1987). Noting the oral nature of African communication and challenges faced by missionaries amongst Lugbara, Drati recommended uses of traditional music, dance and drama as a means of communicating and attracting these people to the gospel. This study demonstrates the power of traditional music as well as its malleability to accommodate new functions. The functional roles of music are further examined below as part of the discussion of Uganda, the study site.

### **3.2 “The Pearl of Africa”**

It was Sir Winston Churchill, former Prime Minister of United Kingdom who labeled Uganda the *Pearl of Africa* after an expedition in the country. He fell in love with the Uganda’s tropical climate, natural beauty and resource endowment; features that attracted the British colonial establishment in the first place. Uganda is a product of the colonial



experience, a period when foreign<sup>16</sup> perspectives on intellectual property were infused. However, resistance to colonialism emerged as a uniting factor in the formation of the state in Uganda and elsewhere in Africa (Bwengye, 1985; Mutibwa 1992). The struggle for independence galvanized different ethnic communities against the British colonial forces but the galvanizing forces only lasted for as long as the common enemy existed. Uganda's post-independence experience was marred with political upheavals and wars (Bwengye, 1985; Mutibwa 1992) analysis of which exposes the contradictory relationships and tensions between the state and traditional cultural institutions (Hansen and Twaddle, 1995). This tension led to abolition of cultural institutions in 1967. Due to popular demand, cultural institutions were restored in 1986 by the current Government. Apparently the acrimonious relationship between the state and cultural institution is widespread in African beyond Uganda, and colonial disorientation offers the explanation. Different ethnic groups that make up a typical African nation perceive nationalism only to the extent that it satisfies group needs and aspirations. Yet today, such groups are deeply embedded in national politics from which they can't extract themselves without threatening their very existence or rendering themselves irrelevant. Lloidy (1961) analyzed this contradiction in context of the independence movement in Africa:

All these territories [nation-states] form the organizational matrix for the formation of political movements aimed at independence- and must necessarily do so because they are the organizational base of the power which nationalist hope to displace-still, these territories as such hold little aspiration for Africans beyond opposition to the colonial powers which created them. There is little that could make up the ingredients of a Nigeria or Congolese or Tanganyikan "personality." On the other hand the indigenous communities of Africa-the tribes- are obviously unsatisfactory bases for modern nationhood. They are usually too small and their institutions too inadequate to the task of a modern state. (677).

---

<sup>16</sup> Predominantly European

While Lloyd's central argument points to challenges associated with ethnically heterogeneous African states, he clearly underestimated the power and influence of some groups like the *Baganda*, whose organizational structures would be the envy of most nation-states in Africa today. Reflecting the power and influence of cultural institutions and ethnicity as an organizing framework in Africa, Lloyd observes that "African leaders...want both community [ethnic/cultural] and viable political units" (677). That possibly explains why cultural institutions were restored by the current Ugandan government twenty years after they were abolished. Restoration of cultural institutions in 1986 was based on the understanding that institutions would remain apolitical, a difficult feat to achieve at best given the historical involvement in political, economic and cultural wellbeing of their kingdoms and the enormous powers exerted by cultural leaders. Events leading to abolition of cultural institutions in Uganda reflected the contradictory nature of the country where one kingdom, *Buganda*, was always afforded a special status by the British colonial administration. *Buganda's* special treatment can only be understood from the historical relationship between the British and *Buganda's* leaders and the Kingdom in general.

The British arrived in 1862<sup>17</sup> only to find a well organized centrally administered cultural institution with well defined organizations akin to states in Europe (Apter 1997). The *lukiiko* [Council of Chiefs], dealt with legislative functions within the kingdom and advised the *Kabaka* on a wide range of socioeconomic, cultural and political issues affecting the kingdom. On basis of this well defined social, economic and political order,

---

<sup>17</sup> The date when John Hanning Speke, the first British and European explorer arrived in Buganda.

in *Buganda*, Uganda was made into a protectorate rather than a colony—a system of *indirect rule* that granted Uganda some degree of autonomy from the British administration (Morris 1972; Apter 1997). *Buganda* enjoyed special status since the British saw special characteristics in the kingdom (Morris 1972). The ruler of *Buganda* Kingdom, the *Kabaka*, presided over an army often used to conquer neighboring groups as a means of expanding his sphere of influence (Apter 1997). The British noted early on that *Buganda* Kingdom was not one of those social institutions they could easily defeat militarily hence preferred to negotiate or buy their way to its conquest. Using divide and rule policy, the British used Buganda as a spring board to conquer neighboring kingdoms and chiefdoms. At the same time, they supported those kingdoms against *Buganda* whenever circumstances suited their interests. Clashes amongst groups weakened *Buganda* and other groups, leaving the British stronger and the source of favors for all groups. At the turn of the Twentieth Century, the British were ready to formalize their presence. But still the relatively weakened *Buganda* was not to be destabilized, hence the reason they preferred to establish a Protectorate in Uganda<sup>18</sup> where *Buganda* enjoyed sovereignty and the *Kabaka* accorded special powers and privileged. The alternative to a protectorate would be a colony where the Queen of England asserted far more powers and influence (Apter 1997). Buganda's autonomous status was always reflected in agreements and treaties signed between the Protectorate and the British; most important the *Buganda Agreement of 1900* negotiated by a special British emissary, Sir Harry Johnston (Apter 1997). An acrimonious relationship ensued, due to the dual systems of governance and administrative structures established by the agreement. The new political dispensation saw *Buganda* kingdom administered by the *Kabaka* existing alongside the

---

<sup>18</sup>Actually initially referred to only Buganda minus other groups and regions

central government headed by a Governor seconded by the Queen to represent her interests in the Protectorate. Buganda kings continued to enjoy special favors from the British but at the same time opposed many British policies and plans.

Continued opposition of British policies by *Buganda* kings, notably *Kabaka Muteesa II's* stand against the formation of the East African Federation culminated in his removal into exile in England in 1953. His return in 1955 was followed by days of celebrations throughout the Kingdom and eventual signing of the Buganda Agreement of 1955 was a sign of loyalty by the *Baganda* towards the *Kabaka* and the power of the *Buganda* Kingdom as an institution. No wonder at independence on October 1962, *Kabaka Muteesa* assumed office as the first president of independent Uganda, a move many opposed as this entailed exposing the previously semi-supernatural and much revered position of the *Kabaka* to common civil administrative squabbles. This short history of Uganda and *Buganda* within Uganda explains much of the subsequent problems faced by post-independence Uganda.

The neighboring *Busoga* Kingdom [region occupied by *Basoga* people], whose historical evolution also shaped the state in Uganda, is situated in the Eastern part of the country. *Busoga* is the other region covered by this study. *Busoga* is culturally rich with a well established and functional cultural institution to date. However, *Busoga* is less influential and established compared to *Buganda*. Both groups being *Bantu*, they exhibit shared cultural elements including traditional music instruments, songs and dances. Unlike *Baganda*, for a long time *Busoga* was predominantly made up of chieftaincies without a

unifying King, a factor that left them vulnerable to their “inveterate enemies, the *Baganda*” (Skeens 1937, 186). Lack of unity and on-going rivalries amongst *Busoga* chiefs undermined social cohesion in the Chiefdom. Indeed rivalry sometimes meant that “a *Musoga* [singular form of *Basoga*] chief, owing to some personal grudge, could easily be persuaded to join the *Baganda* to fight against his brother chief” (Skeens 1937, 186). Today *Busoga* is organized around a *Kyabazinga* (*Busoga* King) but certainly not anywhere as strong and influential as the *Kabaka*. However, *Busoga* remains a cradle of traditional musical traditions that are rich and less polluted by foreign influences as those in *Buganda*. This is true particularly for rural parts of the *Busoga* Kingdom.

Over the years, different ethnic groups, including the *Baganda* and *Basoga*, have interacted through intermarriages and internal movements to create subgroups out of the ‘mainstream’ cultural strands. Given Uganda’s multiethnic setup, the multicultural context in which participants in this study are located and work is acknowledged from the outset. Claims of a Ugandan culture would be erroneous and misrepresenting. Major urban centers including Kampala, the administrative and commercial capital, are truly cultural melting pots. Different ethnic groups relocate to Kampala to pursue economic opportunities available in urban settings but retain distinct and closely knit cultural identities. A leading Ugandan newspaper recently noted that:

some of them [ethnic groups] were not comfortable living among other tribes [on relocating to the city] with different cultures and traditions, and thus decided to keep apart by pitching camp in particular areas of the city” leading to a “spectrum of ethnically specific settlements christened accordingly (Abili 2006).

People's settlement patterns are created around marked sub-cultures that tend to share distinct languages and musical tastes. Cultural fragmentation and integration is a result and consequence of the globalization process occasioned by expansion of the European capitalist system (Kalb and van der Land 2000).

Emergence of the capitalist system in Africa is traceable to Africa's contacts with the outside world during the pre-mercantile, mercantile, industrial capitalism through the colonialist periods (Amin 1972, 506; cited by Boateng 2002, 55). The pre-mercantile extended from earliest Africa to the 17<sup>th</sup> century characterized with "complex social formations sometimes accompanied by the development of the state" (Amin 1972, 506; cited by Boateng 2002, 55). The mercantile period stretched from the 17<sup>th</sup> to the 19<sup>th</sup> centuries characterized by slavery. Industrial capitalism mostly took place in the 19<sup>th</sup> century and saw Africa transformed into an enviable source of cheap, or relatively cheap, raw materials for the fast industrializing Europe. The colonization period, in some parts of Africa lasting till the mid 20<sup>th</sup> century, saw direct European domination of the continent to "further the goals" of the industrial capitalism stage (Boateng 2002, 56). Postcolonial Africa remained a source of raw materials primarily for export to western countries. Locally, raw materials were consumed by a relatively marginal industrial base that supported emerging African markets.

Like many African countries, Uganda experimented with both socialist and neo-liberal free market ideologies after gaining independence from the British in 1962. For instance, state corporations produced essential commodities for sale through private businesses

mainly owned by the Asian community. Uganda's economic reforms, starting in the early 1980s, ushered in full-scale neo-liberal policies leading to dismantling of bureaucratic state corporations. The process was interrupted by political upheavals including the 1966 'crisis' when Prime Minister Milton Obote attacked the *Lubiri* (Buganda Palace) forcing the *Kabaka* (Buganda King and president of Uganda at the time) into exile in Britain. Obote abolished cultural institutions creating a major 'cultural' vacuum. Subsequent political turmoil and wars, particularly between 1980 and 1985, left a dysfunctional economy and hundreds of Ugandans dead (Avirgan and Honey 1982; Karugile 1996; Kyemba 1977; Mutibwa 1992). Privatization and broad economic reforms resumed after 1986 and continue to date. Uganda registered fast macro-economic growth since 1986 marked with growing industrial base and expanding economic activities except for the northern part of the country that mostly experienced war during the same period. While Uganda has become a popular 'destination' for transnational corporations from within and outside Africa, the country remains a marginal player in the global economy and inconsequential in the globalization process. Consequently, political and economic changes in the country's histories have influenced often disrupting cultural domains including traditional performing arts.

### **3.3 Traditional Music in Uganda: Instrumentation, Dancing and Singing**

Traditional music in Ugandan and African contexts is essentially composed of instruments, dancing and singing. Instruments, dancing and singing are central to the music and inseparable. In *Buganda* royal palace of Uganda, for instance, musicians were named and grouped based on instruments they play. *Abakondere* played trumpets

(*amakondere*) Figure 3.3; *abadongo* played lyres (*endongo*) Figure 3.4; *abalere* played the flute (*endere*) Figure 3.5; *abagoma* played drums (*engoma*) Figure 3.6, and *abalanzi* played the harp (*enanga*) Figure 3.7 (Cooke 1996; Cooke 2002). Music instruments define and characterize music from a particular ethnic group. Based on instruments, groups can be distinguished from each other. Additionally, groups located in particular regions, though different, tend to share instruments, dances or even songs. Geographical region is, therefore, another dimension to *ownership* besides instruments, dances and songs.

The intricate relationship between instruments, dancing and singing, coupled with the regional nature of these elements, adds an important dimension to the question of traditional music *ownership*. Consequently, rather than looking at *ownership* strictly in terms of ethnic communities, musical traditions can be cast in regional and even international terms. In 1971 Klaus P. Wachsmann, a renowned scholar of Ugandan music and former curator of the Uganda Museum, studied music instrumentation of different groups. Based on his findings, which showed intergenerational movement of instruments and influences, he concluded that it is “probable that there is really very little that any community can claim to be of its *own* invention” (100, *emphasis mine*). He found heavy influence from Arabs at the East African coast whose initial contacts with *Buganda*, of Uganda, dated back to 1852 (Wachsmann 1971). Subsequent contacts with Europeans following the arrival of British explorer Speke in 1862 opened up the region to European musical influence.





**Figure 3.3 the trumpet (*amakondere*)**



**Figure 3.4** The lyre (*endongo*)



**Figure 3.5 The flute (*endere*)**



**Figure 3.6** The drum (*engoma*)



**Figure 3.7 The harp (*enanga*)**

Europeans were initially interested and concentrated on introducing Africans to church hymns. Not even “difficult terrain, complex tribal frontiers and local political barriers” prevented sharing of musical instruments and other facets of African music (Wachsmann 1971, 120). However, influence of African music is not just inter-ethnic contacts but also European contacts. For instance, Wachsmann linked the famous bow-harp to Southeastern Asia, probably a result of the trans-Indian ocean trade between East Africa and Asia. *Enanga* (harp) was first introduced in *Buganda* by Arab visitors in 1852 from the East Africa coast (Wachsmann 1971). Since then, the instrument assumed a central position in *Buganda*’s royal court music and lives of the *Baganda*. *Enanga* player (harpist) “besides satisfying the musical aspirations of all the community, [he] also held a privileged position at court; he was the only performer who played in the quarters of the King’s wives, and his relationship with his lord was as close as that of David and King Saul” (Cooke 2002). Barz (2004) and Cooke (2002) noted that Ugandan cultures exhibited a variety of musical instruments and dances typical to a particular region and ethnic groups in that part of the country. Peter Cooke (2002), a leading scholar of Ugandan traditional music, categorized Uganda into five musical regions including: pastoralist music of north-eastern Uganda; *Nilotic* music of northern Uganda; music of the *Sudanic* language of north-western Uganda; *Bantu* music of east and central Uganda, and music of the western kingdoms of *Tooro*, *Bunyoro* and *Nkole*. In terms of instrumentation, the pastoralists have little use of instruments, *Nilotics* have a variety of instruments such as harps, lyres, flutes, trumpets and drums whereas the *Sudanic* people display limited use of lyres and flutes (Cooke 2002). The Bantu of central region have the widest range of instruments given their central location in relation to other groups. The

western kingdoms also depict limited use of instruments like the pastoralists of north-eastern part of the country.

Bansisa (1936) categorized ‘African Native Music’ into two broad strands, vocal and instrumental music; the former is widely spread among all groups and sung during any time of the day. Instrumental music is represented by categories such as “musical wind instruments” exemplified by the flute among the *Baganda* and “musical bands” of trumpets among the *Toro*, *Ankole* and *Buganda* regions of the country (Bansisa 1936). While mapping musical regions of Uganda is not the goal of this study, Cooke and Bansisa’s work further illuminates our understanding of the influence of different groups on the others occasioned by permeation of instrumentation, dances and singing from neighboring groups. For instance, xylophone, drums (of different types) and tube fiddles are found in many regions so are the musical traditions associated with these instruments.

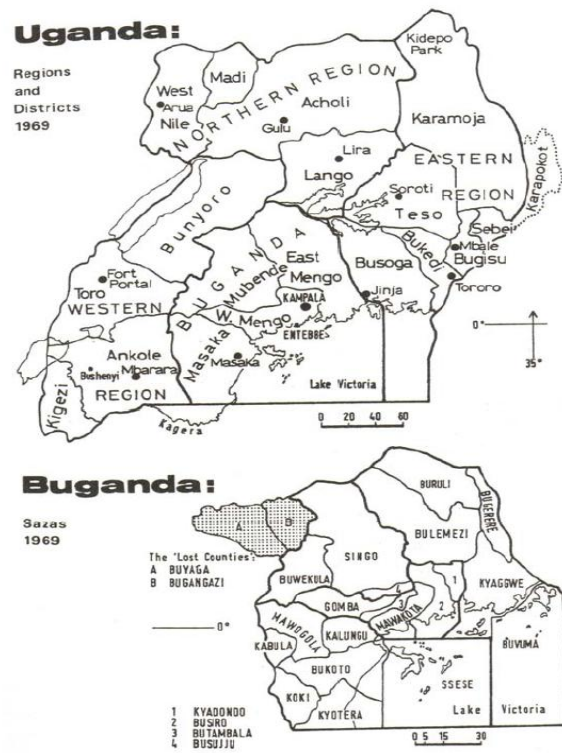
### **3.4 Why study Uganda?**

Uganda was selected as the site for this study due to the country’s rich and diverse cultural heritage associated with Africa’s oral tradition as noted in the foregoing discussion. The country’s major groups (Figure 3.8 below) depicts the chief administrative regions soon after independence that were demarcated according to distribution patterns of the main ethnic groups. The insert is regional coverage of the *Baganda*, the biggest tribal group in the country from which the country derives her name.

The researcher belongs to the largest *Bantu* group in the country, the *Baganda* [or *Ganda*], located in the central southern part of the country. *Buganda* and *Busoga* were the primary focus of this study. *Busoga* is located east of *Buganda* region. However, the study was not musically restricted to these regions, given the multicultural and ethnic set up of *Buganda* and *Busoga* regions today (Abili 2006). A few participants from other ethnic groups were included to capture the changing nature of traditional music in Uganda and the two regions in particular. One participant is originally from *Bunyoro* [*Nyoro*] region of mid-western Uganda but currently directs a performing group made up of former street children from different ethnic backgrounds. The group is located in Kampala within *Buganda*. Another participant belongs to the *Bamasaaba* people located in the far Eastern part of the country on the Uganda-Kenya boarder. Yet his musical style transcends *Bamasaaba* techniques to cover both traditional and contemporary western styles.

Insofar as inter-tribal marriages lead to borrowing, modifications, acquisition and assimilation of cultural norms, practices and artifacts, such intermarriages have implications for traditional music trends in the contemporary settings and the central question of *ownership*. In addition, music and musical artifacts were collected from outside the two regions. Despite the fact that familiarity with a study site and culture can introduce bias, in this study, familiarity with the site enabled the researcher gain easy access to study participants. It also facilitated understanding the context that would be difficult if the researcher was exploring less familiar geographical and cultural territories.





Source: Audrey Richards, "Chiefs and Administrators in Buganda." *Uganda's First Republic: Chiefs, Administrators and Politicians, 1967 - 1971*, ed. A. F. Robertson (1982: 48).

Figure 3.8 Ugandan map showing post-independence political regions

Being a native of the biggest ethnic group and familiarity with the site and the two regions in particular was the primary reason for selecting Uganda. Additionally at the time of the study, Uganda was in the process of amending the old copyright law, a process that drew the attention of some traditional musicians, as reported in subsequent chapters. At the time of the fieldwork, Uganda's folkloric resources remained outside state regulation, presumably creating a non-contested environment and less influenced by 'outside' views on creative expressions. The amended copyright law passed by the Ugandan parliament, however, covers folkloric resources but hardly resolves *ownership* questions given the problems associated with the western perspectives on creative expressions.

Uganda is an interesting context musically rooted in her diverse ethnic groups that have been the subject of many years of scholarly endeavors and recordings. The British Library reports that the oldest African music recordings in the library's *World Music collection* originated from Uganda. While Uganda's musical collection can pass off as a mere coincidence, the well documented existence of the *Buganda Kingdom* in Uganda for close to 500 years points to possibilities that *Buganda Kingdom*, now part of Uganda, was an important cultural institution for advancing traditional expressive forms in contemporary Uganda. Indeed Cooke's (2002) study of traditional music in Buganda's royal kingdom reveals the centrality of traditional music and dance to every generation of Buganda Kings (*Kabaka*). Existence of such a long history of traditional expressive forms under historically significant cultural institutions makes contemporary Uganda a

fertile ground for examining questions of *ownership* creative individuals located in traditional spheres grapple with.

The long history of cultural institutions and traditional music aside, Uganda is one of the few African states that recently updated national laws to cover cultural expressions as folkloric resources under western-oriented copyright law. While the law had not been adopted by Parliament at the time of the fieldwork, talk of the upcoming copyright bill occupied most interviews and interactions with traditional musicians who participated in the study. Covering traditional expressive forms under copyright laws raises fundamental question on the tensions arising out of 'nationalizing' expressive forms drawn from traditional ethnic resources bound by customary practices and laws. Nationalizing expressive forms leaves the debate open as to how traditional musicians should treat resources resulting from use of communal resources. Traditional resources are subjugated to western values, which is likely to lead to more *ownership* contestations but also deter continued production and integrity of traditional expressive forms. Copyrighting traditional expressive forms is not a remedy to the intellectual property crisis. Therefore, the combination of legislative changes and historical richness of Uganda's cultural expressions provided fertile grounds for examining *ownership* questions in Uganda's contemporary multifaceted *ownership* environment.

## Chapter Four

### 4.0 Introduction

Understanding musicians' perspectives and experiences requires engaging in a conversation that takes us into their world. In this study, the phenomenological approach afforded us the opportunity to have this kind of interaction with musicians who reflected on *ownership* of expressive forms and traditional music in general. The phenomenological approach presumes the research exercise as “the way we experience the world, to want to know the world in which we live as human beings” (Van Manen 1990, 5). Basic assumptions we have about traditional music might reveal themselves in different ways through the reflective narratives of traditional musicians or creative individuals. Besides perspectives on *ownership*, the musicians lived experiences that are rarely dealt with in daily work can be examined through questions like: *where do you come from professionally, where are you today and where are you headed?* These are crucial questions for traditional musicians, not just as individuals, but as cultural icons representing their ethnic communities, and indeed Africa, in the global cultural and economy flows. This chapter details the data collection process and analysis techniques employed in this study.

#### 4.1 Constructivist-phenomenological inquiry

Data collection and analysis were grounded in the constructivist-phenomenological approach. The phenomenological inquiry urges the return to “the self to discover the

nature and meaning of things as they appear and in their essence” (Moustakas 1994, 26).

Phenomenological inquiry calls for:

step-by-step, attempts to eliminate everything that represents a prejudgment, setting aside presumptions, and reaching a transcendental state of freshness and openness, a readiness to see in an unfettered way, not threatened by the customs, beliefs and prejudices of normal sciences...or knowledge based on unreflected everyday experience (Moustakas 1994, 41).

By deriving “meanings and essences of the phenomenon” from individual musicians, we get closer to description of “conscious experience” by all traditional musicians in the studied context (Moustakas 1994, 47). Therefore, individual perceptions and experiences when aggregated enable the construction of the total experiences and understanding of the phenomenon by participants in a given context (Moustakas 1994; Taylor and Bogdan 1975). The goal was not to seek out the ‘truth’ or the ‘reality’ but ‘truths’ or ‘realities,’ of all participants whose realities of the world of music might differ. Likewise, using the phenomenological inquiry, we do not seek objective truth but subjective interpretive truths based on individual’s personal life (Guba 1990). Context is important because only then can we situate the meanings in specific contexts and value systems (Guba 1990).

The phenomenological approach helped reveal the musicians’ world (Bogdan and Biklen 1992; Lincoln and Guba 1985). The researcher was required to allow the participants narrate their lived experiences, share perceptions and perspectives without undue interruptions and frequent prompts. For this study, taking a phenomenological approach permitted exploration of traditional musicians’ perception of *ownership* by probing how participants learnt to perform, their motivation, the cultural contexts in which they work including cultural institutions, and the political and economic environments. Therefore,

the goal was not just capturing perceptions of *ownership* but also grasping “structural essences of the experience” of a traditional musician working in an environment of competing views on *ownership* of creative expressions (Moustakas 1994). However, perceptions were emphasized since in “phenomenology, perception is regarded as the primary source of knowledge, the same source that cannot be doubted” (Moustakas 1994, 52). But as individuals in the traditional community, the musicians’ sociocultural, economic and political worlds were equally important. That world is constitutive of their knowledge, captured as perceptions, but also the expressive artifacts created as part of their work like music (songs, dances, etc). We were interested in the artifacts because they are socially constructed and reflective of individual as well as community experiences and cultures.

The study described “structures of experiences based on reflective analysis and interpretation of the research participant’s account or story” (Moustakas 1994). In the two study areas, *Buganda* and *Busoga*, deep interactions are best achieved by creating an informal two-way conversation occasioned by frequent pauses, interjections, affirmations, agreeing etc. The conversation is allowed to go into different directions but weaved back to the central questions based on cultural understanding, persistence and patience on the part of the researcher. Conversation in many traditional African communities is an important social activity for sharing information or simply bringing the community or family members together. Over a family meal or beer-party or even informal social gathering, traditional African society embraced conversation to building strong social networks and communities. Conversational interactions are bi- or

multidirectional depending on the number of participants, age range of individuals and social status. Thus elders who are considered knowledgeable always led conversations and ‘moderated’ the dynamics. Chiefs or leaders in a community offered wise counsel with the understanding by everybody that they were better positioned to offer such guidance in society.

As shown in the Figures 4.1 – 4.4 below of photos taken while interviewing the *Busoga* group, the setup for the conversation ought to happen in environments where participants live or work. Not every context will create the informality desired to enlist the participant’s total experience and understanding of the phenomenon. We note in the figures that the setting enabled this particular group to share not only their lives and views on *ownership* but also sampled their music to take us into their world of work. During the conversations, the researcher occasionally intervened with prompts to move the conversations forward, which in conventional phenomenological research would be considered interrupting the participant’s flow. It is within the conversational dynamics that the entire field activities described below happened. Activities described include data collection and techniques, peculiar field observations, and important experiences during the fieldwork of consequence to the study findings.



**Figure 4.1: Grass thatched structure venue for the conversational interview**





**Figure 4.2: Researcher engaging the *Mr. Matta*, the Group Leader and Founder**



**Figure 4.3: The conversation was often interjected with a musical interlude**



**Figure 4.4: with...spectators!**

As described below, prior to the main study, the researcher conducted an informal study of Uganda's music industry. This was the basis for narrowing the study down to traditional music as an area for further research. The main data collection exercise benefited from a key informant the researcher got to know as part of the preliminary study. The informant's knowledge and contacts in the traditional music community provided valuable entry points and access to participants. The discussion below details field activities starting with the initial study, the constructivist-phenomenological paradigm framework used in the study, data collection and analysis, and presentation findings.

## **4.2 Data Collection**

### **4.2.1 Initial Survey of Uganda's music industry**

Prior to the preliminary study of Uganda's music industry, the researcher was firmly aware of Africa's intellectual property challenges described in the previous chapters. However, he lacked a suitable context to understand this crisis or the appropriate research questions to examine. Given the researcher's interest in music (not as musicians but 'consumer'), musical expressions provided the suitable 'sector' in the industry to understanding these challenges. Against that background, the researcher carried out an informal review of Uganda's music industry in the summer of 2005. At that time, the researcher was remotely aware of the predicament of traditional musicians but had not firmly decided on suitability of traditional music context for understanding the intellectual property challenges. Likewise, the researcher was still open to a variety of

questions to study including music piracy as a pointer to the challenge of intellectual property in Africa resulting from infusion of western IPRs in non-western collectivist contexts. Hence a variety of musicians and industry experts were consulted ranging from mainstream popular musicians to contemporary *kadongo kamu* (Uganda's equivalent of country music).

The initial exploration revealed important insights on the nature of the music industry in general and traditional music in particular. The most significant revelation came from a participant who mentioned that traditional music had become 'hunting' ground for contemporary mainstream musicians. This meant that other musicians turned to traditional music for resources to create their own musical genres. One could go different ways including studying the mainstream musicians involved in what can be labeled misappropriation of traditional resources. However, following careful analysis of field notes and conversations, it became clear that focusing on the self-identified traditional musicians presented unique opportunities for new insights on the nature of the crisis. Whereas the mainstream musicians could be faulted for 'misappropriating' cultural resources, the fact that they don't locate their work in specific traditional communities or cultures frees them from customary practices and laws of those ethnic communities. The only benchmarks they have to live with are those set forth in national copyright laws.

On the other hand, the researcher learnt that traditional musicians were caught in the middle of the intellectual property battle owing to their desire to maintain traditional and cultural roots while working in a western-based intellectual property scene at the national

level. This was an important revelation to the researcher that sparked his interest in examining questions of *ownership* with traditional musicians. The question at the time was how do traditional musicians negotiate *ownership* of musical expressions they created by drawing from historically shared cultural resources such as folklore? Similarly, what aspect of their work environments influences their view on *ownership* of these resources? Examining different questions with traditional musicians promised to bring forth new insights and understanding of the nature of the intellectual property challenges. It also promised to raise new questions worth further research. Consequently, the preliminary study of the industry greatly helped the formal study of the traditional music domain, conceptually and administratively.

During the preliminary study, it became clear to the researcher that *ownership* claims over cultural products by traditional musicians created from historically shared resources presented challenges, just like misappropriation by ‘foreign’ or local mainstream musicians. The initial survey of the literature revealed similar concerns regardless of context. The literature revealed this to be the case in Africa, Australia and other places where creative individuals in traditional or indigenous communities interfaced with foreign views and approaches to intellectual property. Whereas some literature found private appropriation of traditional resources by individuals in ethnic communities as morally reprehensible, close examination of musicians’ precarious socioeconomic environments in the preliminary study called into question those perspectives. The researcher became aware of the socioeconomically challenging environment in which traditional musicians worked that called for rethinking their approaches to ownership of expressive forms resulting from their work.

Once it was decided that traditional music provided a unique and valuable context, the next step focused on deciding on the most suitable approach to studying that context. The approach had to reveal musicians' experiences by allowing individual musicians construct their own realities and perspectives on music and ownership of that music. If the researcher learnt anything from the preliminary study activities, it was the need to adopt a flexible but engaging approach to learning about musicians' contexts, lived experiences, struggles and challenges, opportunities and societal expectations.

#### **4.2.2 Participant selection and procedure**

After a three month break following the preliminary study, the researcher returned to the field in the Fall of 2005 for the main study. A total of nine individual (9) and two group interviews were conducted. Participants were assigned and identified using numbers one (1) through eleven (11) in the order they were conducted. Interviews were conducted in a variety of settings selected to allow in-depth and long conversations but also create relaxed and comfortable environments for participants. Table 4.0 below is a biographical overview of the participants. It is recommended that interview environments are as close to the participant's natural setting as possible (McCracken 1988). In light of the recent growth of performing groups, finding and selecting truly 'authentic' traditional groups and individuals, as one participant warned, is seemingly a daunting task. Yet it was not the goal of this study to locate and validate the traditional credentials or 'authenticity' of participants. We were interested in understanding the changes taking place amongst traditional music and musicians in contemporary settings. The researcher was also

interested in understanding how and where such changes are happening or are anticipated to happen. Participants were purposely selected based on self-identification as traditional musicians or referral by participants. This snowballing approach is a highly recommended approach in qualitative studies of this nature where specific individuals are required to address specific phenomenon (Lincoln and Guba 1985; Patton 1980).

Studies involving selection of such unique and informative participants whose life experiences are tales, don't render themselves to randomness required for positivist studies (Bogdan and Biklen 1992; Denzin and Lincoln 1994; Eisner 1991; Guba 1990; Taylor 1993).

Some participants in this study were drawn based on the key informant's prior knowledge of the industry. Indeed, the initial three participants considered highly informative traditional musicians were identified with the help of the key informant. But key informants are undoubtedly biased, in this case towards royal musicians. Our informant is a musician and an ethnomusicologist with scholarly interests in *Buganda's* Royal Court music. As recommended by Patton (1990), it was the researcher's task to seek out other participants that didn't necessarily fit that particular background.

A popular Ugandan music website<sup>19</sup> and additional contacts in the field revealed more names which led to the 'discovery' of the exploding 'market' for traditional performing groups. Attempts were made not to uncover the 'universe' of traditional music in Uganda, that is, studying Uganda's traditional music in its entirety.

---

<sup>19</sup> Music Uganda: [www.musicuganda.com](http://www.musicuganda.com)



**Table 4.0 Showing Demographic Makeup of the Study participants**

<b>Participant no.</b>	<b>Ethnic group</b>	<b>Gender (M/F)</b>	<b>Location (Region)</b>	<b>Other responsibilities/ engagements (besides music)</b>
<b>P1</b>	Muganda	M	Buganda	Teacher
<b>P2</b>	Muganda	M	Buganda	Museum curator
<b>P3</b>	Musoga	M	Busoga	Teacher
<b>P4</b>	Muganda	M	Buganda	None
<b>P5</b>	Muganda	M	Buganda	Teacher
<b>P6</b>	Mumasaaba	M	Bamasaaba	Group director
<b>P7</b>	Munyoro	M	Bunyoro	Group Director
<b>P8<sup>20</sup></b>	Acholi	F	Acholi	Government employee (Law Reform Commission)
<b>P11</b>	Muganda	M	Buganda	Farmer

*Note that labels P9 & 10 were group interviews*

---

<sup>20</sup> Not participant as such. She is a Government official.

The researcher followed through with carefully selected and recommended musicians based on prior interviews. This is not to suggest that phenomenological work doesn't offer tools to examine entire 'industries' like that of traditional music in Uganda. This particular study was focused on a few musicians to enable in-depth conversations and interactions that would permit deep understanding of their experiences as musicians and perception of *ownership* based on lived experiences. A broad general study of the entire community of musicians would be superficial.

Some leads in the fieldwork also pointed to a government official incharge of traditional and indigenous knowledge at the Uganda Law Reform Commission. Her portfolio includes developing recommendations towards draft legislation to cover traditional and indigenous knowledge protection. Traditional music and expressive cultures tend to share a lot in common with traditional knowledge and indigenous knowledge systems. This official was not considered a participant but the interview with her clarified the Government's legislative approaches to traditional music and resources. Participants represented a wide range of musical experiences, level and nature of involvement in traditional musical performances. Given that traditional music was historically a preserve of male members of the communities, it was not surprising that all participants were males. Or more appropriately, that the gender aspect of traditional music in Africa is yet to change (Barz 2004; Kubik 2002). Traditional communities that permitted women to get involved in music, often such women were relegated to 'marginal' roles of dancing.

In line with Patton's (1990) conception of purposive selection of participants in qualitative studies, the research utilized 'typical' and 'convenient' cases. The process of following the participant chain from initial contacts led to two important directions: musicians historically linked to traditional cultural institutions, particularly in *Buganda* region. Secondly, musicians located in rural areas were recommended by their urban counterparts as 'authentic' traditional musicians. That is how we identified the group in *Busoga* and some participants in *Buganda*.

One group interview was conducted with a five member performing group located in *Busoga* region of Eastern Uganda led by an elderly musician. Music from the group is often appropriated by mainstream musicians and that made the group an interesting case to examine on ownership and traditional music in general. The second group interview was conducted with two musicians who double as leaders of the National Council of Folklorist of Uganda (NACOFU). The nature of their work in NACOFU revolved around mobilizing traditional musicians in Uganda and raising awareness of the potential of traditional music. Part of their work was teaching traditional musicians about copyright and representing them in Government on copyright issues. Participants in the group interviews and the government official were recommended by some of the first participants to be interviewed. As noted earlier, concentrating on *Buganda* and *Busoga* did not necessarily mean that respondents were exclusively members of the two ethnic communities or lacked expertise in traditional music, instruments and dances of other communities. One participant best exemplifies the complexity of traditional performing arts in the two regions. The participant was born and raised in *Bunyoro* in mid-western

Uganda and only relocated to *Buganda* region to pursue higher education opportunities in music, dance and drama. The participant headed a traditional performing group made up of street children from over ten different ethnic backgrounds. According to the participant, the children learnt and taught each other about music, dances and instruments from own cultures. Likewise, as the group leader, the participant admitted to feeling the obligation to learn as many ‘cultures’ as possible. This group necessarily extended the cultural backgrounds of participants in this study.

Another participant that best illustrates the complexities of traditional music in the two regions is a gentleman born and raised in *Busoga* but relocated to *Buganda* to pursue education opportunities. The participant became a music teacher in schools in and around *Buganda*. Traditional music teaching and performances in school, especially school festivals at different levels, is a means of assimilating, changing, adopting and inventing new forms from existing ones traditional forms (Barz 2004). The participant’s teaching role called for learning and mastering a variety of instruments, dances, instruments as well as cultural norms and values from across the country. Another participant born in Eastern Uganda demonstrated mastery of traditional music of numerous groups in the country beyond the two regions. This participant went further to ‘modernize’ these forms by blending with ‘western’ elements. Similar to the one above, music training was a significant factor in his quest for what Barz’s (2004) refers to as *adaptation* and *change*.

### 4.2.3 Group Interviews

One group interview was conducted with a performing group in rural eastern Uganda and another one with musicians that double as officials of the newly created National Council of Folklorists of Uganda (NACOFU). Group interviews were considered when it became clear to the researcher that some understanding of the general context of traditional music was necessary. Besides context, there were emerging issues that required exploring with specific individuals that participated in the group interviews. As earlier noted, NACOFU officials were beginning the process of mobilizing traditional and folk musicians around issues affecting their work, including copyright. The traditional group interviewed in *Busoga* was mentioned by some participants in relation to ‘misappropriating’ of traditional music by mainstream musicians which made it an interesting case on *ownership* questions. The ‘conversation’ with this five member team took 4 hours of talking with musical interludes of the songs ‘purportedly’ stolen by a popular mainstream musician. Broadly, the two group interviews were instructive on the workings of the traditional music ‘sector’ and the entire music industry in Uganda. Both form an important background examination of the industry presented in the first section of Chapter Five.

### 4.2.4 In-depth Narrative Interviews

The interview method was the main data collection technique supplemented with the researcher’s field notes and photography, group interviews as well as collection of musical artifacts relevant to the study. The long and in-depth interviews averaging three

hours are appropriate for qualitative methodology because they allow exhaustive treatment of the phenomenon and related issues based on broad preset questions and new ones emerging in the course of the interview (McCracken 1988; Strauss and Corbin 1994). The open-ended nature of the questions elicits detailed perceptions of the phenomenon by participants. Adopting the interview method enables an individual musician to construct “a full description of his or her [their] conscious experience” (Moustakas 1994, 47). Whether to have a long or short interview depends on the phenomenon under investigation and the extent to which respondents are able and willing to share new insights (Maxwell 1996; McCracken 1988).

Long interviews were adopted to facilitate deep interaction between researcher and participants (Guba 1990; Maxwell 1999; McCracken 1988). Much as the researcher had intended goals, the interview created the environment to realize the study goals but also empowered respondents to provide information with minimal constraints (McCracken 1988). The interviewer’s role was to ensure a balanced and, to the extent possible, unbiased moderation of the conversation. Questions posed reflected the ultimate goal of capturing perception of *ownership* but not putting musicians on the defensive as to why they hold certain views. ‘Why’ questions were avoided in preference for ‘what’ and ‘how’ questions which are likely to make the exercise more of an equal partnership with respondent (Maxwell 1999).

Appointments were set up for most interviews, sometimes involving waiting for long hours for the actual interview. A few interviews required calling back when musicians

failed to make it to the interviews. Musicians are busy individuals, often with late night performances or demanding careers on the side as music teachers, music recorders, public servants, farmers or directors of performing groups. That became evident in the process of setting up and conducting the first interview. The participant turned up only to inform the researcher he was returning from a long night performance and needed to rest in order to “be useful and resourceful.” Such fieldwork dynamics, when cast in context of traditional musicians, reveal important elements of traditional music and musicians. For instance, they point to the rise of traditional music and performances, a fact emphasized by some participants. As a result, traditional performing groups are highly sought, after following many years of neglect by the Ugandan society.

Attempts were made to approach the interviews in a traditional conversational manner. The researcher guided the exercise to avoid drifting away from the central question. The researchers’ interventions were never meant to influence the directions of the conversations, let alone create preconceived expectations. The goal was to keep participants within the primary focus of the study. Due to the unstructured nature of conversations, often times the actual interview picked up from conversation threads initiated prior to the interview with the musician. Usually pre-interview conversations started with the researcher and participant introducing each other. Amongst the *Baganda* and *Basoga*, such introductions tend to be lengthy involving reminiscences about past experiences and events. Since the country was just a few months away from the general elections, conversation starters were often political or economic in nature. Participants were often asked a simple and general question: *How have things [life, work, etc] been*

*lately* or *how is life changed for you?* At times they were asked to their share thoughts on the current political environment without necessarily specifying any particular topic.

Conversations that ensued often provided entry points to the subject of music. Interviews started this way were quite revealing insofar as musicians linked their work to wider socioeconomic and political environments. Therefore, phenomenology as a methodology is not culturally neutral.

Interviews with musicians were recorded with a mini-cassette tape-recorder to create an accurate record of the interaction between the researcher and participants. Participants' permission to record interviews was requested as part of the consent statement. Since most interview were long and in-depth leading to hundreds of transcription pages, most of the *ownership* issues were quickly addressed by the nine participants and two groups interviewed. Soon it became clear that individual participants were revisiting the same issues even after including a few non-royal court musicians and village-based individuals to contrast the royal and urban-based musicians that provided the initial interviews.

Desegregation along royal and non-royal or village versus urban musicians was not aimed at comparing views of musicians in these contexts. The goal was to understand the views of musicians in different settings. Secondly, we wanted to ensure that a valid but relatively small group of musicians is covered. The redundancy criterion helps bring the fieldwork exercise to a closure. Otherwise the researcher continues collecting data as new cases become available with new insights (Lincoln and Guba, 1985).

Audio-recordings were transcribed after each interview. Transcripts are to be stored by the researcher for the recommended period of three years. Transcripts were stripped of



musicians' identifying and/or confidential information. Personal interviews conducted with selected musicians partly reflected personal histories and experiences. In analyzing individual interviews through the interpretive phenomenological approach, interviews were treated as primary material but we also acknowledge occasional loss of arising from subjecting interviews to translation and interpretation. Translating from one language to another subjects the original word or narrative to unintended distortion and loss of meaning due to vocabulary limitations between languages. Loss extends to emotions and richness of context which is not necessarily captured in the translation process. For instance, one of the group interviews was conducted in an environment characterized with musical interludes, which drew audiences from the neighborhood. Ululations and emotions associated with this interview are not necessarily part of the transcript, not mentioning the limited ways the scene can be described and accurately portrayed to someone with no prior knowledge of the area.

Besides vocabulary, language also presents contextual challenges owing to differences in cultures in which language is used and interpreted. Translation was a contentious issue not just for the final interviews transcripts, but actual interviewing. Concepts like *intellectual property* and *ownership* don't translate well into Ugandan and African traditional cultural contexts and languages. How then does the researcher pose such question without biasing the respondent? Participants were always allowed the opportunity to introduce such concepts or take the interview in that direction. However, once it became clear that the conversation had not brought up issues such as *ownership*, the researcher brought it up directly by asking the participant: *what does ownership mean*

*to you or do you own the music you make?* Findings from these questions form the core narrative and analysis of emerging themes presented in Chapter Six.

#### **4.2.5 Musical Artifacts and photography**

Musical artifacts were collected as part of data collection. These artifacts were often voluntarily donated to the researcher by participants but not requested. Items include DVD and CD recordings of musical festivals, and audio cassettes of traditional songs performed by participants. While these artifacts were not primary data for the study, close examination of their content was sometime revealing of musicians' perceptions on *ownership* and related constructs. A few clips are embedded in Chapter Five where they help explain, contextualize or deepen our understanding of data collected through tools and techniques. In addition to collection of musical artifacts, a few photos were taken or received from participants. Some of these are shared to serve the same purpose as the musical artifacts.

#### **4.2.6 Researcher as the Instrument and participant**

The researcher is a member of the socio-cultural context studied. As a result, he took on more or less the participant-researcher role by embedding in the study context socially and culturally. Embeddedness involved attending a few performances, sharing meals with some participants, but most important reminiscing with participants about "our lost culture" or sharing personal knowledge of certain cultural norms and practices vis-à-vis traditional music. The role was both an enabler and disabler. As enabler, the researcher

easily gained access to and acceptance of most participants. One participant preceded the interview with a detailed introductory session in order ‘to know me better.’ Knowing each other by way of tracing family and genealogical details is ‘standard’ procedure in the *Buganda* culture when strangers meet. In this case, the participant was later to reveal that he wanted to be sure who he was sharing his knowledge with. According to the participant, the researcher being a member of the culture (ethnic group) was more like to put it to good use, unlike ‘foreigners’ that wanted to exploit or distort it. He also expected the researcher to help advance knowledge of traditional music, which is now a marginal element in the Ugandan society. Another participant was blunt, “if you were a foreigner, I would either not give you all the details or no information at all.” He blamed it on recent influx of researchers, many of whom never ‘reward’ them anything or record their music and go on to make money off that music under guise of world music.

The participant-researcher role was a disabler given certain expectations from participants of the researcher. As one of their own, the researcher was expected to have knowledge of cultural norms and participate meaningfully in conversation unhindered by the heavily idiomatic local language. The biggest expectation was payment, although not all participants explicitly asked the researcher for money. One asked ahead of the interview how much the researcher was “willing to pay” for his time. This is quite revealing about the socioeconomic relations some traditional musicians have with society at large. Additionally, as one of their own studying and living in United States, the researcher was requested and expected to ‘promote our culture’ abroad. While returning to study this culture through traditional musical expression was highly commended by musicians, more was expected in terms of arranging for traditional musicians to travel

and perform in US. The most contentious and relevant to the study were expectations to influence Uganda's copyright laws and policies in relation to traditional music and cultures in general. Often participants familiar with the copyright debate, particularly those located in Kampala, made passionate requests for the researcher to help them reach Government officials involved in copyright to enact copyright laws that protect traditional music. Given the goal of this study of learning from the same participants, getting involved in the politically charged campaigns as well as sharing personal views on the subject presented major challenges ethically and professionally. This could potentially divert the researcher from the study altogether.

Another dimension of the researcher as participant is his exposure to 'western' IPR legal and policy system in United States as graduate student, which education brought to his attention the importance of exploring the *ownership* question in his own setting. In addition, the researcher has been involved in a number of international forums on intellectual property focusing on 'third world' countries or more appropriately for this study, non-western settings. The most significant is the World Intellectual Property Organization meeting on the Development Agenda.<sup>21</sup> As someone with working knowledge of 'western' IP system, the researcher had to avoid, as much as possible, influencing participants' perspectives and involvement in this study.

---

<sup>21</sup> Draft report is now available from [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=46750](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=46750)

#### **4.2.7 Data Transcription and Translation**

Audio interviews were transcribed to electronic medium using a transcription machine. Interviews conducted in *Luganda*, and the one in *Lusoga*, were translated to English during the transcription process. Translation also involved interpretation and meaning construction. As noted earlier, that exercise at times led to loss of some fine details, also further removing the participant from the texts given the transcriber's intermediation. The researcher took notes in the transcription process to capture anecdotes not necessarily reflected in the transcripts. Notes were revisited during analysis to create themes and codes.

### **4.3 Data Analysis**

This section presents data handling and analysis with specific reference to the Interpretative Phenomenological Approach (IPA). The section details the coding process and treatment of data for analysis.

#### **4.3.1 Interpretive Phenomenological Approach and Coding**

The Interpretive Phenomenological Approach (IPA) was adopted to make the best use of the data collected. The IPA was developed by Jonathan Smith as an extension of the phenomenological inquiry. It is used to bring out meanings brought out by the interpretative process and engagement with the text and transcripts (Smith, Flowers and Osborn 1997). IPA has been heavily deployed in medical and health-related studies grounded in phenomenological inquiry. IPA is also germane to general social science

research. For this study, both group and individual interviews were transcribed and prepared for analysis, which involved editing the language, ensuring proper translation, and cross checking facts against audio recording. Individual transcripts were page numbered to ease cross-referencing. Transcripts were reviewed and edited for typographical errors, clarity and readability. Caution was taken not to misrepresent participants' message and meanings. Sentences in transcripts were numbered to facilitate cross-referencing of transcript data in the presentation and discussion of findings in Chapter Five. Figure 4.5 below illustrates the transcript numbering pattern from page three of transcript two.

Initial analysis of the data was conducted during fieldwork in Uganda as part of the process to refine data collection process. Questions were changed, added or dropped from the guide based on review of initial interview data. Although not structured and formal, field-level analysis helped shape subsequent interviews but also informed the formal post-fieldwork data analysis. The stage also involved reviewing memo notes and making decision on the basis of those notes. The formal post-fieldwork analysis primarily involved three stages typical of the Interpretive Phenomenological Approach:

1. First establishing *ideas* or *rudimentary themes* – the stage involved quick line by line reading of transcripts, and noting general ideas and observations about the data including possible themes, terminology, concepts and striking questions. Save for two interviews conducted in English, most of these terms, concepts or themes reflect the researcher's translation.

... I told him,  
65) myself...I heard the gramophone and that is how I learnt to play.” He told me  
66) “next Thursday I will come back here and bring you a flute. I will ask my brother  
67) who head abalere in the palace to bring me a flute that I will bring to you.” I  
68) thanked him and he left. The next Thursday he came with the flute—which was  
69) beautiful. It was well designed—it was so good after trying it out I threw away the  
70) improvised one I had. I had my elder brother Albert Ssempeke [the late] who was  
71) not interested in the flute. When I got the good flute, I played it often at times  
72) passersby would stop. Some would ask me to play for money. Ten cents, five  
73) cents, halves – pancakes used to cost 2 halves. But I would get 10 cents which  
74) comes to ten pancakes. Once my audience was gone I would rush to where  
75) pancakes are made, buy and bring home to eat. Even my brother would  
76) share...until he got tired of asking for pancakes from me. He asked me to teach  
77) him. I gladly taught him...and since playing instruments was a shared talent in

3

**Figure 4.5: screenshot of an interview transcript showing line and page numbering**

The researcher had to convey meanings articulated by participants in the original interviews. General ideas and/or rudimentary themes were recorded in the left hand column of the transcript written out in blue ink as shown in Figure 4.6 below.

- 2) Secondly, the researcher re-read transcripts alongside notes made during transcription with the intent of developing *higher level themes* or *codes*, that is, phrases constructed concisely. The resultant themes were recorded in the middle of the transcript to correspond with the stage *ideas* or *rudimentary* themes. As indicated in Figure 4.6, these were highlighted in pink to ease referencing. At times, some of these were similar to themes from the first stage.
- 3) The third and final stage involved refining stage two themes to develop even more '*abstract higher*' level themes. This was an interactive back and forward process involving reference to the original transcription text to be sure that the terms and concepts used somehow reflected the meanings conveyed by the participant. Terms and concepts were recorded in the right-hand column of the transcript and highlighted with a red marker for quick identification. Themes were categorised according to broad topic area of the individual or group interview questions to enable further analysis.

Important sections of the transcript the researcher was likely to use as quotes were highlighted in yellow for each identified theme as show in Figure 4.6 below. Analysis of subsequent transcripts involved the three stages to develop themes for each interview but also comparison of previously completed transcripts. Where applicable, use was made of themes common to interviews. As shown in Fig. 4.7 below, themes that emerged from the three stages for each transcript where recorded in tabular form further moving away from the raw data. These themes were listed to correspond with the interview guide question to



which the participant was responding. Numbers in parenthesis besides some themes in the 2<sup>nd</sup> level column indicate pages to which that and themes below corresponding pages. The above exercise of pulling out themes from transcripts resulted in several pages of the two 'dimension analysis sheet' that enabled comparison and further refinement of themes at the 2<sup>nd</sup> level of the IPA analysis. As a result, the 2<sup>nd</sup> level themes were collapsed into four broader thematic categories that facilitated general characterization of Ugandan traditional musicians and music. The four thematic categories include: *experiential*, *industry*, *musician*, *ownership*. Thematic categories are discussed in detail in Chapter Five where findings of the study are presented. The key informant reviewed the thematic categories and sub-themes to ensure they were not far removed from the transcripts and interview data.

#### **4.3.2 Trustworthiness of the Findings**

By its nature, qualitative research makes no objective claims yet the need for trust in the data and findings remains paramount. Unlike the positivist approach to scholarship that aims at extrapolating from the particular to the general, qualitative research only does so in situations of similar contexts. Objectivity is achieved by accurately rendering and representing participants' views as put across to the researcher. In context of this study, trustworthiness of the data and findings rested on three main considerations: *first* there was great emphasis on accuracy in the transcription of audio recordings. In addition to audio recordings, the researcher took photographs to gather additional evidence of his interactions with participants. Related to this, some peculiar findings from one interview were always cross-checked with other participants but with the understanding that some were personal views rather than verifiable facts.

79) created in our people that affected some of our culture and beliefs...the way

80) people believe about things. Because what I know in our village, it was recent that

81) the drum was included in church music. They would say a drum...[isn't

82) acceptable in church]...and yet when they are calling people to come to church,

83) they will play the drum. They [church leaders whites??] play the first one, to

84) warn them [church goes] that now...today is a Sunday. Then there is a way they

85) play the second one now to warn them that its time. So they [church goes] have

86) to rush. For calling people it was fine, but in church not allowed. Now, I was

87) looking at what was the... why do they do that. May be they had a reason.

88) Because they are saying with a piano, that is holy but ...not clear...ehhehe you

89) are communicating with God. When you play drums, satan. That kind of

90) things...there are some people who believe in that and it goes eve up to the

91) children when they hear...say a child has entered [joined] a school choir they say

92) a child is going to get spoilt. "How can a child go to the school choir?" "They are

93) going to get spoilt." They will be stupid. Stupid? Music is not for stupid people.

94) In fact you cannot be stupid and manage because music is full of everything. All

95) the aspects [R: of life]. There is mathematics. In music we have science. In music

96) we have all most everything because there is a lot of counting in music. Now a

97) stupid person cannot do music that one I don't agree with them [the critics]. So

98) now we are trying to day how do we change these people's attitude so that they

99) look at music as a subject...music as a job creator. Music can be a job on its own

100) Now people are just realizing now that music is not for...you know these

101) people in the village they think music is for these people who have failed

102) to go to school...the drop out...because they will play music to get a drink

103) [for a reward]. So even in the beginning, that is how people...that attitude,

104) some people remain with it so that by the time a child grows, knows that

*Handwritten notes on the left:*

- \* Western influence to culture
- \* That music in church
- \* Drum in church
- Music & worship
- Western instruments Holy
- Music is bad
- Music rich (math, science)
- Attitude (negative)
- Job (music)
- Music for failures???

*Handwritten notes on the right:*

- Western influence
- Music & faith (worship)
- Music & worship
- Music & worship
- Western influence
- Attitudes
- Attitude richness perception
- Attitude
- Job
- Attitudes

Figure 4.6: A screenshot of an interview transcript showing the three theme levels.

Participant one

Rudimentary idea/theme	1 <sup>st</sup> level Theme	2 <sup>nd</sup> level Theme
<i>Qn.1 About self, lived experiences, learning traditional music?</i>		
Dancer/drummer	Dancing and instrumentation	Fusion of D & I (2)
God-given talent	divine intervention	Divine intervention
Dad's influence	music intergenerational	intergenerational
Love for culture true Muganda	Ethnicity/identity and music	ethnic/identity
Kabaka symbolizes Culture & trad. Music	Kabaka cultural embodiment	cultural symbolism
Politics/wars disruptive	politics/wars and culture	cultural vacuum
Cultural vacuum	interethnic cultural influences	interethnic cultural (3) influences

**Figure 4.7: The analysis ‘sheet’ for each interview showing question number and theme levels**

To the extent that traditional musicians know each other and the field very well, several issues were clarified and confirmed for the research in the data collection exercise. Findings were also discussed with the key informant who helped clarify certain emergent issues in the findings. Although important in some contexts, checking with the key informant was not aimed at determining and measuring ‘inter-coder’ reliability as is often the case in qualitative studies of this nature.

The *second* consideration to ensure trustworthiness of the data and findings involved the researcher ensuring that emergent themes and categories were always checked against ‘raw’ data. This exercise of going back and forth between the analysis sheet and the raw data helped eliminate themes that felt far removed from actual meanings and views articulated by the musicians. This exercise helped to reduce disconnect between the abstract themes (2<sup>nd</sup> level of the IPA) and the raw data (transcripts). *Thirdly*, we used ‘thick descriptions’ in presenting, analyzing and discussing the findings. ‘Thick descriptions’ make extensive use is made of quotations from the raw transcripts to explain specific themes or support certain perspectives as well as tell musicians’ tales. ‘Thick descriptions,’ as shown in the next chapter, are particularly important for a phenomenological study where the goal is capturing and rendering people’s lived experiences in their own words. As earlier mentioned, we acknowledge that for some interviews, the transcripts are translations of the actual interview in which case ‘own words’ were used. In other cases, it is the researcher’s translation and interpretation of the interviews conducted in *Luganda*.

## Chapter Five

### 5.0 Introduction

This chapter presents the study findings under two broad sections. The first section draws from group interviews to examine the current environment in which traditional music is produced and consumed. This section sets the stage for analyzing the study contexts by focusing on two contrasting but complimentary group interviews. The first group, made up of National Council of Folklorists of Uganda (NACOFU) officials, shared with the researcher an interesting marketing campaign NACOFU was implementing for a beer company to introduce a new brand, using traditional music as a vehicle for breaking through cultural barriers. NACOFU is also actively promoting awareness of copyright among traditional musicians with an emphasis on strong protection. The second group interview was conducted with a performing group based in *Iganga*, a small rural town in eastern Uganda. NACOFU officials recommended this particular group to the researcher on grounds that the group had become the ‘hunting ground’ for some contemporary artists from *Busoga* region. While interacting with this group, we noted NACOFU’s influence, particularly the use of protectionist rhetoric and emphasis of commercial gains for their music. Previously, the group performed for honor and recognition but not necessarily gain. Owing to the shift in perceptions of the music as a tool for commercial exploitation, stealing of their music is a major concern today. Three instances of misappropriation were shared, each pointing to the changing perceptions towards *ownership* of traditional music.

Due to lack of clarity on the concept of *ownership* of traditional music in Uganda's, NACOFU identified the *Busoga* group as one of the 'vulnerable' groups that has suffered from misappropriation of traditional music. Groups are exploited by non-traditional musicians whose music draws directly from music composed by traditional *Busoga* groups. Additionally, a proprietor of a small recording company was implicated by NACOFU officials for cheating and claiming copyright on music performed by the group. This company went around recording performances of traditional groups including the *Busoga* group and claiming *ownership* on recordings through copyright. We wanted to understand the relationship between the group and the artists as well as the recording company. Being a traditional performing outfit, we were also interested in knowing what group members felt about *ownership* of the music they produce. The section enables us understand the contexts where musicians and the participants live. Secondly, we gain insights into what and how the study contexts shape musicians' views on *ownership*. Put differently, what is it about the musicians' work contexts that influence their perceptions of *ownership*?

Section two of the chapter presents findings from individual interviews focusing on four thematic categories (*experiential/life experiences, industry, music and ownership*) that emerged from empirical data. Consequently we present the study findings by proceeding from general overview of the study context (contextual issues) to the specifics in section two (musicians' lived experiences and construction of *ownership* with its different manifestations). The two sections are not mutually exclusive but inextricably linked parts that eventually coalescent around the notion of *ownership*. Oftentimes themes and issues

raised in one section surface in other sections. Take the example shared in the first group interview where a multinational beer company uses traditional expressive forms and performing groups to market a new beer brand. The example pointed to a shift of traditional musicians and music away from its traditional settings and perceptions towards ‘professionalism’ and commercialization of expressive forms. That change impacts musicians’ perspectives on *ownership* and the role of music in their lives. On the other hand, individual interview data revealed a gradual tendency away from looking at expressive forms as purely cultural resources to expressive forms as the source of musicians’ livelihood.

In *Buganda* region, a participant informed us that the trend started when the *Kabaka Muteesa* instituted a reward system for his musicians that served in the palace. What began as a simple gesture for serving a *kisanja* (work shifts served in the palace), became an expected payment by musicians (more of a salary). A participant complained and implicated the Kingdom for abandoning musicians in increasingly harsh economic environments. He castigated Kingdom officials for being corrupt, alleging that whenever opportunities like foreign travel came up, corrupt kingdom officials selected musicians that offer bribes or those with ‘god fathers’ in the inner circles of the Kingdom. Such complaints were unheard of in the past, since the rewards were purely tokens of appreciations and not mandatory. One would conclude that what started as a sign of appreciation and good gesture by *Kabaka Muteesa* is now construed as obligatory given the current socioeconomic relations.

The shift towards professionalism and commercialization was largely presented by participants as inevitable. Examining the context followed by individual perspectives was preferred as a holistic approach to the study of *ownership* of cultural expressions in Uganda. The approach highlights musicians' struggles to embrace changing socioeconomic realities (contextual issues) while at the same time remain true to traditional roots (personal/individual views).

In the presentation of the group interviews below, quotations from interview transcripts are used extensively to accurately represent participants' views. A reference system was developed to enable moving between the data and the description below. GI means group interview, G means guide (field interview guide) and P refers to participant (each assigned a number). The reference system also identifies page numbers and the exact sentence lines where the quote was picked. Consider the example below.

- 32) P1: yes you came.
- 33) G: so...you see I have come over ten times. Why? Because you bring us
- 34) honor...by playing 'our' music. We are tempted to always bring visitors to see
- 35) 'our' music and see the area. This man is a Muganda, he would have no reason
- 36) to come this side. Coming last time we spent a lot of money ... but when we
- 37) went back he insisted on coming back...and find them. [GI2, 2, 32-37].

The quote was drawn from group interview 2 [GI2,x, xx-xx], page 2 [xx,2,xx-xx] and lines 32-37 [xx,x,320-37].



## 5.2 Group Interviews

We characterize traditional music activities shared by the first group interview as *corporatization of culture*. Corporatization of culture refers to infiltration of traditional music and cultures by the corporate world as well as adoption of the corporate culture by traditional musicians, dancers and related cultural performers. Whereas traditional and customary norms and practices would find such shifts unacceptable, the fast changing environments require that traditional musicians make the necessary changes to exist in the current work environments. The first interview conducted with officials from the National Council of Folklists of Uganda (NACOFU) focused on a project the Council was executing on behalf of Uganda Breweries Limited (UBL). UBL is one of two beer companies in Uganda and a major player in East Africa as an affiliate of the East African Breweries. UBL was introducing a new beer brand *Senator* developed specifically for low income rural areas. Notwithstanding the reasonably low price of *Senator*, challenges remained as to how UBL would penetrate a market perceived as culturally conservative and removed from mainstream economic activities. Besides income levels being low, rural dwellers tend to be insulated from the commercial activities associated with multicultural urban settings.

UBL decided to use traditional performances as vehicles for penetrating the ‘culturally closed’ societies. The NACOFU-UBL partnership pointed to the dynamic relationship between *corporate Uganda* (Ugandan corporations) and traditional performing groups. The relationship entailed performing groups taking on ‘corporate’ identity thereby bringing historically shared cultural resources into mainstream economic activities. The

interview revealed ‘localized’ exploitation of traditional cultural expressions using it to market a beer brand in settings previously out of reach of Uganda’s corporate sector.

Besides the *Senator* project, other issues discussed included the Council, its functions, roles and mandate. First, we introduce NACOFU and its functions as a representative of traditional musicians (individuals and groups) followed by a discussion of the *Senator* project. Lastly, we make some tentative conclusions about Ugandan traditional music context (NACOFU operates nationally so we can make inferences in a Ugandan context). Understanding of the study area enables the appreciation of the contexts in which traditional musicians that participated in individual interviews work and how the context shapes their views on *ownership* of traditional music.

### **5.2.1 National Council of Folklists of Uganda (NACOFU)**

At the time of the fieldwork, NACOFU officials reported an estimated three hundred twenty (320) performing groups in Uganda. According to the officials, the figure was a conservative estimate of national totals. NACOFU cited the exponential growth in performing groups and individuals, and the changing scene of traditional music in Uganda as justification for the creation of the umbrella organization in 2004. NACOFU was to deal with problems and challenges faced by traditional performing artists in addition to mobilizing them to improve their social and economic status. The functions and roles of the Council were, therefore, inextricably linked to identifying economic opportunities for member groups. During the interview, NACOFU officials constantly referred to NACOFU’s potential to create economic opportunities for groups through

mobilization. Consequently, the mission, structures and functions of the organizations were to identify economic opportunities for groups and individuals. The spillover effects would benefit the wider community in form of well preserved and maintained cultural traditions through performances.

- 238) P1: this organization [NACOFU] is essentially a network of two types. It is a  
239) network of folklore practitioners as the ground [forum] for material for  
240) community development. We would like to investigate Ugandan music  
241) and see how it can be developed to compete on the world market starting  
242) with the most important thing. We want to sell the diversity of Uganda.  
243) We will try as much as possible to...because the materials of Uganda is  
244) ... [*comparable*] to the international one. And wherever  
245) there is an opportunity for a buyer, we will be very grateful. [*R: ok...*] at  
246) the moment we are still growing wings. We are simple people as I said we  
247) don't politic about the things we do. [GI1, 11, 238-247].

NACOFU was to retain a national character but allow member organizations based at the grassroots to emerge at the regional and national scenes to benefit from the economic opportunities and environments created by the Council. One beneficiary of NACOFU's activities was *Nile Beat*, the group headed by the second official at the NACOFU interview. *Nile Beat* was cited as NACOFU's success story having worked with the group on the *Senator* project.

- 247) ...Am but we have a few achievements.  
248) And one of them is what I told you about *Nile Beat*. Because *Nile Beat*  
249) has...aha...successfully satisfied Uganda Breweries in advertising their  
250) new brand of beer, which is called Senator. [GI1, 11, 247-250].

The same official indicated that NACOFU was mobilizing traditional groups country-wide to highlight the economic potential of traditional music. However, as the organization claiming to be representing traditional musicians nationally, the Council

needed legitimacy which could only come from mobilizing performing groups nationwide. Additionally, NACOFU's choice of name was selected to garner instant recognition and the much needed legitimacy from traditional groups for NACOFU to address the socioeconomic welfare of those groups. Legitimacy and the economic agenda went hand in hand.

- 728) P1: first of all [*we want to*] teach them, mobilize them. Let them know about one  
729) another and then after that get on...that is why this project of UBL  
730) [*Uganda Breweries Limited*] because National Council could not do that.  
731) It can't do that at the moment. [*R: or why?*] So Nile Beat is in a better  
732) position to run the project and we come as NACOFU [*P2: to oversee...*]  
733) advise, opinion like that. Let the local group. And out of this, there is a lot  
734) of proceedings coming...[*R: financially?*]...Because the name of our  
735) organization down. The moment you start saying National Council...aha,  
736) the Government has come in.[G11, 30, 728-736]

The second official was equally optimistic about NACOFU's roles, which he closely linked to economic agenda for performing groups. His group had just benefited from the *Senator* project. This official noted that despite NACOFU's humble beginning, the organization was effective in carrying out its work. NACOFU's effectiveness was beginning to win legitimacy for itself as the parent body guiding other organizations.

- 890) P2: yeah we are a young organization [NACOFU] like he told you. We are just  
891) growing wings. We are learning to fly. But we do ordinary things in an  
892) extra ordinary manner...I would say. And our culture [approach] is that let actions  
893) speak for us. We don't usually want to blow our trumpet. We do our  
894) simple things but very precise and we hit the impact... so whoever  
895) has eyes and ears will be able to hear and feel it. Like this festival we  
896) have just been doing the *Senator* thing, many people wanted to take it up.  
...  
...

- 903) ...NACOFU is  
 904) just our voice up here...our umbrella. Is our father is here. For us we are  
 905) down here but we want [to] have many strong sons [groups] and ... grow.  
 [GI1, 36-37, 890-905].

Besides mobilizing groups, NACOFU recorded traditional music across the country for posterity but also as a future income generating avenue for performing groups and individual musicians. When the market for the music becomes available in future, the Council intends to sell the music and pay royalties to contributors. Each contributor was asked to provide the next of kin to receive payments (royalties) in case s/he is dead by the time Council makes money off their work. A NACOFU official (not part of group interview) was handling the recording of the music across the country at the time of the fieldwork.

- 744) P1: ...we will put an opportunity for selling  
 745) this music if we have good recordings. John [false name] has good machines but  
 746) I hope they can also produce good music. The aim is we record this  
 747) music...I have given John a letter to introduce him. He designed a  
 748) form which they discuss with both parties and there are lines for  
 749) people...on that form [*to indicate*], if I am not there, who is next, who is next,  
 750) who is next...like that. Because we are talking about future plans now. At  
 751) the moment the Council cannot pay money to these people. We don't have  
 752) that capacity.  
 753) *R: but you want...?*  
 754) P1: we would like them to give the music...then after we have recorded,  
 755) we are going to do two things, one, we put that music in the archive for  
 756) study. Then we will tell people you want to study Ugandan music where?  
 757) from which place? We will put that...I have arranged with this library to  
 758) train our Ugandan people how to do cataloging. They accepted.  
 [GI1, 30-31, 743-758]

Officials reported that different avenues were being used to promote performing groups and individual musicians. One avenue specifically mentioned and emphasized was the

scholarly-commercial approach where Council actively supported local and foreign scholars interested in studying the music. Scholarly activities would improve the visibility of the music, leading to economic exploitation of that music to the benefit of musicians. Officials expected scholars to make Ugandan traditional music ‘competitive’ on the world market.

- 816) P1: ... If it is taken for study....one priority  
817) for the country [NACOFU] has now is to study this music. And see how it can be  
818) developed to compete on the world market. That is a very important  
819) .....and that is why I am telling [you] that while we are promoting  
820) the group, we want people who can study the music. And if there are  
821) people who can even come in [study] the music even if they are not Ugandans as  
822) long as what they are writing[s] will be of benefit to us, we will use it and  
823) come up with something. We would like to invite them. Come and do  
824) that...[GI1, 34, 816-824].

At the time of the interview, use of scholarly activities to promote Ugandan music internationally was already paying off. One official mentioned the case of an American scholar and professor who had adopted his song for courses he teaches at a US institution. According to the officials, cases like these presented opportunities to musicians as well as Africa in general. Traditional music fans in those countries are bound to develop a positive image of the continent, an image reported by the officials as badly damaged by the negative portrayal of Africa. Accordingly, scholars and other foreign music enthusiasts were seen as ambassadors of Ugandan music.

- 825) P2: actually a case in place [point] of that, Mark ...you know Mark  
826) this colleague of mine who did his masters at university here. He used my  
827) song *Amagoombe* to study at the University of Michigan. They  
828) studied that song in his class. But like I said...it depends for what purpose  
829) are you taking that music? Some other people in USA Minneapolis took  
830) my music but this was basically in the local FM there to tell Americans

831) that in Africa other than hunger you hear on radio, the war, the famine  
832) ...all these dirty things you see, there is even this wonderful beautiful  
833) music you can listen to. And how I wish you could go there and see these  
834) people live playing this music. Actually one of the gentleman who was  
835) here about a month ago told me he was going to have a program on  
836) radio twice a week about one hour...and said he wanted to use my  
837) music to tell about his experience in Africa. [GI1, 34-35, 825-837]

Such activities were permissible given the obvious benefits to musicians and the country.

Otherwise NACOFU actively discouraged anything considered exploitative.

837) So those are positive  
838) developments for us because somebody...you have explained the role of  
839) that music...how it was performed, the purpose for which it was sang and  
840) therefore he is like your ambassador, he is your voice. His speaking on our  
841) behalf there. Because you are sure he is not going to commercialize it. Not  
842) taking it on for commercial purposes but there are of course those others  
843) who have got hidden agendas. Somebody is going to do a very wonderful  
844) African movie and wants some African music...might use our local group  
845) here ...but ignorantly a person will give in the music and somebody goes  
846) and mints millions out of that. [GI1, 34-35, 837-846]

Despite the enthusiasm shown towards exploitation of Ugandan music and its economic potential, the above official wondered whether the country had the capacity to monitor against misappropriation and unauthorized exploitation of the music. According to the officials, traditional groups are 'ignorant,' making the task of protecting their music more difficult. On grounds that there was lack of capacity to monitor their activities, officials identified sensitization as the best approach to curb exploitation as well as raising awareness of the potential wealth (music) in musicians' possession.

- 846) ....So those are all things but as James said, do  
847) we have the system which can monitor these things? Do we have the  
848) institutions [state] in place which, can really be able to follow up on these  
things.  
849) We don't have the capacity. [R: as Council?] yes so we begin here....if we  
850) began with the groups by sensitizing them and show them the value of  
851) what they have, the hidden treasure they have in their music, the wealth  
852) they have in their music, then they would guard it jealously...without...  
[GI1, 35, 846-852]

Expectedly, officials were aware of and actively participated in national copyright Act review processes as representatives of traditional musicians and folklists. NACOFU was part of the National Cultural Forum (NCF), a government-civil society forum under the Ministry of Culture, Gender and Social Development for debating policies affecting 'cultures.' The position communicated to member groups country-wide was the need for strong copyright laws if groups were to benefit from their music. Officials based their arguments on what they claimed was historical evidence and practices. NACOFU officials argued that a 'traditional copyright' system historically existed in the villages observed by traditional musicians.

- 108) The fact of the matter is that in local villages,  
109) a group every...whenever they sang a song, traditionally no other person  
110) would sing that song [R: huh?]. They would never ever sing a song which  
111) has...if Matta performed a song and everybody heard him, no other group  
112) that has had that song will copy that song. There was a kind of traditional  
113) copyright which lasted for quite a time. [GI1, 5-6, 108-113].

However even after repeated prompts to elaborate on the nature of that system, officials were unable to cite sufficient historical evidence. Ironically, one official complained that traditional musicians were generally unaware of their rights or the need to enforce



copyright (western or traditional). Consequently, the official perceived musicians as ‘ignorant’ with no ‘perception’ of copyright.

- 202) their own materials. They don’t have a serious perception...even if they
- 203) heard about copyright now, that is not meaningful they are interested in
- 204) getting ...earning some money [P2: out of the music]... [GI1, 9-10, 202-204]

Musicians’ lack of understanding of copyright and failure to treat music as an industry was a major concern for NACOFU. According to the officials, some traditional musicians generally didn’t see music as a source of livelihood, a factor attributed to lack of constant and predictable demand for musicians’ services. Music is an unreliable source of income which was troubling to NACOFU.

- 466) For many of them the concept of having music as an industry in the
- 467) country is not their concern. They do a bit of music once in a while. You
- 468) pay them [with] some water to drink, they go away and go and dig and marry
- 469) other wives. And do other things. When the season for music making comes
- 470) again... [P2: back] ...then the group forms
- 471) up again. But there are some few artists who keep in there. They keep in
- 472) there and continue but they [are] going through thick and thin. They are
- 473) hired for very small money. [GI1, 20, 466-473]

NACOFU saw their role as teaching musicians countrywide about copyright. According to NACOFU, without their intervention to advocate for a copyright-based reward system, the future of traditional music was in jeopardy. Musicians ought to realize some income from their work in order to guarantee the preservation of traditional music. Likewise, without traditional music, cultural identity of traditional communities is under threat since traditional music is the “the very identity” of society. Yet economic reward to those

that engage in preserving the music is not forthcoming. NACOFU officials considered cultural issues as generally ignored at all levels.

- 507) ... We are challenged of course my  
508) hope being [is] that every person that does contribute to continuity of  
509) society they need a reward. The President of the country strongly wants to  
510) be the President because there is a reward. You remove the reward nobody  
511) wants to be the President. A composer is interested to compose if they are  
512) rewarded. So traditional music... the survival of traditional music methods  
513) but if these people continually go on you know uncared for, they put in  
514) whatever they do, they go through thick and thin and nobody cares for  
515) them. This music will die completely. And I want to tell you that is the  
516) very identity of this society. We don't have a society without music that  
517) has values of society. [GI1, 21-22, 507-517]

It is particularly important to note the connection NACOFU official drew between musicians' economic wellbeing and the very survival of the traditional music. According to NACOFU official, the demise of the music will in turn lead to the death of social and cultural identity.

The *Senator* project was part of NACOFU's effort to mobilize and empower performing groups nation-wide through a national festival dubbed *Senator Extravaganza*. The festival was a marketing strategy developed by NACOFU and *Nile Beat* for UBL. The project was the focus of our interview with NACOFU officials to highlight the changing scene of tradition music performances in Uganda. On the *Senate Extravaganza*, NACOFU worked with *Nile Beat*, a member organization. The next section describes the festival in detail, highlighting key events and issues of relevance to understanding the study context.

### 5.2.1.1 The Senator Festival

Some 75-80% of Uganda's population in rural areas living off subsistence farming. Although relatively poorer than their urban counterparts, the rural population is a sizable market for a beer company to ignore in light of shrinking and highly competitive urban markets. Rural areas are perceived as poor but also culturally conservative. The decision to introduce *Senator* as beer brand for the rural areas was taken with full knowledge of the economic and cultural barriers. Economically, UBL made *Senator* affordable through price discrimination against locally produced brews. Culturally, a strategy had to be devised to break through cultural barriers. Drinking is a social, cultural activity as well as entertainment in most traditional societies in Africa. Drinking gatherings are rife with cultural practices and norms that cement social fabrics. Music at beer parties, although increasingly full of contemporary themes, are normally representative of the cultures in question not mentioning the dances. According to NACOFU, use of traditional performances involving different performing groups was the best strategy against cultural barriers. UBL approached NACOFU and *Nile Beat* to organize and coordinate the national-wide festival. The festival was to pass as a typical national competition in which traditional performing groups were to participate. However, what NACOFU officials didn't reveal to participating groups was that there was more to the festival. UBL intended to use it as marketing platform for a new beer brand. Working closely with NACOFU, *Nile Beat* carried out the nation-wide recruitment of traditional music groups between August and December 2005. NACOFU, as a representative body of traditional musicians, gave the exercise the much needed legitimacy among performing groups. Competitions for the festival were held at each district, regional and finally national

levels where the winner took six million Uganda shillings (~US \$ 3400). Experts were recruited from music training institutions to serve as judges for the competitions. Involvement of experts and politicians further legitimized the exercise in areas where politicians are revered. In each area, popular groups that “play their own music” were identified and recruited to either compete or entertain people at the festival venues. With financial support from UBL, *Nile Beat* facilitated groups with transport, meals and other logistical needs. Groups performed four items: folk song “typical of that area,” folk dance, solo item of dance and instrument and vocal that is “purely local to the grassroots.” The most intriguing of the performances was the ‘*original*’ composition based on *Senator* ingredients as the ‘*theme*.’ Officials suggested that the local nature of the ingredients gave the competition local flavor culturally and economically.

- 286) ...Back to the roots... And  
287) ...what item to composed on the theme...[was] about the ingredients  
288) in... [*PI: components of Senator*]. And it was simple because components  
289) of Senator are very...the usual ones. Rice, Barley, Sugar Cane and water  
290) from Lake Victoria...so and because what they achieve out of this ... you  
291) know Uganda Breweries goes and buys Barley you can't [*get better choice*] ...  
292) ...economically, the community is doing what? Is benefiting. So it  
293) was very simple for them and we even made it bear because the coordinate  
294) of movement, creative dance was also an original composition.  
[GI1, 13, 287-294]

The ingredients are “part of day-to-day living,” according to one of the officials.

Tailoring the festival and competition around familiar locally produced foodstuffs or resources of socioeconomic and cultural values, helped localize the brand culturally and economically. People tend to identify with local foods and derivatives, not to mention traditional music and local performing groups. As a result, people easily identified with

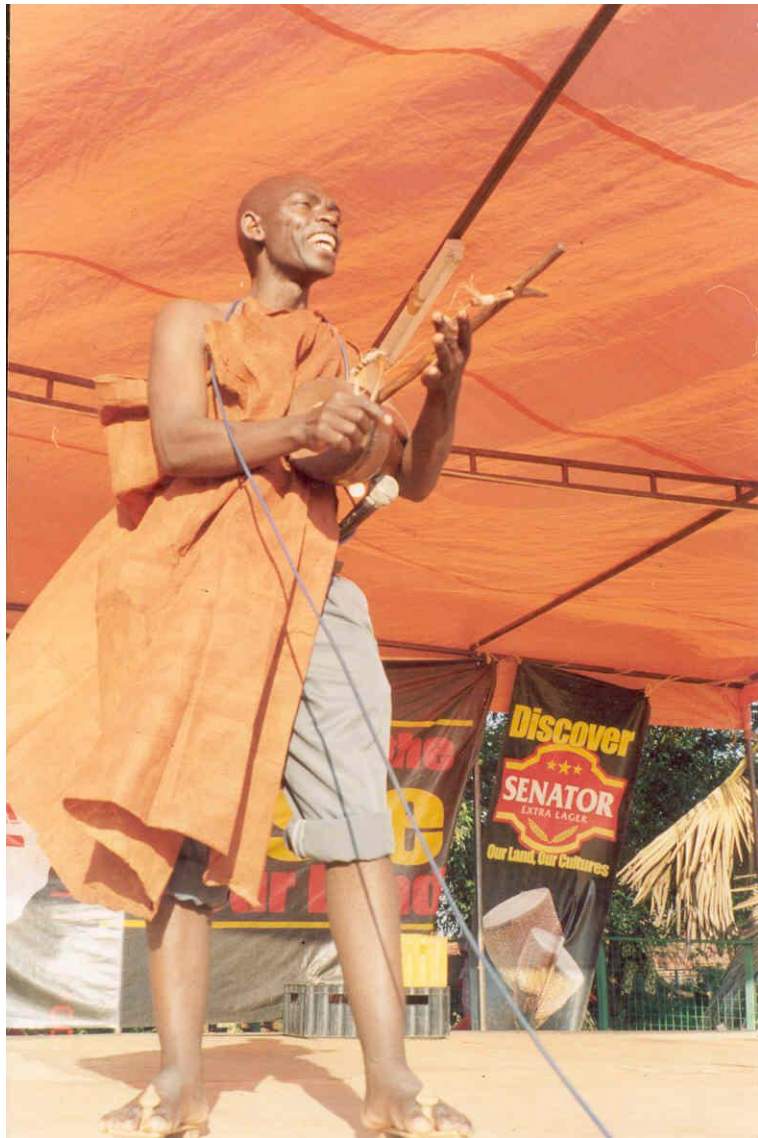
the festival and *Senator* as a product. Besides localization of the brand, we note the emphasis on or claim of ‘originality’ of compositions. Such claims impacts musicians’ construction of *ownership* of resultant music since it is their creation, notwithstanding the fact that the resources used may be culturally shared, locally owned and created by the community. On the marketing side familiarity with resources used to make *Senator* ensured acceptance of the beer brand.

- 416) So what happens is that...and especially with this  
417) brand is so married so well with our folk music because it is made from  
418) things which are grown by the folks with the rice is grown in Busoga  
419) anywhere most of the part of the country...[P1: in Tororo] yes. There is no  
420) rice. Sugarcane you know Kakira Sugar works and Lugazi those are also  
421) very popular. Barley well it’s not all over the country but in Eastern in  
422) Kapchorwa...we are growing Barley. And water from Lake  
423) Victoria...those are things you would say they are cultural...they are part  
424) of our day today living. [GII, 18, 416-424]

The ingredients are traditionally staple foods to most people, particularly in the eastern part of the country. According to the officials, the festival had a significant and immediate impact on beer sales.

- 253) P2: within ten months it is the most selling beer in the country  
...  
255) P1: it is the most selling beer now because of the model of advertising.  
256) The music they have used to reach the people whom they  
257) targeted...because their target was sell this beer to the local Ugandan in  
258) the village. So what that has done because when you see cars in Kampala  
259) you think [in] Uganda everybody is rich... [GII, 12, 253-259]

With wide appreciation for traditional music in rural dwellings and the local performances (as shown in Figures 5.1-5.5), *Senator* became the most popular brand, creating what one official termed “crisis for producing Senator.” UBL had “demand for Senator which they could not cope with.”



**Fig. 5.1 Sole performing musician at a Senator Festival**



**Fig 5.2 Group dance competition**



**Fig 5.3 Music Ensemble competition**





**Fig 5.4 Instrument Competition**



**Fig 5.5 Colorful promotional poster**

Given the successful launch of *Senator* brand, the question that necessarily remained was what is it about traditional music that entralls people so that a new beer brand was successfully marketed in culturally closed rural communities through traditional performances. One official observed that traditional performing groups play important functions in societies because, “as folk musicians...we disseminate information...we are custodians of these unrecorded events.” Officials noted that to the rural communities, the festival was one of their ‘seasonal’ competitive cultural events usually meant to cement social cohesive forces. The festival was also a cultural event for displaying outstanding performances rewarded monetarily, as well as afforded public recognition. Indeed, to a casual observer, noted an official, the *festival* was just that one of the usual competitive festivals occasionally put up by rural communities. But behind this particular festival was a well crafted corporate strategy to extend UBL’s market to rural area using traditional performances to break through cultural barriers. UBL was an ‘outsider’ sponsoring but not ‘influencing’ events since “they [UBL] were telling us to use our own music...nothing they are imposing on us...what they are telling us to compose about is something that we know” noted the head of *Nile Beat*. Evidentially, the NACOFU/Nile Beat-UBL partnership and the festival in particular provided important insights on the changing face of traditional music in Uganda. Increasingly, musicians are re-inventing traditional music by re-thinking its place, roles and functions in the increasingly market-oriented Uganda society. As a result, mainstream corporate entities are jumping onto opportunities to use it as a vehicle for marketing their products and services. The NACOFU/UBL case offers useful insights on the contexts in which musicians live and work. Most importantly, new traditional music forms are emerging drawing from

historically shared resources to create new forms and contemporary themes that appeal to the market-oriented societies, as well as individuals still engrained in the traditional values and ethos. The question necessarily is what does the partnership, festival and the remarkable changes in contexts portrayed mean for traditional musicians and *ownership* of music? Below we offer tentative conclusions about the context, music and impact on musicians' perception of the music.

#### **5.2.1.2 Changing face of culture groups and traditional music**

Notwithstanding the pessimistic and desperate portrayal of traditional musicians in rural areas by NACOFU official, the NACOFU/Nile Beat-UBL partnership only points to the changing contexts in which traditional music is made and consumed. As noted earlier, in the past traditional performing groups, particularly in *Buganda* region, were rewarded in non-monetary forms. Rewards ranged from local brew to *emere yabagoma* (food for performers). Today, traditional groups are partly pursuing economic opportunities due to the changing socioeconomic relations. Musicians are deconstructing historically relevant cultural practices and values that would impede the very survival of traditional music if followed to the 'letter.' For instance, the desire by capital-driven corporations to expand to 'virgin' territories requires *culturally responsive* approaches. The partnership with performing groups provides excellent avenues as was demonstrated by the NACOFU/UBL partnership. The intention, on the part of corporations, is not necessarily to preserve or promote cultures but to expand of markets to culturally closed societies and settings. The mutual relationship between UBL and cultural groups, particularly *Nile Beat*, is one increasingly shaped by the market-oriented approach of traditional

musicians. It is a shift increasingly advantageous to corporations as well as performing groups, but pits the latter against cultural norms and practices. The *Senator* cultural festival was not necessarily the first partnership between Ugandan musicians and corporations particularly beer companies. Several non-traditional or contemporary musicians promote company products. Likewise it was not the first national cultural festivals organized to showcase regional or ethnical-based cultures. However, the *Senator* festival set new directions for traditional performing groups, given the corporate economics underlying the events.

Was the festival a case of misappropriation of cultural resources to serve corporate interests or a mutually beneficial relationship between corporation and cultural groups?

The *Senator Extravaganza* takes a slightly different approach to corporate control of cultural resources given the indirect appropriation of traditional cultural expression.

Neither UBL nor *Nile Beat* made *ownership* claims over musical productions from the festival. Yet they used traditional cultural groups to secure what the head of *Nile Beat* term cheapest publicity “anywhere in the world.” That can be construed as misappropriation of cultural resources, only that both parties benefited from publicity which went both ways. Groups were “being given exposure...they were being given the opportunity to come out and challenge whoever thought was better than X or Y” noted the head of Nile Beat. *Nile Beat*, the organizers, looked at the festival as a unique opportunity to promote and, in some cases, rediscover lost cultures. The head of *Nile Beat* suggested that cultural groups benefited from the festival in different ways.

294) So to the

295) groups...this was an opportunity. Those which have never been heard



296) of...those which thought they were the giants of those areas were given  
 297) thorough beating ...[R: huh...?] all laugh. Yes because at the district they  
 298) had to win one hundred thousand shillings [~\$70] and a few t-shirts and  
 299) caps. Then at the regional the winner had to take about three hundred  
 300) shillings [~\$ 210] and the runners up about one hundred another like that.  
 301) So at the end of this if it was so competitive and everybody was trying to  
 302) polish [*the festival*] becoming even academic...how do I now beat...what  
 are they  
 303) looking for in this music. So they also started now becoming very creative.  
 304) Or so this one beat me because I didn't use steps...they beat me because I  
 305) didn't have good costumes? They beat me because the quality of my  
 306) instruments was not good. It became so effective so from one level to the  
 307) next level it was becoming more stiff...more stiff. At the regional  
 308) actually...[G11, 13, 294-308].

As noted earlier and further elaborated later, the Festival occurred at a historical moment when traditional cultural performances were changing roles and identity, as evidenced through formation of professional performing groups or troupes. UBL and *Nile Beat* only extended the scope of an already ongoing process started by traditional cultural groups themselves in the quest for economic opportunities. As the NACOFU official observed earlier, the groups and individual musicians must exist, otherwise traditional music and local cultures in Uganda will soon disappear. We also noted attempts at reorganizing traditional music through 'original compositions,' an element likely to impact the way performing groups responsible for the 'original compositions' perceive *ownership*.

## 5.2.2 Traditional music as a hunting ground

### 5.2.2.1 About the group

We conducted the second group interview with a traditional group based in a small village in a rural eastern district of *Iganga*. The group is headed by an elderly (and sickly) musician, *Nathan Matta*. Owing to his demonstrated knowledge of traditional music on

*Busoga* and long period as a musician, *Matta* is popularly known as *Busoga's moving dictionary*. The group has been around since 1958 but some members only joined the group recently. Group members are not fulltime performers. As NACOFU officials observed about performing groups in Uganda, this particular group only performs occasionally. The group goes around neighboring villages playing at local bars, village gathering and trading centers. On a typical performing day, members walk from one village to village making frequent stops to play for small audiences before moving on to the next venue. They are rewarded in monetary and non-monetary terms (e.g. local brew, food, winning over girlfriends, etc). Everybody in the audience contributes until the required fee per song (*UG Shs 500*) is raised.

- 226) P1: yes they collect from whoever is there to watch... [*basonda sonda*  
 227) *owekikumi, owebibili*]  
 228) G: they contribute one hundred, two hundred...  
 229) P5: till they raise the five hundred...  
 230) G: until they raise that five hundred...  
 231) P1: that is one song...they then collect for another...  
 232) G: after that when the song has ended and they want more, they  
 233) contribute again.  
 234) P3: after ten songs, that is our five thousand shillings for the day  
 235) G: when you get ten songs then your five thousand is made?  
 236) R: or five thousand...  
 237) G: yes when they get ten songs...play ten songs, at five ...five...  
 238) P3: if we play another ten...  
 239) G: then ten thousand...they go to another place, play five songs, that is  
 240) already ten thousand [not exactly]...  
 241) P1: if we play twenty...  
 242) G: if they still continue...if they go and may be...depending on the  
 243) market...on the interest, they play twenty songs, they know that is at least  
 244) their...what? Their...ar..ar...twenty thousand...  
 245) P1: we retire with fifty thousand that will be good for the day....  
 [GI2, 12-13, 226-245]

On our first trip (with my guide) on a Sunday morning, we narrowly missed the group at one of the member's small grass thatched house (see pictures in previous chapter). We attempted to track the group through narrow village paths but at each stop we were informed that the group had moved on to the next town. From Iganga town, the village sojourn took us through six trading centers: *Namungalwe, Naluko, Nabitende, Itanda, Bugono, Kawete* and back to *Namungalwe* and then *Iganga* town where the group leader lives in a dilapidate house. Lack of phone contacts, irregular and unpredictable movement made it difficult to locate the group.<sup>22</sup> Later that week, we learnt that the group had spent more time than usual at a venue we never visited. Already we note the desperate environment in which the group lives and circumstances of the group that best exemplify the poor state of performing groups nation-wide, highlighted earlier by NACOFU officials. In such a sorry state, performing groups are susceptible to exploitation, real or imagined. The interview with the group revealed three interesting cases of misappropriation of music belonging to the group.

First, was the case of a recording company with whom the group had a relationship that went wrong. The proprietor of the company 'cheated' the group by claiming copyright on their music. The second incident involved a popular musician that allegedly 'stole' songs 'belonging' to the group (*or Matta*). The third involved yet another group of young musicians who copied a song belonging to the group and 'spoilt it,' as my guide put it.

---

<sup>22</sup> The researcher contributed money to purchasing a phone for the group to ease communications amongst members and other acquaintances like the researcher.



### 5.2.2.2 Group as Hunting ground

The first case involving a small recording company was brought to our attention by NACOFU officials as an example of companies exploiting ‘uninformed’ traditional musicians. Initially, the proprietor of the recording company entered into contractual agreements with the group to record their music. Eventually formal agreements were abandoned since the two parties were known to each other at which point they settled for gentleman’s agreements.

- 317) P3: at first, he told us that if you think I can cheat you, let’s make an  
318) agreement. Eventually we found him polite, honest and friendly  
319) person...whenever we went, he would pay us promptly. Consequently,  
320) we decided not to waste time on contracts...we had become friends  
321) and brothers. We abandoned agreements. We would go play and received  
322) portions of our pay on the understanding that the balance would be paid  
later.  
323) He would tell us when to collect the balance. He promptly paid us when  
324) we showed up. But eventually he started defaulting...[G: *the Mzee –Matta*  
325) *was getting weak....now he cannot now...now*]  
326) P4: he [*Mukembo*] didn’t have a car....[G: ehee...that he had no even any  
327) car]  
328) P2: he even bought a car...  
329) G: he has vehicles, he has built ...even the wife, who sold tapes in the  
330) shop, detested seeing them [*group members*]...[GI2, 17-18, 317-330]

According to the group, the proprietor started defaulting and seemed to have accumulated wealth at the expense of the group. The relationship deteriorated to the extent that group members were mistreated whenever they went to collect their fees from him.

- 281) P4: we got problems with him...[G: *which ones?*]...[R: *like which ones?*]  
282) Ps: money related....[G: he would not pay you?]  
283) Ps: yes...we stopped giving him songs...[G: ohh...sorry...you decide that  
284) you rather walk...]. We would beg him to pay but nothing...[no  
payments]  
285) G: *because I used to see recorded tapes from Mukembo.*

- 286) P4: when we go to his house [to collect our money] and he dismissed us  
287) from a distance—didn't make us feel welcome...  
288) [G: *ooh...sorry...*]...complaining  
289) R: *what did he say [my guide got carried away and forgot to translate for*  
290) *me!]*  
291) G: the way he has been really despising them. Before he even looks at  
292) them, say they have gone to ask for their money, he will 'bark' at them as  
293) if he is barking at young people...he chases them away complaining that  
294) money is scarce [despite his commitment on recording their music] when  
295) already he has taken their music.  
296) P4: when it's us that make sales for him.  
297) G: they say they are the reason his business is operational...but would see  
298) them from a distance and chase them away.  
299) P1: we were angered by his actions and severed relationship with him...  
300) R: *did he pay you any money?*  
301) Ps: yes...he did [R: around how much?]. . .around five hundred shillings  
302) [~US \$ 250].  
303) G: for how many songs?  
304) P1: like six songs...[GI2, 15-16, 281-304]

Ironically the group was unhappy about payments and mistreatment. NACOFU officials, on the other hand, (including my guide) were more concerned about the intellectual rights of the group in the music. We (with my guide) tracked down the proprietor of the company to learn more about his relationship with the group. Under the cover of inquiring and purchasing traditional music cassette tapes from him (he worked with several musicians), we were able to ask questions regarding his relationship with groups like *Matta's*. The proprietor revealed that he always paid off musicians by buying back copyrights from them. However it wasn't clear whether that was the case since that wasn't explicitly mentioned in agreements between the parties. According to the group, he only paid for the actual recordings.

The second case of 'stealing' from the group involved a well known contemporary musician whose music is popular in and out of Uganda. The musician blends western pop

beats with traditional *soga* [*Basoga*] folk music. It turned out that some of her popular hits were originally composed by Matta's group. *Mbasalizaki* is one of the songs claimed to have been misappropriated by the popular musician. Like the recording company executive, the musician paid the group for the songs but it wasn't entirely clear whether the rights in those songs were part of the purchase.

- 375) P1: who sang it [*Mbasalizaki*]? Jane (*not real name*)...  
376) G: Jane...  
377) R: *hmmm....but you were the first ones to sing it...?*  
378) Ps: yes...  
379) G: ofcourse they got recordings from them, went and changed it...  
380) R: did Jane seek your permission to use your song?  
381) G: translates in Lusoga...  
382) P3: she did...  
383) G: ehe...  
384) P3: she came...  
385) R: *hmm...?*  
386) P3: don't you remember? [Asking Matta]  
387) P1: yes...we were down there...  
388) P3: she came and asked  
389) P1: at her mother's school...  
390) P2: we went to her mother's school...  
391) G: even *Vooto* she got your permission?  
392) Ps: yes...  
393) G: even *Vooto*, she requested for the song...[GI2,20-21, 375-393]

Unlike the previous case and despite the payments made for the songs, the group indicated that the agreement was for the musician to *kusakamuku lwabigambo*... [get words and ideas] but not claim *ownership* of the entire song.

- 431) ... R: *Now about this song. When you gave Jane*  
432) *permission, did you give her ownership of the song or just to sing it?*  
433) G: just singing but retain ownership?  
434) P1: just singing...  
435) Ps: to get words and idea out of it...[*kusakamuku lwabigambo*...]  
436) G: they gave her just to...  
437) P4: but not that she owns it...  
438) R: *do you feel ...?*

- 439) G: that it is yours? She was just *kusakamu bigambo* [get out words], the  
 440) beats and flow?  
 441) P4: she was supposed to compose her own drawing ideas from ours....  
 442) G: they are saying they gave her the music but she had to change the  
 443) wording...not the whole thing...the copyright remained on their side  
 444) [*ofcourse one notes lack of such term in their explanation—based on my*  
 445) *limited understanding of the language*] that is why they say *yayiya* she  
 446) created her own words but it's not her songs. It remains theirs.

That said, the group did not provide evidence of any agreement that explicitly stated the intellectual aspects. Again it was a verbal gentleman's agreement. The group claimed that Jane did not own the song but the group. No other person could sing his song because it belonged to Matta.

- 447) *R: if someone else from around here wants to sing this same song, would*  
 448) *you charge such a person?*  
 449) P1: yes...  
 450) G: has to pay?  
 451) *R: anybody sings that song around here in Iganga? Or Busoga?*  
 452) Ps: no none...  
 453) *R: why?*  
 454) P4: it is Matta's song... "*Oyimba Olwemba lwa Matta*" [singing Matta's song]  
 455) G: It's Matta's ...so when you sing people will say he is singing Matta's  
 456) song...  
 457) P5: they will say the one you are singing [what] is not yours we know the owner  
 458) [as translated by G]  
 459) G: why? If he sings it badly they say he is spoiling...they look as if they are  
 460) just spoiling someone's what? Song...  
 461) *R: meaning people won't appreciate it?*  
 462) Ps: yes...  
 463) G: in fact listeners will be quick to point out to him that he is 'spoiling'  
 464) another person's song...  
 465) P2: the song is not yours....[G: song is not yours its for Matta]  
 [GI2, 23-25, 430-465]

Later in the discussion, it became clear that the *ownership* question centered on the money the ‘stealing’ musician was getting that the group assumed would accrue to them. Jane used state of the art technology which improved the quality of song tremendously. The ‘new’ improved song out competed the original composition.

- 581) G: he says when you compare Mzee’s songs and Jane, Jane’s is  
582) better because she has equipment which enhances the sound quality...yet  
Mzee’s  
583) would be more valuable and educational...but is working here locally...  
[GI2, 31, 581-583].

Again we find the quest for material gain and intellectual rights in the works at play in this case but still not well spelled out by the group save for what my guide, a NACOFU official, reported to be the central problem between the group and Jane. We also note the complex chain of production of new forms from *Matta*, who draws from *soga* folk music, to Jane, who draws from *Matta* to create her ‘own’ form. Whereas in the past, and in some cases as pointed by some of the musicians later, *ownership* of subsequent version was never an issue. Today, in an increasingly market-oriented environments, musicians are increasingly attentive to the emergent forms for traces of ‘copying’ or stealing. The ‘copying’ and ‘stealing’ will remain problematic and controversial so are the claims of *ownership* over those forms. On the latter, this study took the position that traditional collectivist values should not hinder claims on subsequent forms by traditional musicians for the benefit of preserving and maintaining the music.

The third last case shared by the Group also involved ‘stealing’ music from the group by a group of young musicians from *Busoga* that were enrolled at university. These were

also accused of ‘stealing’ as well as spoiling or adulterating group songs. They never sought permission neither did they pay the group for the songs.

- 468) P1: the Makerere people...  
469) Ps: yes Makerere....  
470) P1: they are stealing from me...  
471) G: ohoo...he is saying that the Makerere people stole the song they are  
472) going to play...  
473) P1: *mumuvangano gwakyabazinga*  
474) G: there was a get-together called *muvangano* for the *Kyabazinga* [*Busoga*  
475) King]. So when they met him...they came there but when they met him,  
476) they stole that song from him. He is saying they simply stole it...the  
477) Makerere  
478) *R: which Makerere?*  
479) G: Makerere University...  
480) P3: Makerere...the time they produced it, it had not even produced. They  
481) sang it there [at get-together]  
482) G: the day they listened to that song, they sang it there and then and  
483) brought out a tape... I have heard it...on radio.  
484) P4: is it on radio?  
485) G: you know there were functions at the Crested Crane...I had it play and  
486) felt bad...  
487) *R: who are they?*  
488) G: Ragga Dee? [Ps: yes] ...that group...the city Group of Raga Dee. It’s  
489) the same group [*not accurate because Raga Dee is not Musoga—I*  
*crosschecked*  
490) *and it was Mega Dee!*]. So someone when they came for that function,  
they sing  
491) the song and they played there and then and even produced what...when  
492) you listen to them playing and you listen to the other one, you will know  
493) that they are spoiling...[*adulterating*] they are not doing it the way it is  
494) supposed to be done....[GI2, 25-26, 468-494]

It is not clear whether the accused group felt it was ‘stealing’ Matta’s song. If they did, why perform it at the same function *Matta’s* group was making an appearance. The acrimonious relationship between the group and the musicians in the three cases doesn’t point to lack of understanding of *ownership* of traditional music as it does to the changing perception of that *ownership*. There seems to remain some confusion as to what forms can be owned by who, especially if they contain strong traditional or folkloric flavors.

However, we can tentatively say that the three cases taken together reveal the repositioning traditional groups are making on the basis of mobilization and awareness created by NACOFU. *Matta's* group, whose primary source of livelihood was for a long time public performances in the village for small fees, is now engaging in contracts and agreements involving slightly more money. Likewise, under the influence of NACOFU, the group is talking about intellectual rights in their music.

We cannot claim to have covered the entire spectrum of traditional music contexts in *Buganda* and *Busoga*, let alone Uganda. But the two group interviews reveal much about the environment in which traditional music is made in contemporary times. Traditional performing groups are somewhat organized under a national umbrella organization whose activities are beginning to bear on membership (evidenced by the *Busoga* group). NACOFU places great emphasis on economic benefits for musicians and groups. Coupled with an increasingly market-oriented society in the regions studied, musicians' perception of *ownership* is bound to be impacted leading to a shift away from the historically collectivist to more individualistic tendencies. We approached individual interviews in the next section bearing in mind the contexts in which those musicians live and work, and its likely impact on the way they perceived *ownership* of traditional music or music based on traditional resources.

### **5.3 Individual interviews**

During data collection, individual participants were invited to share their perspectives on *ownership* based on lived experiences. *Ownership* of expressive forms was, therefore,

constructed and approached as part of an individual's broader life narrative and culture. However, in examining the different facets of the musician's life story, an interview guide (Appendix A) was used to keep the conversation focused on the central phenomenon of *ownership*. Several thematic categories reflecting musicians' life experiences and perspectives on *ownership* and related themes emerged from the analysis of the data. These include: *experiential*, *the industry*, *musician*, and *ownership*. Table 5.1 below shows the four thematic categories and associated sub-themes. Thematic categories and sub-themes were created by the researcher or picked up from the interview transcript as mentioned by participants. The latter was true for interviews conducted in English where participants used specific language, terms or concepts to describe themselves, traditional music or *ownership* of traditional expressive forms. Quotations from original transcripts are used extensively to bring out musicians' views and perspectives on the different dimensions of the sub-themes.

A referencing system was developed to facilitate the presentation and discussion of findings in this and other chapters. The system identifies the participant followed by the page number and lastly the exact transcript lines where the quote was drawn. Take the example below:

- 75) before I came to the university [*Makerere*] I didn't ... I wasn't so much  
may be I
- 76) knew I didn't have enough motivation to find out more about these  
cultural things
- 77) but when I came to Makerere, it was impacted upon me to find out about  
these
- 78) other the kind of experience, the traditional artists ... especially [cut] than  
the
- 79) contemporary in the music world. At that time, traditional musicians were  
really [P7, 4, 75-79].



**Table 5.1 Thematic Categories and associated sub-themes**

<b>Thematic Category</b>	<b>Sub-themes or Descriptors</b>
<i>Experiential</i>	Self-efficacy, Learning, Livelihood, functional roles, appreciation, dynamism, preservation, westernization, cultural institutions and professionalism
<i>The industry</i>	Cultural institutions, appreciation, bleak, dynamism, professionalism, self-efficacy, stealing, livelihood, functional, westernization, identity, creativity and morality
<i>Musician</i>	Personality traits, attributes, instrumentation, identity, westernization, appreciation, rhythm, language, professional, cultural institutions and preservation
<i>Ownership</i>	Cultural institutions, Originality, Self-efficacy, Own, Individual, Authorities, rights, groups, professionalism, preservation, livelihood, Westernization, Learning, Identity, didactic, culture and national heritage

The reference system identifies the quote as coming from participant 7 [P7, xx, xx-xx], page 4 [xx, 4, xx-xx] and lines 75 through 79 [xx, xx, 75-79].

The next section is a brief description of each thematic category followed by detailed discussions of each and associated sub-themes. Note that some quotations are preceded with letters P or R where P stands for *Participant* and R refers to *Researcher*.

As discussed earlier, thematic categories were generated through the Interpretive Phenomenological Approach (IPA). They reflect the questions put to the participants and the sub-themes or descriptors assigned to the responses to the questions. Under the *experiential* category, participants shared their lived experiences focusing on their personal lives and stories as musicians. Some of the sub-themes that emerged under *experiential* include *self-efficacy* of the individual, *learning* music and the instruments, *livelihood* of the musician, *functional roles* of the music in their lives, and *appreciation* of the individual by society, among others. *The industry* category is a personal account and characterization of the music industry with specific focus on traditional music. Some sub-themes under this category include *self-efficacy* of musicians other than self, *dynamism* in the industry and of traditional expressive forms, *appreciation* by society. The *musician* category is a description of the ideal traditional musician including personal traits and attributes. This category offers insights on the roles, obligations and expectations of the traditional musician in society. The main sub-themes are *personal traits*, *attributes*, *instrumentation*, *identity* and *westernization*. The last category, *ownership*, presents the main description of what it means to own traditional creative

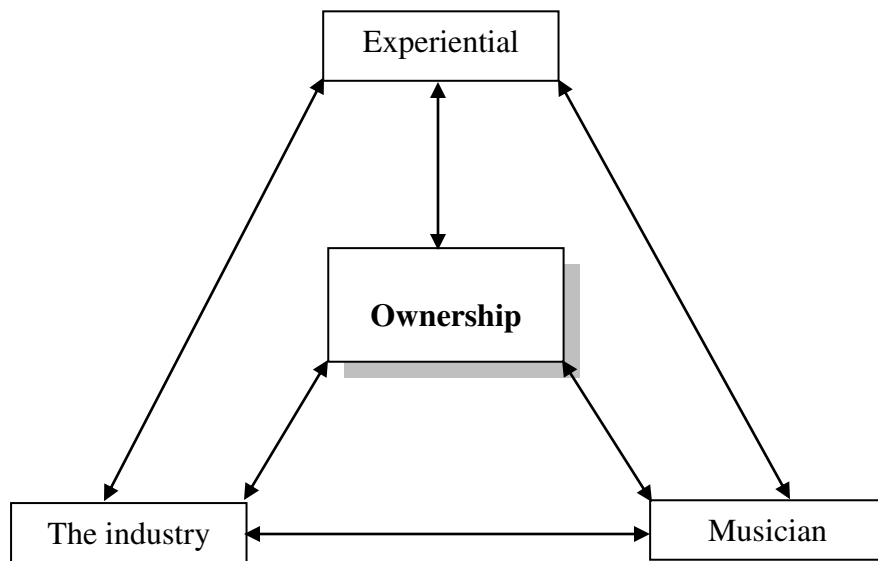
expressions, or lack thereof. Some sub-themes under the *ownership* category include: *cultural institutions, originality, self-efficacy, own, individuals, authority, rights, groups, preservation, and westernization* among others.

Owing to its prominence across categories, *professionalism* or *professional* as a sub-theme could have been presented as a thematic category on its own, but we preferred to retain it as an integrating sub-theme (that is cutting across thematic categories). As the sub-theme that cuts across categories, *professionalism* points to the interrelationships among thematic categories. *Professionalism* as a sub-theme points to aspects of the data that reveals how musicians are re-organizing, adapting or repositioning to deal with the changing socioeconomic, cultural and political challenges. Across the four thematic categories, *professionalism* was associated with professional groups, changing functions or roles of music in society, commercialism, musicians' livelihood, intergenerational bridge (of and by professional groups), and preservation (through professionalism). *Cultural or culture* is another theme that was implicitly or explicitly mentioned across categories. It is subsumed and integral to all categories. A separate thematic category could have been created to accommodate cultural practices and nuances specific to the music of the groups studied (*Baganda* and *Basoga*). Such practices illustrate the extricable link between music and culture but also the centrality of cultural practices in the definition and perception of *ownership*. However, separating cultural practices (as a thematic category) from other aspects of the music represented by thematic categories would disengage those cultural practices from the music and societies in general. In the course of discussing each thematic category, we point to specific cultural practices in

order not to divorce them from traditional music. The researcher recognizes that culture is closely linked to every aspect of people's lives and resources, music inclusive.

As stated above, and shown in *Figure 5.6* below, several thematic categories are closely linked through shared sub-themes or descriptors. Sub-themes under each thematic category, *ownership* in particular, attempt to bring out relationships among thematic categories. *Westernization* is shared between *experiential* and *ownership* where it reflects positive aspects of western influence such as fusion that leads to new forms.

*Westernization* also carries negative connotation such as the dearth of some forms under the heavy influence of western entertainment forms. *Cultural institutions* appears under *experiential*, *the industry*, *musician* and *ownership*. In a few cases, the shared sub-themes or descriptors carry slightly different meaning or emphasis. *Cultural institution* under the *experiential* thematic category, emphasizes the role institutions play in shaping individual musician's learning and lived experience. *Cultural institutions* under *industry* are perceived and framed as sociocultural, political and institutional frameworks under which traditional music is promoted and shaped in addition to influencing individual musicians. In the final analysis, these interrelationships and more have a bearing on musicians' construction of *ownership* of creative expressions as does the broad context examined earlier in group interviews. The discussion of findings ends with a closer examination of the commonalities amongst categories which spill over to the next chapter where findings are discussed. In the same chapter, recommendations on how to sort out *ownership* questions surrounding traditional expressive forms are put forward.



**Figure 5.6 Interrelationships amongst thematic descriptors**

### 5.3.1 Musicians' Lived Experiences (*Experiential*)

*“I think I was a musician when I was still in my mother’s womb...because my father was a musician, my grand father was a musician...”*

The study of *ownership* of expressive forms is greatly enriched by understanding the broader life experiences of musicians including how they learnt traditional music, playing and/or making instruments, places of birth, upbringing or places visited in the course of their careers, historically significant events or moments in personal career, and other significant personal details. These form a musician’s personal story that shaped their perspectives on *ownership*. We asked musicians about broader life narratives not necessarily to predict their perspectives on *ownership* but to understand which life experiences shaped their perspectives on *ownership* of expressive forms. As the entry point into the conversation, participants were invited to tell the researcher about themselves by prompting them to: ‘*Tell me about yourself.*’ Such an open-ended question lends itself to interesting narratives about musicians’ life experiences. Although the term *experiential* or the related concept *experience* or even the phrase ‘*lived experience*’ may not accurately convey everything participants mentioned when prompted about their lives. Much of what was narrated reflects significant life histories in the musician’s careers. Life experiences are captured in the following sub-themes: *Self-efficacy, Learning, Livelihood, functional roles, appreciation, dynamism, preservation, westernization, cultural institution and professionalism.*

*Self-efficacy* described aspects of the musician's life experience that captures personal attributes that weaved into their music life histories. Such attributes reflect things musicians were generally proud of; often participants wanted to start the conversations by pointing out these elements. Source of musical talent was one such attribute. Origin of musical talent at times pointed to the individual's musical life and influences which in turn reflected their views on the question of *ownership* of expressive forms. We were interested in knowing to what musicians attributed their musical talent as part of the learning and broader life experiences. Several invoked God's intervention in the making of their music career or a family's musical background or both. Musicians used phrases like '*God-given talent*' to account for their musical talent or '*born musician*' by virtue of the family's musical background. In both cases musicians associated the molding of their musical talent with cultural institutions like the *Buganda* palace where some serve, or their parents once served as musicians. Because members of ethnic communities are closely tied to their cultural institutions such as kingdoms, these served to reinforce the learning and performing of traditional music among young people.

- 42) ...my Dad introduced and made me love traditional musical instruments.  
 43) Because my Dad talked a lot about cultural institution (*obwakabaka-Buganda*  
 44) *cultural institution*). He used to talk about the glory of *obwakabaka* and  
 the  
 45) instruments that were played then. He was a true *muganda* man. So I went  
 ahead  
 46) with this job. The challenge with this job is both surprising and not but I  
 can't  
 47) blame it on anyone. For one reason, you will note that when King Edward  
 48) Muteesa II (*Sekabaka Sir Edward Muteesa*) was exiled, the value of  
 traditional  
 49) instruments [music] diminished completely. Completely! [P1, 2, 42-49].

Besides parental influence, we note from above that the importance of cultural institutions went beyond honing of musical talent to popularizing of traditional expressive forms. Even more apparent is the link between the cultural institution, the *Kabaka* (king) and traditional music in the kingdom. This link is further examined in other thematic categories, where musicians mentioned that serving the *Kabaka* was such a great honor because all good things belonged to the *Kabaka*. The *Kabaka* only requested and accepted the very best, musicians inclusive. Although not required, a *Kabaka's* musician was expected to motivate and train his off spring to follow in his footsteps. Acceptance of one's child as *Kabaka's* musician was even more honor to the parent and the family. Participant five, a son of a prominent royal musician, the late Albert Ssempeke, revealed that his musical talent was shaped by his dad whose fame he briefly enjoyed. He cited an incident that was to change his perspective to traditional music as well as launch his own musical career:

108) ... Onetime, there was a function for the  
109) King, in 1993, when he was still Ssabataka before he became the Kabaka.  
110) The function was inter-clan soccer tournament at Nakivubo. My Dad told  
111) me to join him for the show at Nakivubo. He bought me Ndongo. We put  
112) on tunic and sat close to the Kabaka. People were asking my Dad who I  
113) was. He told them this is my son an upcoming musician. You can imagine  
114) the honor. People were happy that Ssempeke was training his  
115) child. I became known instantly. We played the first, second and third  
116) song. The Kabaka was impressed. He came shook hands with us,  
117) inspected the teams. From that day I realized just how important music  
118) was and how much I had missed. [P5, 5, 108-118].

Meeting the *Kabaka*, and the whole experience of working with his dad, formed a significant part of his formative stages as a musician. Family influence of musical talent wasn't necessarily based on parents being musicians as noted in the previous case [P1, 2,



42-49] where the dad was not a musician but passionate about the *Kabakaship*. Thus, we find family and cultural institutions playing central roles in the identification and grooming young musical talents.

The second sub-theme associated with the participants' life experiences was *learning* of traditional music specifically playing musical instruments. *Learning* is an important aspect of presenting authentic forms that are representative of certain 'cultures.' As one leader of a professional performing group (participant seven) pointed out to the researcher:

- 317) ...we ... get  
318) an indigenous person and he comes in and gives us the [*teach*] real gist and  
319) ...the authentic [forms]...to emphasize the authenticity of the culture. Because  
320) it is also another thing to present someone's culture and look like you  
321) are defiling [misrepresenting] it...that would be terrible. [P7, 13, 317-321]

*Learning* was often described as intergenerational and by apprenticeship. The intergenerational learning experience was closely associated with the family or parental influence where parents taught their off-springs the intricacies of traditional music and instruments. Participant five mentioned above (Ssempeke's son) noted that learning with the aid of a parent made the process easy.

- 99) ....At night he would give me an assignment to accomplish. The  
100) following day before leaving for work, he would listen to what I learnt. I  
101) would play and improve that the whole day for him to listen to after work.  
102) I would practice the whole day. By the time he gets home, I will have  
103) completed a song and all he does is give me more skills in different  
104) areas...how to play what when and where...finger movements. That made  
105) learning easy. The following day, he would assign another song. After one  
106) week, I had learnt playing three songs. I started doing practice with him. I

- 107) would ask him to show me his techniques on finger movements, which I  
108) would try out with his guidance. [P5, 5, 99-108].

Learning traditional music and instrument playing was always characterized as very difficult, much more difficult than western instruments. Consequently young musicians don't take time to learn the instruments and music before actual performances.

Participant two blamed lack of extensive training and the love for money by young musicians for the poor traditional performances common at public functions today.

- 309) ...Learning the instruments isn't easy.  
310) Someone must be patient. If you recall how we started, if we were not patient  
311) we wouldn't succeed. If one is patient and well behaved, that eases the job  
312) of the teacher—for the teacher to pay all the attention and teach you [the  
313) musician] well. If one is impatient—many fail because of that. They come  
314) here to learn spend two days never to return. A musician has to be  
315) determined, well behaved and patient. He shouldn't be looking at  
316) accumulating wealth quickly but take time to learn. Not learning a thing or  
317) two and then off to experimenting. As an old man we don't like that  
318) There are many such musicians. You attend an important powerful  
319) function only for the musicians to put up a bad performance. That is due to  
320) impatience on the part of the musician who wants to make money before  
321) mastering the art of playing instruments. [P2, 12-13, 309-321].

It is not surprising that musicians that learn through apprenticeship often took longer and the process more cumbersome. Participants shared stories about their learning experiences through apprenticeship. Apprenticeship involves an upcoming musician learning under the watchful eye of an experienced musician. Teachers usually take that job and relationship seriously else they are blamed for producing half-baked musician. Participant two describes his learning experience that started with an encounter with a herdsman who had just moved to his village. The stranger later became a music mentor.

The visitor was an experienced *ndere* [flutist] and often played while grazing his cows. It was the grazing cows that initially attracted the attention of the young man who later became the best flutist in the country.

- 19 ...I started learning to play traditional instruments at age 6. When I was 6  
years  
20) old! In my father's home. Learning to play instruments—there was a  
herdsman  
21) who used to bring cows on our farm. This man had a flute [*endere*] –  
made out of  
22) a small black pipe similar to the electric cabling. He had made it out of  
that.  
23) Whenever he came [to herd the cows] – he would stand on an anthill and  
blow  
24) [play] the flute as cows graze. Whenever I went it wasn't the instrument  
that took  
25) me there. I was interested in the cows – watching them [graze]. There  
were cows  
26) with long horns from Mbarara which were exciting to watch. Since I used  
to go  
27) everyday, I later picked interest in the flute. I requested him to play it.  
When he  
28) accepted, I played it but not playing any particular song. Every time he  
came I  
29) would ask for an opportunity to play until I decided to make my own. I  
went  
30) home and plucked a pawpaw leaf stem [which is hollow]. I cut it neatly  
with a  
31) knife and designed it the way a real flute is made. I made four holes and  
the place  
32) where you blow—which we call *endagile*. On trying, it played well like  
the  
33) real one. But it has sap which injured my lips. I got a wound. But I  
34) continued playing despite the wound. At the time there was a relatively  
rich man  
35) [on the village] called Daudi. He was a tailor in the Indian shops. Each  
Sunday  
36) he would come to the village with a *gulamafoni* [gramophone]. Have you  
ever  
37) heard of it? [P2, 1-2, 19-37].

Even today when traditional music teaching is part of formal curricula in schools, apprenticeship remains the main avenue for learning traditional music and instrument playing. *Baganda* in Diaspora return to learn a skill or two from the local experienced musicians like the one described below.

- 254) When he [a *muganda* musician living abroad] came, he learnt how to play the  
255) *Ndongo* because they [audiences] expect him to know how to play something  
256) indigenous. The *Ndongo* is his main instrument in addition to western  
257) instruments. He also asked me to teach him how to play *Endingidi* [one  
258) string fiddle]. I taught him before he went back. He came back again this  
259) time to learn playing the *Ndere* [flute]. For the flute he has come back  
260) twice for lessons. He is now an expert at *Ndere*, *Ndogo* and *Ndigidi*. He  
261) even took his kids [abroad] and taught them—even his wife got a job  
262) there, generally the whole family. He works with his children; they carry  
263) their instruments and go to perform wherever they are wanted. Wherever  
264) he comes back, he entertains me [gives some money]. [P2, 10, 254-264]

The participant emphasized that authenticity of style is paramount for foreign based traditional musicians else their work will be dismissed as misrepresentative of the cultures they purports to show. Members of the cultural groups represented in Diaspora will likely question anything seen to ‘defile’ their cultures. Hence the rationale for expensive trips made by the musician mentioned above from US to Uganda to learn or perfect one or two instruments with the local expert.

Another dimension to musicians’ life experiences that emerged was *livelihood*.

Livelihood as a sub-theme cuts across two other categories. We find this sub-theme under *industry* and *ownership* owing to its reflection on musicians’ life experiences as well as their assessment of the current music industry and preferred approaches to *ownership* of

expressive forms. Livelihood was understood and associated with *payment, social status, reward, family* and *respect*. Traditional musicians that described their livelihood in these terms had a positive and optimistic outlook to their work and traditional music in general. Participants perceived their work as worth payment and reward for personal gain but also as a sign of respect. Reward projects a certain social status as participant one noted:

- 63) Alcohol was the reward and motivation for traditional performers
- 64) at the time of our great grandparents. Traditional performers were perceived as
- 65) alcoholics and uneducated. So that today few people accord you the respect you
- 66) deserve doing what we do. However, personally I am happy every time I perform
- 67) because every good thing I have earned – especially name [reputation]—I
- 68) wouldn't have if I wasn't a traditional performer. All my friends I work with, I
- 69) tell them that we have to work regardless of what others say. We have to
- 70) persevere. [P1, 3, 63-70].

The quest for respect in an increasingly capital-driven world means musicians' work methods are changing for economic reasons but also to improve their social standing and respect. In that regard the participant mentioned above was more optimistic about musicians' work situation today:

- 74) ...Today, we work for a specified number of hours. As a
- 75) result we have created demand for our services [*and command respect as a*
- 76) *result!*]. Western entertainment remains popular but our traditional entertainment
- 77) is on the rise again—although some people still despise us and what we do—
- 78) those who say *abagoma bagala kulya* (drummers want food—in the past they
- 79) were rewarded with food for performances—today *abagoma bagala kulya*
- 80) is used despisingly or dismissingly). [P1, 3, 74-80].

However, the quest for respect through material gains seems to be intensifying and respect is based on how much material wealth a musician has to show for his work.

Participant three was particularly critical of people who characterize musicians as stupid (and, therefore, disrespectful) yet they continue to accumulate wealth off their work:

- 127) If you say music is for stupid  
128) people you don't even have a bicycle, and the person you are saying is  
129) stupid has a Pajero [car], has got a very powerful house, this means what  
you  
130) are talking about you don't understand. [P3, 5, 127-130].

Reference to material things indicates the extent to which respect and social status is measured not only by the level and quality of performances but also the material wealth acquired as a result. Indeed *Matta*, the head of the group we interviewed and discussed in the previous chapter was cited as a prominent musician in *Busoga* region but one whose work had not translated into material things and, therefore, commanded less respect than he deserved. The above participant drew our attention to this musician's case:

- 684 ...There is a musician you see...a very good  
685) musician but he has...he is sleeping in a very funny house. He has no  
686) house but people are getting money...like there is a [musician] called  
687) ...this man *Matta* [*discussed in group interviews above*], I was  
688) interviewing him. I went to his home, its terrible. He is a blind man. He is  
689) one of those best musicians from the East. But when you look at his state.  
690) He has no house, he is living a very poor man but people have got money  
691) from his music. They sell up to now they are still selling the music. He is  
692) one of the best musicians in *Busoga* called *Matta Nathan* [P3, 25-26, 684-  
692].

*Matta* is such a good musician that other musicians 'steal' his work to make their own.

Yet the plight of this very good musician and the near destitute state in which he lives

was cited as the reason he commands less respect and recognition than he should in Busoga and Uganda in general. *Livelihood* carries negative connotations as often carried in the term *survivalist* used by some participants to show the desperate state in which musicians like Matta live. A participant (one) observed:

125 This job, I have this to say, on my part and possibly others involved. It  
126) is difficult to survive solely on this job—and I mentioned the same to a  
127) friend of mine. I mentioned that to him to get his perspective. He told me  
128) that it's extremely difficult to live off music or survive as a musician the  
129) world over, whether in *Bungereza* [refers to Britain or Europe or America  
or  
130) anywhere else]. For the simple reason that what you do [performances]  
131) entertains people at the material time you do it. Afterwards, it's like one  
132) getting drunk and finding him/herself sober—people tend to forget. You  
133) [as a musician] you have to know how you should do it. [P1, 5, 125-133].

Musician's *livelihood* is conceptualized in material terms and associated with respect, social status, pay or reward.

Another dimension to musicians' life experiences was *appreciation* of individual musicians and their music. Appreciation as a sub-theme also appears under *industry* where the focus is appreciation of traditional music and musicians in general from the industry point of view. Appreciation has local and foreign dimensions. Some musicians felt appreciated more by 'foreigners' as opposed to local audiences. At the same time musicians with foreign experiences were appreciated and regarded locally more than those without similar experiences. Participant one was particularly concerned by the lack of local interest and appreciation of traditional music and musicians (especially those without foreign travel experiences).

- 92) However, the sad thing—although  
 93) it shouldn't be sad, is the interest foreigners have shown for traditional  
 94) instruments/entertainments at a time when we [locals/indigenous people]  
 under  
 95) look that entertainment form. We have taught whites [foreigners], which  
 96) continues to challenge local people to show interest in our own! [P1, 2,  
 92-96].

As noted above, this participant was optimistic that traditional entertainment forms were on the rise now that the *Kabaka* and cultural institutions were no longer outlawed by the central government. However, some participants remain concerned by the lack of local enthusiasm for traditional music. An encounter between a local young musician (participant five) and a foreigner best illustrates the above concerns.

- 166) in 1995 my dad brought his foreign visitors, Andy Cook's son to  
 167) Dr. Peter Cook. Already I had learnt several instruments but I  
 168) tentatively ventured into other areas. When Andrew came, he knew how to  
 169) play almost every instrument. They had a show at the National Theatre.  
 170) One thing that embarrassed and angered me most was Andrew asking me  
 171) whether I knew how to play the *Ndigidi*. I told him I try...I am still an  
 172) amateur. He asked me "would you want to learn playing it? I responded  
 173) affirmatively. He asked, can I teach you? [R: yiiii...?]. I told him you  
 can't  
 174) be serious. You to teach me? It's me to teach you...*laughs*... he asked me  
 175) why? I told him this is our music. My Dad taught you ...you didn't teach  
 176) him... I told Andrew after two years you come back to Uganda  
 177) when I am fit to be your teacher. I felt challenged that a non native could  
 178) make me so embarrassed trying to teach me our own music. [P5, 7, 166-  
 178].

Unlike participant one, the one above was resigned to the idea that local or indigenous people will eventually pick up interest in traditional expressive forms. He feared that foreigners will eventually be the source of knowledge about 'our' cultures.



- 178) Unfortunately  
 179) in the future ...around ten years from now that will be the case, foreigner  
 180) teaching us. The problem here, we don't take our cultural heritage  
 181) seriously. I have had experiences to do with our cultural heritage. One of  
 182) the biggest experiences I have ever is my Dad. He is one man that did a  
 183) great deal teaching and promoting traditional music in this country but  
 very  
 184) few people knew him locally...yet he was well  
 185) known in Europe and elsewhere in the world. But in Uganda people didn't  
 186) know him. Yeah people would talk about Ssempeke...but none knew how  
 187) well regarded he was. [P5, 7-8, 178-187].

Indifference towards traditional expressive forms is most pronounced when musicians infuse foreign forms with the local. Participant six, whose work attempts to integrate abstract forms in local musical performances, is ironically dismissed on the basis of his work not being 'local.' His attempts to convince them otherwise didn't yield much.

- 85) ...they would tell you know, your kind of art is meant for the  
 86) bazungu [European /foreigners]...*both laughs*...Am like no its not meant  
 for the  
 87) bazungu because in Africa we have abstract...aaaa...abstract lifestyle so  
 its what  
 88) I am trying to [*R: bring to...*] ... bring through for you to be able to relate  
 with. [P6, 4, 85-88].

Most of the 'foreigners' talked about are anthropological and ethnomusicological researchers frequently visiting the country to study traditional music. Others are tourists whose taste buds for indigenous cultural performances fuel the growth of professional performing groups whose services they procure while in the country. However, the inextricable link between scholars and the subject (the music and people) meant that most 'foreigners' are deeply embedded in the contexts and cultures studied to the extent that they learn the music and play the instruments. The video clip and the picture (Figure 5.7

below) show a well trained foreign scholar that was integrated into the work of this particular performing group.

Some like, Dr. Peter Cooke, a British ethnomusicologist mentioned above, are not just scholars but ardent promoters of Ugandan and African traditional music and instruments. In addition to his teaching and research, Peter Cooke's career was built around the study of Buganda royal court music. He loves Buganda royal court music so much that he taught his children, like Andy Cooke. Cooke invited several experts to Europe to give Europeans 'authentic' flavors of Buganda traditional performances. Given the perceived lack of local interest, some traditional musicians felt highly respected and valued outside their cultures, societies, communities or settings.

Some look to Europe and North America as the primary target rather than local audiences. Foreign travel was highly regarded by almost all participants. Foreign travel was a confidence builder, eye-opener, source of foreign livelihood through material gain and most important, but ironical too, important for local acceptance and validation as a respectable musician. On the local scene, foreign trips were viewed by a number of participants as 'validator' of one's credential as accomplished musicians. For some it is part of the reason they decided to pursue traditional music:

- 143) The other reason why I came to like this job, in 1996 the late Albert
- 144) Ssempeke, may the Lord bless his soul, included me on his team to England,
- 145) Scandinavia, Switzerland and Italy. We traveled for two and half months.
- 146) That was the key to my career. I felt appreciated and confident in this job.
- 147) Ofcourse even if I hadn't go I wouldn't abandon my job, but the trip raised

- 148) my stature not money-wise, although we got that, but I felt better about  
149) my job. Prior to the trip I looked upon my job as a last resort, something I  
150) did because I had no choice—knowing we are not appreciated. Visiting  
151) Europe, I discovered that we are valued and highly regarded people  
152) [traditional musicians].  
153) *R: based on interest people showed?*  
154) *P: Yes. My mindset completely changed. [P1, 5-6, 143-154].*

Another participant was hired by Government at the Museum to head the traditional music section, only to be invited on a foreign trip a few months later. He was elated by this important marker in his career.

- 203) After nine days of work, a letter was sent from the Ministry of  
204) Culture, the line department under which the Museum  
205) belonged. They asked for a musician for a trip to Malawi. The museum  
206) responded that only one musician was presently stationed at the Museum.  
207) The Ministry directed the Museum to send me over. I joined the rest of the  
208) group for the trip. Since I played all instruments, I was flexible in terms  
209) of the instruments to play. We spent three days in rehearsals before  
210) departing for Malawi. After nine days on the job here I was on a foreign  
211) trip! [P2, 8, 203-211].

Foreign travels were an important element most interviews. Musicians with foreign experiences made it a point to share details of those trips as well as enumerating countries so far visited. Participant two listed his foreign ‘credentials’ of several countries visited.

- 213) I came back followed by another trip to Kenya, Central Africa  
214) Republic...all under an organization called Heart Beat of Africa. Every  
215) trip we went as a group. Older members of the group didn’t have the same  
216) expertise like us especially the flutists. We traveled and I worked here for  
a  
217) long time until my brother retired from the museum in 1995. In between  
218) we have traveled extensively visiting over 16 major cities. Countries I  
219) have visited include: Britain, Germany, Denmark, Norway, Sweden,  
220) Italy...laughs...Austria. For most of these we visited several times. In  
221) Germany we visited three times, Sweden four times...the last trip was in  
222) 2004. This year we’ve not traveled. It’s also the same year my brother  
died. [P2, 8-9, 213-222]



**Figure 5.7 Performance by Samuel Bakabulindi's performing group**

*(Source: picture clip captured from a video performance by Samuel Bakabulindi's performing group)*

Foreign travel is not just for appreciation and respect but also motivating young musicians (or potential musicians) to take up traditional music as a career. The above participant revealed that their frequent travels stimulated the interest of young people that would otherwise not consider traditional music career an option. Likewise those with a negative attitude towards the music would take it more seriously. Without cases of local musicians making it on the ‘international’ scene, young people were not likely to consider traditional music careers as an option. What motivates the young generation of musicians today, observed participant two, is markedly different from the old days when he joined music.

229) P: traditional music and instruments are very popular in recent past. In the  
230) past when we learnt to play instruments, we didn't do that for gain but self  
231) satisfaction and pride. Musicians were despised to the extent that people  
232) said we were “spoilt” because we played instruments. That we would  
233) not perform well in school. That perception discouraged others from  
234) encouraging their children to play traditional instruments. Only elderly  
235) people showed interest. But when they realized that we've made a second  
236) home abroad [*in reference to their frequent international travel*], people  
237) realized that we were respected. On returning we normally throw big  
238) parties in the villages to cerebrate our safe return. Now they even ask  
239) when our next trip will be for them to look forward to another party. That  
240) entices people to encourage their children to participate in traditional  
241) performances. Every school has many students that have taken to learning  
242) traditional music and instrument. These have encouraged the students  
243) because some student groups are making foreign trips in turn encouraging  
244) other students to join. The current foundation for traditional  
245) music/instruments is really strong because many schools have traveled  
246) abroad [*for traditional music tour performances*]. [P2, 9, 229-246].

According to the participant, local appreciation and validation is evidentially based on foreign travel. In the past musicians were proud to be musicians, today money and

material wealth is the primary reason young people take up music. Some musicians looked to foreign trips not just for the respect, appreciation and validation of traditional music that comes with them but also monetary gains.

- 149) I go to America, the money I get...eehee...per  
150) day is for someone who is working in an office a big office...per day. You  
151) know I get money per hours. You don't get for a month. Because I go  
152) there for one month. But I am paid per day per hours. Now this money I  
153) get even without tax. I come with my money and I get my money I come  
154) back. When its time I go back they pay for my air ticket, they feed me,  
155) they pay for my transport. And for you [*the critic*] ...say think that...[a]  
musician  
156) who is going to America is stupid when you don't even have a passport  
157) in your house or the whole clan. [P3, 6, 149-157].

Participant six took the foreign dimension to a whole new level based on his formal training in music, dance and drama at university. He is also closely association with foreign performing groups. He attributes his ability to merge and create new forms to foreign exposure and training.

- 325) ...So when I  
326) joined Namasagala...I mean Makerere University, that is when I got really  
327) introduced to the core traditional. So now ...once I was [R: MDD? Music  
328) Dance and Drama]. MDD. So once I was introduced then imagination and  
329) ...and creativity was ...where by I had the modern ...we could call it  
330) African modern...*laughs*... and western modern...and the traditional. So I  
331) had two sides and that was really strong. So I was able to balance and I  
332) was able to merge...so there was also playing [*acting*] involved because I  
333) have done like play drums mostly and of course I was referred [*fascinated*]  
334) by the way West Africans play but of course we don't have the training.  
335) But of course I was using imagination...I would play what I could.  
[P6, 13, 325-335].

This participant started an elite performing group with specialized performances that fuse western and local to create the ‘African modern.’ The art form didn’t captivate local audiences as it did foreigners.

360) we were visiting Russia getting into summer schools ...what have  
361) you. So this in a way was also motivating us...we were being strengthened  
362) in new techniques. So we keep technique we develop with new  
363) technique...we mix with what we already have. So come around  
364) this year Feb, hmm...the Russians came to East Africa, they  
365) choreographed, they performed...once that was done...aha...the East  
366) African group also went to Russia. We also performed...everybody had  
367) ...had a different company to work with. It was to choreograph and  
368) of course the ... the year prior we made a tour so we were visiting  
different  
369) companies and we were making choices...“I think I like the other  
370) company” ...“the other company is not twice what I need” ... so once the  
371) choreographies were done, we performed...I mean the companies  
372) performed and the bosses of course had to make assessment and you know  
373) it was positive and they were really asking us to come back. They really  
374) want to work with us that depends on bosses and of course that depends on  
375) finances. [P6, 14, 360-375].

The above case reinforces earlier assertions that foreign validation is driving traditional music forms. The need to exhibit international acclaim potentially impacts musicians’ perspectives on the expressive forms created in the process of fusing traditional and foreign or western. Participant six intimated that their funding sources were interested in cross-country collaborations and experimentation. In a way that influenced how they perceived ownership of resultant forms.

Related to the above case was the element of *dynamism*. Musicians saw themselves as dynamic, constantly changing to adjust to new standards and expectations. Many cited changes like working with foreign collaborators are necessary to advance their work but

also as evidence of dynamism. Additionally, the music itself was presented as dynamic, always changing to reflect the changing sociocultural contexts. To the extent that dynamism represents change, the sub-theme is a pointer to likely shifts of musicians' perception towards *ownership* of emerging traditional forms. Musicians' dynamism enabled but also necessitated creation of new forms from old ones and fusion of local with western. Participants that addressed the issue of dynamism generally agreed on the inevitability of change of traditional music and themselves given the changing work environment. However, participant one cautioned against total destruction of old forms in the name of change. Using the analogy of a homestead where new homes are built but old ones are retained, he argued that old forms ought to be retained as new forms come along for the benefit of upcoming generations.

- 96) ...our great  
97) grand parents invented the instruments and different ways they are played,  
for  
98) instance the *bakisimba*. Their ideas and contribution shouldn't be the  
end—we  
99) [*our generation*] should build on that [e.g. improve on the *bakisimba*].  
However,  
100) as some people attempt to improve, or change earlier forms,  
101) they instead destroy those forms. I have spoken against the same in  
102) schools where I teach. My appeal to them is to maintain existing forms  
103) handed down to us by our fore fathers the way they are. For instance in  
104) your homestead when you grow up, you maintain your father's grass  
105) thatched house and build your iron sheet house. If you demolish the old  
106) house, or even attempt to modify it, subsequent generations who might  
107) want to look back to that old house will be denied the opportunity. That  
108) is one area I wish people [*young musicians*] changed.[P1, 4, 96-108].

Retaining the old as new forms come along seemed to create tension among musicians.

Young musicians are particularly keen on experimenting with traditional music further



heightening the tension between old and new forms. One such musician mentioned by participant six, concentrates on the fusion of Ugandan and West African expressive forms. This musician is transforming not just the music but instruments too.

- 1) P: Kafumbe's brother is called Kinobe, what Kinobe has done...he has been
- 2) inspired by western African traditional instrumentation or let's say music. So
- 3) what has happened is he has gone as far as learning to play the Kora and
- 4) some other instrument and what he does now, he transfers...*inaudible word*...on
- 5) to guitar. [R: hmmm...] the western music...he is now preferring that technique.
- 6) He is transferring the technique from the original Kora onto the western
- 7) instruments. So if he went performing somewhere it would rather look ... it would
- 8) rather look or feel something that is personal, something that is new. So he has
- 9) gone...he has not stopped at that...he has gone as far as trying to see how he can
- 10) transform the Ugandan instrument by adding in onto these instruments, to create a
- 11) different sound and then apply that technique of playing. By then you look at the
- 12) instrument take for instance you would look at the Lyre for instance, when you
- 13) look at it you will say this reminds me of home. It's an instrument, but then the
- 14) play [*way*] he plays it, you see a totally different picture in the explosion the
- 15) sound that sort of thing. So when somebody is saying that, they are trying to find
- 16) ways of identity. Such that when he plays he is making a marker. [P6, 1, 1-16].

Young musicians like *Kinobe* have had the benefit of music education where foreign forms are married with the traditional. According to participant six, in academe and western world, marriages represent innovation and creativity. According to participant six

[P6], this is the reason Kinobe has become very popular in Europe, among music scholars and elite Africans. That said, participant seven, who heads a performing group, cautioned against too much experimentation, especially that involving employing western instruments and technology like computers. Although not too prevalent among traditional musicians, he was concerned that the resultant forms will appeal to neither the local nor foreigners.

- 185) the technological advancement [R: hmmm...] has enhanced it  
186) much further. Aah...but in some way when I look at it I don't know...I just  
187) to me I just hope that this is a transitional stage whereby we shall transit to  
188) a more befitting way of presenting ourselves as artists because now that  
189) the technology has come in and it has ... in its own way ...the field has  
too  
190) many because someone not like most of these pop musician here we don't  
191) have live playing and they just go on a computer and you know...and get  
192) sounds on the computer...[*what*] they are putting in there is just  
193) the voice. Yes. In developed [*world*] ...like in developed country like a  
place  
194) where theatre or artists are going to be recognized, you find that they will  
195) not recognize these ones so much. For instance, I had these guys who had  
196) come from Norway [R: hmm] ...two sound technicians. They were not  
197) impressed about ...ok they can hear the sound and the music but ofcourse  
198) they mentioned it. Here what you only do is the voice. All the rest are  
199) media files and they are computer generated songs. So they don't  
200) appreciate those ones. That is why our music is just for our own  
201) consumption here and it does not last any long. May be that is why I say I  
202) hope that this is just a transition, a stage whereby these artists will also  
203) pursue more to get the real expected levels.[P7, 8, 185-203].

As recording studios become commonplace, traditional music is available on CDs as instrumentals. A musician can 'sing over the CD' without the actual instruments.

Whereas blending of western technology and traditional expressive forms is representative of the necessary changes for traditional music to survive, the transformative nature of such changes threaten to eliminate important elements of

traditional performances. For instance, once musical instruments are recorded and played back as digital files, the need for actual instruments and musicians that play the instruments diminishes. Likewise the power to manipulate and enrich the music shifts from the original musicians to computer operating disc jockeys.

- 357) So that...there is a  
358) struggle musically [*between west and local*]. Fighting between this  
359) modern music and the traditional. First there are very few people who play  
360) traditional music...something real and understandable [*authentic*]. But  
361) those who play modern, all one does is program computer beats,  
362) drums...and the song is done. At performances, he plays the CD and sings  
363) along. [*R: sing along the beats?*] yes on the CD. Yet you [*traditional*  
364) *musicians*] people will complain hiring you at 400,000 (\$200) or 500,000  
365) (\$250) but the disco is just 150,000 (\$75). Someone takes the cheaper [*and*  
366) *popular*] option. [P5, 14-15, 357-366]

Traditional music is locked up in time in form of digital recordings. As long as the recorded versions remain popular, the musician will be less relevant in certain circumstances. Participants noted that musicians have responded by recording own DVD and making them available on the market. Personal DVDs are a way of marketing oneself but also generating income from DVD sales. One participant provided a copy of his DVD. In this environment, ownership of the new forms cannot be fuzzier so is the tension between the old and new forms. Likewise fusion of local forms with foreign was cited for causing tension within traditional music genre.

The sub-theme *functional role* covers different work contexts through which musicians use traditional music to achieve personal and professional goals. Functional role was associated with concepts or events like weddings and marriage, grazing, worship, societal

memory, communication, hope restoration [street kids], reintegration, rehabilitative, confidence building, income/livelihood, exposure, livelihood, language. Some of these represent events, or instances, where participants have put music to work for them.

Others are cases where musicians put music to work for others. Take the case of participant seven who runs a street orphanage. His is a project to train former street kids into responsible members of the professional performing fraternity in the country.

Orphaned at an early age, this participant saw traditional music as the avenue for rehabilitating children in a plight he was in as a child. Through music he has restored hope among the kids, reintegrate them into mainstream society, rehabilitate them from the wild homeless individuals they once were as street kids, built their confidence as normal human beings but also as member of society and, lastly, created income generation to give the education and livelihood. His group is not just a performing outfit but a project that draws from traditional performances to nature young people into responsible citizens.

- 12) The project I started it not just as a performing group or troupe, it has got also
- 13) various other objectives which are more...stronger than just the performing aspect
- 14) of it. [R: ok]. I started this project as a rehabilitating centre...this rehabilitation
- 15) centre deals with people who have social problems especially the former street
- 16) children and that was my concentration...the former street children, the needy
- 17) who had lost hope, people who have been traumatized, people who have no
- 18) direction in life...have just given up. So these are the people I looked at and
- 19) chose to work with in a way of restoring their hope restructuring their social

- 20) values and re-introducing them into the society that formerly had rejected them.
- 21) Aah the tools I chose to use by the nature of my training I chose to use music
- 22) dance and drama and basically the cultural art. [P7, 1, 12-22].

Other functional uses of traditional music are not as intriguing as the one above but revealed a variety of contexts in which participants use music. Marriage or wedding was the most cited contexts where traditional music is used. Individual musicians and professional groups are popular features of any wedding event, especially in *Buganda* region. Traditional music is very much part of weddings. Participant three attributed the exponential growth of performing groups to business opportunities offered by weddings.

- 452) I have never seen a wedding where they say you go and bring
- 452) church music or a wedding where they say now I think bring ... let people
- 453) just come and speak English. What makes up...what spices up the passion
- 454) is the traditional music. And that is why groups are coming up...very
- 455) many groups are coming up. And they have business because at least what
- 456) I know we have very many groups in Uganda. But before it was *Ndere*. [P3, 17, 452-456].

Professional groups are discussed under the sub-theme *professionalism*. Here we note the connection to functional roles were marriage is partly responsible for the growth of traditional performing groups given the business opportunities. However, acceptability of traditional music at weddings was mixed. Some musicians suggested that the public is obsessed with traditional music at weddings. Others thought otherwise due to insult directed at traditional musicians at such functions. The youth who prefer western entertainment forms are the biggest culprit. Whereas western entertainment forms are prevalent and often preferred at weddings, several musicians suggested that traditional

performances always complement western entertainment. In fact, some pointed out that in *Buganda* ‘any wedding worth mentioning’ must have traditional entertainment. Some participant were skeptical of the future of traditional performance as part of wedding functions given the hostile receptions musicians get from audiences oriented towards and interested in western entertainment forms (discos).

- 436) mistreated by those young people at
- 437) functions...and wedding planning, they plan for discos not traditional
- 438) musicians. That has weakened our ability to teach more traditional
- 439) musicians [P11, 22, 436-439].

Another participant expressed similar concerns but blamed the negative perceptions towards traditional entertainment on young people.

- 344) P: yes there are a few young people like you who don’t fully understand
- 345) what we do. For instance someone invites you to his wedding but other
- 346) organizers prefer discos [*western entertainment*]. We are not against
- 347) disco because it’s entertainment as well but if are invited to such
- 348) functions, it would be a good arrangement to apportion time to discos and
- 349) us [traditional musicians]. But when they start playing discos and
- 350) everybody joins the dancing—we are not given any opportunity to play
- 351) out instruments. The discos plays continuously. Unless the person who
- 352) contracted you is very much interested in traditional issues [*we may not*
- 353) *perform*]. At one function, the organizer paid them off [*discos*] and
- 354) demanded they leave because they were not allowing us time to play our
- 355) instruments and music. So we have that problem, we don’t know how to
- 356) reconcile these two areas. [P2, 14, 344-356].

The above observation brings into question the future roles of traditional performances at weddings and marriage given the indifference exhibited by the youth. Yet some musicians particularly the old generation perform exclusively at weddings meaning that as traditional music features less at such functions, those musicians will be out of work

and income. As noted earlier, that tension isn't just between traditional and western entertainment forms. It is evident within traditional music between the new and old forms; between the young and old generations.

Besides weddings, musicians mentioned the benefit of exposure that traditional music has afforded them particularly foreign travels. Several that traveled felt enlightened about their own cultures, confident about their work and gained economically and materially. Music is an important aspect of their livelihood.

- 457) Personally, I have found my involvement in traditional music...may be if I  
458) were playing modern music, I wouldn't have met the few people I have  
459) met. But because I play traditional music, it's has widen my scope and  
460) knowledge ...uuuhhh...and popularity. Because of traditional music I  
461) have taught different people...I have helped researchers,  
462) performed in different places locally and internationally in different  
463) countries and all the good things I have achieved are all because of  
464) traditional music. I have nothing [*bad*] to say about traditional music.  
[P5, 19, 457-464].

Another sub-theme identified with musicians' life experience was *preservation*.

Preservation as a sub-theme is also subsumed under *functional roles* of music since musicians saw themselves as involved in preserving their cultures through music. For instance, the previous participant also saw his role as preservation of cultures among other functions.

- 454) P: traditional music for me...I am happy to be playing music...first of all  
455) playing traditional music means I am preserving the culture, I am  
456) preserving the traditions and I am preserving the music...*laughs*...see?  
[P5, 19, 454-456].

As mentioned above, preserving cultures through music goes hand in hand with *preserving* the music or traditional entertainment forms. Participant one portrayed music as central to the rebirth of *Buganda's* lost glory after years of destabilizing politics that undermined cultural institutions in the country. Music, according to him, was the reason people were picking up the cultural pieces and as a musician, he was at the centre of the rebirth.

- 207) I take pride in knowing that much as I earn [*little*] from this job, our  
 208) [*researcher as a muganda included*] culture is preserved  
 209) as well. Hopefully our cultural glory will be fully restored in the long run  
 210) [*illustrates with a proverb "semulwadde yanteganya nga*  
 211) *kwolaba" ...literary meaning complaining about the sick person one*  
 212) *nursed but survived is better than one who eventually passed on*]. If  
 213) appreciation of our culture was weakening in the past, today it's  
 214) rebounding. There're signs to show the rising popularity such as people's  
 215) code of dressing. Growing up we were taught the proper way a *Muganda*  
 216) conducts him/herself...for instance how to talk to others. One would be  
 217) chastised for talking badly... that a *muganda* doesn't talk like that. A  
 218) *muganda* doesn't...an undignified way? All these signs point to renewed  
 219) interest in our culture. [P1, 8, 207-219].

Participants were often critical of mainstream popular musicians whose music is short on educative 'messages' because it preaches 'immorality.' Popular music, unlike traditional, was implicated by some participants for moral decadency in Ugandan society. Traditional music on the other was presented as striving to preserve or bring back society's moral fibers. Often that 'message' was crafted as prophetic meaning that traditional musicians primarily prophesized and warned about future problems or events.

- 413) P: yes music teaches quite a lot. When a musician [*traditional*] sings, pay  
 close  
 414) attention [*for the message*] to hear what s/he is singing about. If you are



- 415) lucky to live long, you eventually see what s/he sang about.  
 416) R: hhhmm...so it comes to pass? Looking at musicians today especially  
 417) you in traditional music...  
 418) P: most musicians are in contemporary music [*country music*]...not discos  
 419) [*western music*]. Do you hear the songs they sing? [P4, 19-20, 413-419].

Participants noted that musician that focused on current issues like HIV/AIDS, wars, hunger, poverty, politicians and politics among others. The message was always grounded in traditional African cultures. Participant three cited instances of didactic use of music to impart morals in villages.

- 13) ... Our culture is our culture. And there are things we do culturally that  
 14) this is how we are supposed to do a, b, c, d... If there is anything changed then  
 15) people are going to say...like yesterday when I was in the village, when these  
 16) people are playing music[*he was recording traditional music for the Vanderbilt Music Archives*] there is a song which they sang...about two  
 17) songs, they are saying that there was a girl, this girl went to the village...you  
 18) know the village there I went to deep there, people have not started putting on  
 19) trousers – females. They know that culturally a lady is supposed to put on *gomesi*  
 20) [*traditional attire for women in Buganda*].  
 21) R: eeehee..? *Not appropriate?*  
 22) P: yes...now one day a girl went to visit. She went to her home to see the grand  
 23) parent and she was putting on a ... short. So they are saying that lady attracted the  
 24) whole village. And when they came people were saying how can a human being  
 25) put on [*dress*] like that? [*inappropriately*].  
 26) R: *laughs*...  
 27) P: so for them [*the musicians*] they sing about to discourage other people to  
 28) associate with that kind of thing. So that we remain with our culture. Because they  
 29) know that once this one comes then everybody will be willing to put on that king  
 30)

- 31) of dressing. They are saying no that is not good ...when you do that these are
- 32) things which we are just borrowing from these other western culture(s). And
- 33) we don't know why they are putting on like that we know the effect that when
- 34) you put on like that, the outcome might be different [*on other people*].
- 35) So that is why I am saying that we Ugandans ...we as Ugandans or as Africans
- 36) we have that kind of culture that make us look different from others. We have the
- 37) way we eat culturally, we have the way we dress, the way we play our music,
- 38) the dances...eeeh...even the norms there are things we say a woman should not
- 39) do this. Like this these things...they were not written but there are some things
- 40) which were learnt from our grand-grand parents. [P3, 1-2, 13-40]

While some of the above claims are overstated, the assertion that African cultures embrace certain ways of dressing, eating and playing music is shared amongst different cultural groups. However the distinguishing features are not always discernable.

Participant three above was involved in a project for recording and archiving traditional music across the country with the view of preserving some of these cultural values articulated in that music. Physical documentation of traditional music is another dimension of the *preservation* sub-theme that emerged from the interviews. Participant five, who owns a recording studio, dedicated it to helping traditional musicians record their work. Several royal musicians intimated that the *Kabaka* was in the process of setting up a facility to record traditional music, among other things. Participants also cited the youth as important generation bridges to the extent that some are actively involved in the *preservation* of traditional expressive forms. One participant found gratification in the researcher's interest in studying traditional music for that is the only

way of ensuring its continuity. Without traditional musicians that teach traditions and morals in an environment where the mainstream entertainment forms are preaching immortality, society's moral fabrics would weaken. Likewise, traditional forms of entertainment would eventually disappear off *Buganda* and *Busoga*'s entertainment scenes.

If the primary goal of *preservation* was protecting traditional expressive forms for posterity, *westernization* emerged directly as threatening traditional music in Africa. The term *westernization* was not explicitly used by the participants but several participants voiced concerns about foreign influences that threaten existence of traditional expressive forms. Participants noted that European and American entertainment forms dominate in the two study regions. Foreign dominance was reported as rooted in the historical link with European colonialism. Today, it is the global media infrastructure permeating the Ugandan society that is responsible for infusing *westernization*. Westernization was associated with *commercialization* and *commodification*. Western entertainment form was also found to appeal to the young who were characterized by participants as the 'lost generation.' At functions like weddings presumably cultural functions, western (discos) was preferred to traditional entertainment forms. Formal education like university programs in music, dance and drama, were cited as avenues for westernizing traditional forms or introduction of western entertainment forms. Western instruments, mentioned earlier under *dynamism*, emerged as important avenue for infusing western values in traditional music. As previously noted, traditional music is losing important elements because instrument playing being replaced by digital instrumental music. We noted from

a participant that insertion of western technologies like gramophones dates back to the arrival of European explorers and colonialists. Participant one learned playing the flute by listening to *amayinja* [gramophone records] in the early 1960s. Evolution of traditional music, therefore, was partly attributed to western technology although at a slower pace than that evident within mainstream popular music. Frequent travel by traditional musicians, although not specifically mentioned by participants, is a significant factor in the insertion of western values. Foreign travels are significant events in a musician's career and musical experience that consequently influence his or her views and attitudes towards traditional music. That influence was often reported as a contributing factor in the transformation of or insertion of western values into traditional music.

The musicians' career and life experiences in *Buganda* and *Busoga* were often linked to *cultural institutions*. These institutions were diverse ranging from the *obwakabaka* (kingdom in Buganda) to the *Kabaka* (the king as institution). Whether a musician was a royal court musician or not, the connection with cultural institutions was always made on the basis that these institutions formed the sociocultural and political structure for performing groups and traditional music in general. Thus, musicians belonging to such groups are necessarily influenced by the social, cultural and political order imposed by the cultural institutions. These institutions provided the sociocultural context in which traditional music was produced and consumed. For instance, Royal court musicians in *Buganda* organized their lives around their shifts served in the palace. Royal court musicians in turn influenced non-Royal musicians in the *obwakabaka* [kingdom] who

hoped to become one sometime. In *Buganda*, being part of the Royal Court music ensemble was every musician's dream. Participant two who served as a royal musician narrated his first ordeal playing before the *Kabaka*.

- 121) P: yes we were very young. We played so well they were astonished. The  
122) head promised that when the *Kabaka* shows up the following day he  
123) would introduce us. The following day around 10, *Ssabasajja* came by  
124) as he went around greeting his employees. He came to us [*abalere*] and  
asked  
125) “whose kids are those? Who brought them here?” The man who took us  
126) rose up and knelt before the king and thanked him [*for the opportunity to*  
127) *speak to him*]. He told the king those are my kids I taught them and  
128) brought them over to play for you. He asked in haste “do they know how  
129) to play?” The man answered “yes.” He king asked us to play. The man  
130) came to us and asked us to play. He suggest to the rest of the group to  
131) allow us start off and join later. He told us to play a song *Atudde Kuntebe*  
132) *Nalamula* [literally, the king is on throne governing the kingdom].  
133) We started playing by ourselves for over three minutes before others  
134) joined in. All flutes complimented each other musically. Each flute was  
135) well tuned. Everyone joined-and drums were played in addition.  
136) *Ssabasagya* left after but very impressed. Later in the day, we were  
137) shocked to learn he had rewarded us with a roasted goat thigh [meat]  
138) with the message that the meat was for his young flutists [*abalere abato*].  
139) R: eehe...?  
140) P: Yes...our leaders were so happy. We served them. Since then we didn't  
141) look back. At every occasion [in the palace] our man would brings us  
142) along. Whenever the king toured our part of the kingdom [*amasaza*], we  
143) would join them in the performance. Eventually we turned into a  
144) permanent job. [P2, 5-6, 121-144].

The royal connection was particularly strong in the *Buganda* region, but was perceived by participants positively or negatively, either as rising or declining. Music was a permanent feature in the royal palace in *Buganda*. Traditional music themes were dominated by the *Kabaka*, *Buganda*, *Kabaka's* subjects and his Kingdom. [*Samples 1-5*]. Likewise participants with no direct connection with cultural institutions often situated their music with specific cultural groups. Thus, contributions by musicians were

perceived as advancing traditional music of the group and/or cultural institutions associated with the group.

Music in the context of cultural institutions often spilled into national politics. We noted in chapter three the acrimonious relationship between the state and cultural institutions. The rancorous relationship between the state and cultural institutions impacted traditional music negatively and as such emerged prominently in conversations with most participants. Many were bitter that the state had deliberately ‘killed’ traditional music by undermining cultural institutions. Others blamed it for not supporting traditional expressive forms, policy-wise and financially. Conversations were punctuated with the *Buganda crisis* in reference to the 1966 invasion of the *Buganda* palace and overthrow of *Kabaka Muteesa II* by the then Prime Minister of Uganda Milton Obote. Participant four who served in the palace at the time narrated his ordeal.

- 156) Even Obote’s
- 157) invasion of the Palace...[R: in 1966]...I was not caught in there [the
- 158) palace] because I had gone to prepare brew for my daughter’s wedding. So
- 159) I was outside but my friends caught inside were roughed up. But
- 160) my Ndigidi was burnt inside the palace. Those are the incidences I saw
- 161) during my stay in the Palace. [P4, 7, 156-161].

Thereafter, cultural institutions and the active participation of cultural leaders in national and local politics were banned. Traditional music as a vehicle for agitating the return of the *Kabakaship* was particularly targeted. Musicians were mostly targeted by the state to disrupt their work linked to cultural institutions. As noted above majority were directly, or indirectly, linked to cultural institutions. Registration of new traditional music groups was difficult if not impossible for these were perceived as perpetrators of cultural leaders and institutions.

- 176) After Obote invaded the Palace, he  
 177) introduced many regulations but I had already registered my group  
 178) Badongo Dancers. It's the oldest group in this country. Musicians didn't  
 179) have legally registered performing groups.[P4, 8, 176-179].

Participant four blames the current confusion and poor attitude towards traditional music on the historical anomalies that befell cultural institutions. He singles out the weakening of the institution of the *Kabaka* in *Buganda* and its impact on traditional music in the kingdom. The lengthy quotation below captures the relationship and mood between the state and cultural institutions, in this case *Buganda*.

- 612) P: the situation is not good because we have failed to get together  
 613) [*musicians*] the people who should be doing it haven't done so. *Kabaka*  
 614) should be in position to do so but his powers were trimmed [*cultural*  
 615) *institutions are constitutionally barred from participating in political*  
 616) *activities—an early pointer to the direction of the interview!*]. He has no  
 617) say. In the past, the *Kabaka's* word was final. [*R: he gave orders?*] Yes he  
 618) gave orders...today he is more or less in prison. If he can not talk about  
 619) his 'kingdom'...actually if the current King [*Mutebi*] wasn't strong and  
 620) determined, he wouldn't be saying even a single word. Because he was  
 621) stopped from saying anything. Whatever he says, is interpreted as  
 622) interfering with national politics. If the *Kabaka* is not the supreme leader.  
 623) Who is? [*R: none—in Buganda Kabaka is supreme, hence the names*  
 624) *Sabasajja, etc—find others*]. Now you a *mukopi* [*servant/lay man*] want to  
 625) be higher the *Kabaka* [*reference to the President*]? *Kabaka* is head in  
 626) every Kingdom...every Kingdom with a King. The President...means  
 627) present—is that not what it means in English? [*R: well....avoided*  
 628) *answering not to lose him early on ...but wasn't sure that is the meaning*].  
 629) He is temporary not permanent. *Kabaka* is the owner and head of the  
 630) Kingdom...every Kingdom. The President is like the Governor [*refer*  
 631) *ring to the colonial arrangement where cultural leaders particularly in*  
 632) *Buganda retains most of the powers but worked alongside the Colonial*  
 633) *administration headed by the British Governor*]. He replaced the  
 634) Governor...he is a caretaker. Not to head and takeover. When Governor  
 635) Cohen took *Kabaka Muteesa* into exile, when he came back [*Muteesa*] he  
 636) [*the Governor*] was told he had no powers to arrest the *Kabaka*. [*R: he –*

- 637) *the Governor—had assumed powers he does have?].* Governor is a  
638) caretaker. Not like this one who has sold all our [*Buganda*] assets which  
639) are not his. Things which don't concern him. [*R: oooh...I can see the*  
640) *problem when you say Kabaka has no powers he should have!].* Because  
he  
641) has sold off everything that belonged to the Government [*referring to*  
642) *privatization—participant is mixing up central and kingdom issues...he is*  
643) *bitter!*] some of them are *Buganda* assets. The *Kabaka* is tongue-tied. If he  
644) attempts to complain, then he is interfering with politics. [*R: that is*  
645) *disturbing situation].* Yes we have a big problem on our hands.  
[P4, 29-30, 612-645]

The participant draws our attention to the historical anomaly brought about by colonial legacies followed by failure of the post colonial leadership to address the same problems. However some musicians, especially those involved in the 'professional' performing groups, presented a positive and optimistic outlook of traditional music in Uganda. The trend to *professionalize* traditional music, discussed under the sub-theme *professionalism*, featured prominently in our conversation with participants. *Professionalism* is characterized by emergence of performing groups on Uganda's entertainment scene with significant impact on the traditional music scene.

*Professionalism* was associated with proliferation of professional performing groups organized under the umbrella organizations like the National Council of Folklists of Uganda (NACOFU), discussed in the previous section. Other issues that were linked to *professionalism* by participants centered on the commercial or business-oriented nature of professional groups. A participant noted a major shift in the way traditional musicians conducted business. Many go to the extent of analyzing their audiences or public so as to package entertainment based on demand. The shift is evident in the way musicians present themselves, the instruments used and general conduct.



118) traditional artists have allowed  
119) themselves to study their ... demands of the public. What the public  
120) wants. Because before, what used to ... may be what I would think  
121) used to make them be regarded as people who just come and perform for a  
122) bottle of soda and ...they were actually letting themselves to that  
123) level. But now they have started looking at themselves as important and  
124) conducting themselves in a manner that is honorable. Aahaa...presenting  
125) yourself on a stage in clean costumes and good instrumentation, and also  
126) knowing the demand...how can you reach to the public. For instance, we  
127) never used to use any amplifications [R: *ok...*]...yeah we just played our  
128) drums and what...but when you are playing a drum and you are playing a  
129) tube fiddle against it, you only hear the drum and you don't hear  
130) the...[fiddle]. So the artists have allowed themselves to develop and to  
131) make the culture fit within the times and acceptable means because  
132) someone will not accept to put you...to lead his bridal process when you  
133) are in rags you look or look you know so dirty and [P7, 5, 118-133].

Whereas financial gain is central to professional groups, we note that change was also meant to build confidence and social standing of musicians. Society regarded them highly if they had a professional outlook. The above participant attributes the negative perceptions towards old musicians to poor presentation and lack of *professionalism*. He labeled the new groups *professional* and the old ones 'indigenous.' *Professional* groups were cast as more market oriented than the 'indigenous' groups or musicians.

156) P: the indigenous groups...indigenous groups are ... they are not very  
157) much...ok say commercial oriented because they are not very sensitive to  
158) the demands ... they are not demands [*driven*] in the market. You see now  
159) you look at the professional groups, now they are also look at the market  
160) and see what is required on the market. [R: *ok...*] How are we going to  
161) present the product on that market because there is competition now?  
162) Buyer. But for the indigenous groups, some of these things are not yet an  
163) issue. They just do their music just for their...them to be with their culture  
164) am many of them have not been using it as an economic...activity that can  
165) actually earn them a living but just doing it as their culture. So the reason  
166) why I say the professional groups, these are the ones that are looking at  
167) culture as a product that can be sold. And if you are looking to sell, then  
168) you must prepare your product in a more appetizing and appealing way to  
169) the buyer. [P7, 6-7, 156-169]

Looking at ‘culture as a product’ is a major departure from the purely ‘cultural approaches’ to expressive forms and certainly a change that impacts musicians’ perceptions of traditional music. Culture as a product means that expressive forms are perceived as products for exchange on the market place. And traditional music being an important aspect of culture of any society, it renders itself to commodification and exchange in the market place. Participants noted reorganization within traditional musicians with majority posturing to fend off competition from other groups.

However, categorization of musicians along *professional* and ‘indigenous’ was not necessarily supported given the *professional* outlook of some old stock of musicians characterized by some as ‘indigenous.’ Participant four who indicated having had a group in the early 1960s, today operated more *professionally* than ‘indigenous,’ not withstanding his age and passion for the old ways. With uniforms, physical office and address, and contractual arrangements with clients, his group looked more *professional* than the so-called non-market oriented ‘indigenous’ groups. At the time of our visit, he was engulfed in a conflict with a former associate and group member who attempted to continue using the name of his group. Clearly, the old musician was not ready to allow impersonation undermine his business enterprise and business interests.

- 491) there is a gentleman here...just last Saturday, he came  
492) here...we worked together long ago...he was a drummer. He was hired by  
493) some people. He put up a sign post up there [a few meters] and called the  
494) group Uganda Personal...something like that...it’s up there... when he  
495) was hired, he wrote a contract and at the bottom he wrote, “Professional  
496) Dancers” ...  
497) R: *Professional Dancers*....?  
498) P: aaha...Desiderio Ssalongo...

- 499) *R: hmmm?*
- 500) P: see how he is using my name? Desiderio Ssalongo...he puts that on a
- 501) contract...
- 502) *R: when he...?*
- 503) P: this is my office [*we were seated in a small office for the interview.*
- 504) *Comes complete with a sign post*]. He is right there with no office. When I
- 505) came back, this lady [*neighboring shop*] told me, a gentleman came by
- 506) looking for me sooner after you left for work. She told them that we had
- 507) just left with their car. They wondered there we had gone when they had
- 508) 'hired' us for an event. She told them we had gone to Hotel Africana [*4*
- 509) *star local hotel*]. "That is where they have gone to work." She said. "But
- 510) that is not where our wedding is" they answered. She asked them what
- 511) group they were looking for. On reading it read, "Professional Dancers".
- 512) She told them that is not his group. His [*Salongo's*] is *Badongo* Dancer
- 513) [*shows the sign post*].
- 514) *R: hmmm...*
- 515) P: see? Possibly they didn't find him [*the impostor*] spoiling people's
- 516) wedding. Should the contractor blame me?
- 517) *R: no...*
- 518) P: don't you think he [*my former colleague*] made a mistake and I will
- 519) blame him for it...?
- 520) *R: eeehe?*
- 521) P: yes I am ready to face him and blame him.
- 522) *R: blame him for using your name...?*
- 523) P: yes for using my name. He can cause me problems. That is the problem.
- 524) But if he attempts to sing like me, I can't stand in the way and I have
- 525) nothing against him. If he sings like me and does it perfectly, so much the
- 526) better. It's good for him to earn a living. [P4, 23-25, 491-526]

The above case points to fierce competition following the recent increase in professional and 'indigenous' groups in rural and urban areas. Participant two joked that so many groups exist today some don't even have names. Some have to make up the name at the venues where they perform.

- 461) ...But when you look at the performing groups there are
- 462) now so many. Some of them they don't even have names. They create the
- 463) names when they have gone....[*both laugh*]...[*R: at the function?*]. What
- 464) is your name...what can we...I think on...yeah. "Now I think what can

- 465) we...because they want to announce now they ask what name...how do we  
 466) call you [*the masters of ceremony*]? Then they will sit down and say  
 467) “now what name do we give them? [*both laugh*] so it means there are very  
 468) many groups now. And the music is now being recognized seriously. For  
 469) now they are recognizing that the music traditional music is our music and  
 470) we have to feel proud about it.

With the exponential growth came the challenge of mobilizing groups towards common cause.

A participant cited lack of umbrella organizations and associated challenges of mobilizing groups. Ironically participant four, a son of a prominent traditional musician, wasn't aware of the National Council of Folklorist of Uganda (NACOFU).

- 369) .....we don't have a music society as  
 370) traditional musicians. If that society existed, it would help somewhere  
 371) somehow to promote the traditional music.  
 372) R: *there is the Council of Folklists...*  
 373) P: frankly I am not aware of it.  
 374) R: *hmmm..?*  
 375) P: I have just heard of it recently...there is a friend of mine called  
 376) Ssebunjo who told me about it...I hear it's the Folklist....  
 377) R: *Folklist...the National Council of Folklist and something...*  
 378) P: I have never heard of it...I don't even know where [it is located]...  
 379) R: *I am meeting the head on Friday at 9. He is called Isabirye James.*  
 380) P: James? Ok ...I heard of it but I don't know who the members.  
 381) R: *Mr. Centurio Balikoowa*  
 382) P: eehe Balikoowa ...is he a member...?  
 383) R: *he gave me their contacts.*  
 384) P: ok frankly I don't know it. The only one I know is for  
 385) theatre...inaudible words... But traditional music I didn't know any.  
 [P5, 15-16, 369-385].

National festivals were highlighted as having contributed to *professionalism* by providing venues for groups to showcase their 'new' or 'creative' forms and skills. Uganda

Development Theatre Association (UDTA) was mentioned as the most popular and influential festival. It is organized by *Ndere Troupe*, the most successful performing group in the country.

- 145) ... It is it is a cultural festival that brings all artists of this  
146) country together. [R: ooh] all the cultures from *Kisoro* to *Karamoja Arua*  
147) dances inaudible word everybody comes. So am it's such a marvelous  
148) event that you will see the beauty of all these other cultures being actually  
149) performed by their real indigenous groups. Not just professional groups  
150) that are studying it. But the people who are born in that culture and are  
151) responsible doing it. So I think that has been ...that has been one of the  
152) greatest festival normally done after every two [not clear] years am...it  
153) has had a very ...very big impact to our society. And it has also developed  
154) the rural community and tried to elevate their so... [cut]. [P7, 6, 145-154].

*Professionalism* dominated most interviews with musicians. The sub-theme represented trends towards rearranging traditional music in Uganda driven by the changing taste buds of audiences, as one participant put it. Professionalism and other sub-themes representing musicians' life experiences give snapshots of participants' lives. Participant shared experience of learning traditional music, appreciation of traditional expressive forms, or lack thereof, by Ugandan audiences in increasingly western-oriented entertainment environments. We noted major shift towards professionalizing traditional music through professional groups.

### 5.3.2 The Industry

*Tell me about Uganda's music industry. And the future of the industry?*

Having shared their life experiences, we invited musicians to assess the music and music industry. *Industry* as a thematic category covers musicians' reflections on the state and

nature of the music in Uganda. *Industry* is presumptuous of commerce, that is, that place where commercial activities take place, in this case sale of music or performances.

*Industry* can also refer to diligence, that is, looking at musicians as industriousness.

Although that exact term, *industry*, was not used in the interviews by the researcher and participants, we find their responses to fall in either understandings of the term industry, that is commerce or industrious. The conversation around the music industry was particularly appealing to the musicians but also an excellent way to shift the discussions to *ownership*. As traditional musicians, their views were biased towards traditional expressive forms (in their assessment of the music industry in Uganda). Hence the tendency to reiterate sub-themes like: *cultural institutions, appreciation of music, dynamism, professionalism, self-efficacy, functional roles of music* and *westernization* which also appeared under life experiences (*experiential*). Under *Industry*, these participants tended to raise similar issues under each of these sub-themes as they did under the *experiential* category. Hence the rationale for only revisit these sub-themes to the extent that they facilitate the understanding of the music industry. Otherwise, the focus is on *situation*, the only sub-theme unique to the *industry* thematic category.

Participants presented a mixed assessment of the *situation*, some painting a bleak picture, others portraying an optimistic outlook. First, we note from the data that despite the innovativeness of Ugandan musicians, some participants found the industry morally corrupt, both audiences and musicians. Participants also noted that successful musicians tend to have passion for their work since many join the industry solely to make money. In

the final analysis, those that looked at just money making were cast as unsuccessful for they lacked commitment to traditional music.

- 160) P: Take it that Ugandans are innovative. In so doing, we thirst for money  
161) and you can't achieve two things at the same time.....we sing a lot, but  
162) there are hardly any useful [*meaningful*] messages. That coupled with the  
163) audience [*we work or target*] that is oriented towards western  
164) entertainment is morally corrupted [*yasegewala*]*—it's [audience] is spoilt.*  
165) Even if a white [*westerner*] sings about something morally questionable,  
166) they simply applaud. If you don't sing about love, or sing explicitly  
167) [*content wise*]*—like the popular music today, you can't sell [your music*  
168) *wont sell].* Turning to traditional music, we have developed a lot—those  
169) who do it with passion. Those without passion, I pray to God to grant them  
that  
170) passion, because there lots of instruments and lots of performers, but at  
171) times you doubt the way some people play these instruments. The way  
172) they sound is not proper. That is where we are in the country. Looking  
173) beyond music, people encroach on work areas to earn a living. That is  
174) why people joined music when they found out they can earn a living that  
175) way. [P1, 6-7, 160-175].

The above participant, and several others, found love and related themes as morally corrupting. However, other participants didn't think love theme is morally repugnant. According to them, composing about love and related themes was evidence that the country's tainted past was finally behind people's conscience. Such themes point to the peaceful times currently enjoyed in the country. Otherwise musicians would focus on war and related themes. Consequently, participant three argued that besides money, peace<sup>23</sup> is the reason the industry is thriving, or at least the peaceful environment enables musicians to make money.

- 441) P: at least to be sincere there is a big improvement. First of all when you  
442) look at...I think because of this...we have had some peace. That at least  
443) people have started to compose songs about love, about peace [*kid crying*  
444) *in the background. Wife was around during the interview*] and very many

---

<sup>23</sup> However this portrayal of the country as peaceful was misrepresenting since northern Uganda was still engulfed in war at the time of the fieldwork. The region has since returned to peace.

- 445) ...[*not audible baby crying...*] are coming up. [*Interrupted*]. Such that  
both  
446) contemporary and I think traditional music is coming up. [P3,17,441-446].

Given the emphasis on monetary gains, it was not surprising that some participants saw the future of music and the industry hinged on whether or not there were real economic opportunities for musicians. According to one participant, if there are economic opportunities for musicians, the future of the industry is good.

- 288) P: the future will be good because everything hinges on gaining out of it  
289) [*music*]. Everyone one wants to earn a living out of music. Even more  
290) training places are coming up. The current Kabaka [*king*] is committed to  
291) promoting traditional music. He wants to revive it because most of the  
292) workers [*kabaka's entertainers*] were old. If people like me were young at  
293) the time, can you imagine how old the elders were at the time. Many have  
294) since died. At the coronation of the current Kabaka, they called upon  
295) people to perform but there were none-we went the two of [*with*  
296) *Ssempeke*]. I hear he is contemplating setting up a centre where people  
297) who have been involved [*in traditional music*] will meet. He knows us  
298) [*who have been involved*]. They had written to *Ssempeke* promising to be  
299) the head of that centre. When he died, I was told I will head the Centre.

As previously noted, cultural institutions were perceived as crucial to traditional music.

In the case above, we note that the future rests on intervention of the same cultural institutions and leaders.

Some participants noted resurgence of public interests in music, traditional music in particular. This was attributed to the economic opportunities offered by the industry. As mentioned earlier, numerous groups springing up entered a market thirsty for entertainment hence popularity of music.



269) P: Music in our country is becoming popular. Besides our traditional  
270) music, there are musicians who sing our old songs...dance songs  
271) accompanied with drums. There are numerous such groups. Even drama  
272) groups now incorporate musicians. That has made them [*musicians*] very  
273) popular. Even plays always have musicians. Drama groups now days  
274) advertise calling on musicians interested in performing to join  
275) them. Many have joined. There is a lot of interest and many have  
276) benefited from traditional music.[P2,10-11,269-276].

Music is now part of drama and theatre shows, thereby creating more avenues for musicians and expansion of the industry. Participants also cited music teaching in schools as critical to a strong music industry today and in the future. Several participants doubled as music teachers, making it possible to pass on knowledge and skills to a young generation of musicians. One noted that musicians were spreading the ‘gospel’ in schools. Increasingly clubs (students’) were inviting them to teach or perform. The extent to which the above trends spread to other music genres was not clear. However, using music teaching to recruit and preparing a new generation of musicians was cast as challenging on account of the negative attitudes held by the public about musicians. Some parents are opposed to their children training as musicians. Becoming musicians amounts to turning away from better career options. Parents did not perceive music as a good career option for their children. Participant two, who doubles as a music teacher, narrated a scuffle with parents that were opposed to music teaching. However, he also noted changes in attitude.

162) .....recently when I  
163) was in Police...I was in Police day school that is where I was teaching  
164) from, I came here last year but one. What I did, it was a tug of war there  
165) was a man who came even with a gun he wanted to shoot me and *Kayazi*.  
166) There is a man called *Kayizi* we are teaching with him. “you are spoiling  
167) our children...you are making our children play drums the whole day.”  
168) We said we are very sorry. But for us we have a timetable and music being  
169) a subject, unless you go to the Ministry [*of Education and Sports*] and say

170) let this music get out [off] the timetable but for us we are following the  
 171) timetable. And we are supposed teach other subjects. So if...go to the  
 172) Ministry and talk to them. If they change the whole thing then you come  
 173) and talk but for us...but for us we are following what we are supposed  
 174) to do as teachers. Then they [parents] will go away  
 175) but...[complaining]. Now these people who are in the choir...those  
 176) children what we did we put them in *Ndere*. [R: *huhhh...*]. Those children  
 177) have traveled. Now these parents even fear to come and say *bambi* we are  
 178) sorry we used to torture you for nothing...we are very sorry. The children  
 179) are going...they [children] have even given them [parents] money, the  
 parents have got shops.  
 180) They are very well off. But before it was war. Music was bad. But now the  
 181) children are ok now music is good. [P3, 6-7, 162-181]

On the other hand, participant seven insisted the future of the industry and musicians is to extend their music to an international audience. Internationalization through foreign travels gave musicians the much needed exposure and confidence. He took pride in the numerous trips abroad and advised colleagues to do the same. He also perceived internationalizing as important for expansion of musicians' reach market-wise above and beyond local audiences.

213) P: international exposure sure so if our artists here can also open up  
 214) themselves to the international like...artists come here I don't think as  
 215) much as he has got the CDs and what we are not going to let sing a  
 216) karaoke. [R: *right*]. Lucky Dube they do their stuff live and it has that ....  
 217) [R: *personal...*] yes... yes. [P7, 9, 213-217].

Highlighting live performances by the participants was prompted by the observation that most musicians relied on digital music and computers for their performances. We noted this as problematic to traditional music. But according to participant seven, this practice was widespread in the industry.

198) Here what you only do is the voice. All the rest are  
 199) media files and they are computer generated songs. So they don't

- 200) appreciate those ones. That is why our music is just for our own  
201) consumption here and it does not last any long. May be that is why I say I  
202) hope that this is just a transition, a stage whereby these artists will also  
203) pursue more to get the real expected levels. Having real bands that can  
204) play and also training the players to play what...the yeah the mixing the  
205) computers play... it looks a bit ... am to me as someone that has studied  
206) theatre and has had some good international experience a bit, when we  
207) attend these concerts they say we have concerts *Ekigunda* like that...and  
208) he just plug a CD there and then you pick a microphone and then you sing.  
209) That in a way does not satisfy a musician who or someone who is talented  
210) to perform. Our indigenous population just wants to hear and then see a  
211) star on stage and that is that. [P7, 8, 198-211].

That assessment represents mixed feelings on the *situation* of music and the music industry in Uganda by participants. Although the discussion focuses on music and the industry *situation*, we note that the views shared by participants in the *experiential* category on musicians' lives resonate with their assessment of the industry. These were not reported under *industry* save for areas of intersection between musicians' life experiences and industry *situation*.

### 5.3.3 Musician

*Who is a musician? Who is a traditional musician?' or "what is traditional music?'*

Participants were asked to describe an ideal musician with specific reference to traditional music. Additionally, they were asked for their understanding of traditional music. Without necessarily reflecting on self, participants identified personal attributes, skills and expertise a musician ought to possess. As a result, we presumed that the views shared would be less biased towards self but candid reflections on the ideal musician.

From the conversation, we garner two important observations. First, the musician's role and standing in society is changing, as observed in earlier thematic categories. Second,

we note the change is towards greater emphasis on livelihood, particularly by the new generation of musicians who see music as a source of livelihood. Older generation musicians find the hunger for money morally questionable, hence the lack of *patience* and *politeness* among the young, observed old musicians. Despite that, participants viewed the musician's position in society as unique, on the basis of skills, attributes and functions highlighted below.

The *musician* thematic category was associated with attributes like *politeness, patience, awareness and moral*. Personal skills included: *composition, dancing, performing, singing, innovation/creativity, teaching, societal memory or bridging (connect past-future or ensure continuity), preserving of culture, prophetic, entertaining, and learning*. From the list we note that a musician's skills were related to functional roles in society. For instance, if a musician is capable of teaching as a skill, that musician is functionally a teacher in society. Likewise participants sometimes identified a musician's attributes, which tend to be personal, in terms of skills or functional roles. The following discussion interrelate skills, functions and attributes of a musician. As far as skills are concerned, the emphasis was on instruments, including *instrument played (types), number (multiple or single), ability to blend with other instruments, and playing multiethnic or adapting to other instruments*.

Teaching and entertaining were cited by all participants as important skills (and functions) of a musician. Participant one cited personal happiness as an important attribute for a musician. Personal satisfaction of a musician is a prerequisite to other

attributes and functions. If a musician is happy and satisfied with what he does, that individual will likely make audiences happy as well.

- 256) P: a true musician or performer should be someone who sings or performs  
257) not for the money but for three reasons: first, to teach the one you [*the*  
258) *musician*] entertain [audience]. To entertain [*second*]. Third, you [*the*  
259) *musician*] the musician or performer should derive happiness out of his  
260) job. I think before you entertain and make others happy you've  
261) have to give it to yourself. If we see you [*musician*] happy, we are bound  
262) to derive happiness out of your work as well. For instance if someone dies  
263) and there is a person mourning, you who is watching is bound to mourn as  
264) well. So that is a true musician. [P1, 10, 256-264]

Additionally, participant one expected a musician to be educated and continuously learning about his trade, instruments in particular. Learning about instruments entails playing, making, and tuning instruments. Likewise a musician ought to know meanings of sounds made by particular instruments. Citing drums in *Buganda*, participant one illustrated the importance of knowing the different drums and messages each conveys.

- 264) The musician should also learn a little  
265) bit about what s/he does. S/he should know, for instance, how a drum is  
266) made, production stages it goes through ... such issues. S/he should know  
267) how  
267) the drum came about, what was the first drum, what role did it have [*in*  
268) *society*]? Such knowledge is important...so you can interpret the  
269) different drum soundings. When you hear *Gwanga Mugye* [*drum sounded*  
270) *to warning of trouble/danger*] you don't put on your tunic  
271) [*tunic with jacket is ceremonial traditional attire for men in Buganda*]  
272) to go ceremonies because there is trouble. *Sagala*  
273) *agalamidde* [*drum sounded to calling upon people for community work*]  
274) is community work [*bulungi bwansi*]. *Kabo kajudde* is call for church  
275) service. *Omubala* for [*words not clear*]. A musician should know all these  
276) things. [P1, 10-11, 264-276].

A true musician should possess this knowledge. This kind of knowledge and expertise remains a challenge to young musicians today. Participants noted the lack of patience and politeness necessary to acquire the knowledge and expertise emphasized by the previous participant. Participants singled out patience while learning as the first indication of a successful musician in future. According to participant two, important musical skills are acquired at the learning stage and only improved upon throughout one's career. If the training wasn't good or learning didn't take place, that is reflected in the kind of performances a musician puts up.

- 309) P: s/he must be polite and patient. Learning the instruments isn't easy.
- 310) Someone must be patient. If you recall how we started, if we were not patient
- 311) we wouldn't succeed. If one is patient and well behaved, that eases the job
- 312) of the teacher—for the teacher to pay all the attention and teach you [*the*
- 313) *musician*] well. If one is impatient—many fail because of that. They come
- 314) here to learn spend two days never to return. A musician has to be
- 315) determined, well behaved and patient. He shouldn't be looking at
- 316) accumulating wealth quickly but take time to learn. Not learning a thing or
- 317) two and then off to experimenting. As an old man we don't appreciate
- 318) that. There are many such musicians. You attend an important powerful
- 319) function only for the musicians to put up a bad performance. That is due to
- 320) impatience on the part of the musician who wants to make money before
- 321) mastering the art of playing instruments. [P2, 12-13,309-321].

Teachers of young musicians, especially older generation musicians, find the 'money-minded' and impatient musicians difficult to work with as students. The money element is particularly important and relevant to the central theme of *ownership*. If music is perceived primarily as income generating source, that is likely to impact one's approach and perception of *ownership* of the expressive forms s'he makes. As earlier mentioned, learning traditional music, specifically instrument playing, is more challenging than western instruments hence, the need for patience on the part of a musician.

The previous participant mentioned a young musician, Richard (not real name), whose success he attributed to patience and politeness. In this case, patience and politeness meant that teachers paid special attention likewise the learner as a musician focused on honing the necessary skills.

- 329) patient. For example Richard – he has been with us for a long time  
330) but never gave up. He began at the National Theatre where my Brother  
331) worked briefly after retiring from here [*the Museum*]. But you could tell  
332) he [Richard] was very committed to learn. And he was very polite. My  
333) brother liked him very much because of his politeness. If someone is  
334) polite s/he stands to gain-we [*as teachers*] give him special attention.  
What  
335) you asked the qualities of a musician. He must be patient, polite and  
336) dedicated. [P2, 13, 329-336].

Another participant also mentioned the politeness and determination of this young man Richard and his brother Alex (not real name).

- 303) Richard and Alex are very intelligent  
304) boys. Because I have been with those boys when they are still young. But  
305) they are sharp. For them what they used to learn from Muyinda then go to  
306) Ssempeke but after that they go to their instruments. After teaching them  
307) they go and practice ... make it even perfect. So when they come they add  
308) on a skill of ... on the other one which you play on his lyre then after that  
309) you don't even remember the tuning. But for them, they will come, they  
310) get the thing and go back and even improve. That is why with those boys I  
311) really appreciate. They are so bright. John ...these are some boys I am  
312) so proud of ... Alex that is the brother of [to] Richard...there is also  
313) another boy called Peter. I don't know where he is these days. I used  
314) to feel very proud of those boys. Because for them they look at the thing  
315) and they feel they want to learn it and they will learn it. And when they  
316) learn it the make it perfect. Recently I was adjudicating ...I was  
317) judging these Richard [his group] during their practical at MDD [*Music  
Dance and  
318) Drama-Makerere University*]. They told me to go and help with the  
319) examination. So when I was examining, the boy played a lyre ... up to

- 320) now... it was...was ...it was so good. And I think he was the best. He  
 321) played and I thought this boy has gone beyond the *Ssempeke* level  
 322) because *Ssempeke* would give them basics. But for him he will go and  
 323) perfect it. [*R: perfect it!*]. And even make it better by adding in more  
 324) skills. So by the other musician *Muyinda* would give just the basic and say  
 325) “that is enough...you can try that.” [P3, 12, 303-325].

Another participant expects a musician to be an all encompassing individual. Besides patience a musician should play instruments as well as sing. He calls this musician ‘all-rounder.’

- 442) ...I would expect someone who is all  
 443) round [rounder] can sing, play instruments, dance...then one is a musician.  
 444) At least you know most of the things...you know a number of things. You  
 445) should know a bit about you music [*genre*] and that of others... that is my  
 446) understanding of what a true musician should be.  
 447) *R: hmm...?*  
 448) P: because someone can ask you...as a musician what do you do? You say  
 449) I sing...but certainly that is an incomplete response.  
 450) *R: something is missing?*  
 451) P: because I know that a musician must be all encompassing.  
 [P5, 19, 442-451].

Another participant identified a traditional musician as a multi-talented individual with even “more skills.” They perform, entertain but most important compose songs with a message to teach. A musician, therefore, assumes a greater role in society and his work is not just entertaining but also teaching his audience. As a teacher, a musician is also a knowledge repository.

- 560) P: a traditional musicians...him he is he has got  
 561) more skills. The others have got basic. But in traditional music these  
 562) people now have got the skills. The technique with...when you look at  
 563) that ...they are performers, they are ...they also entertain and I think they  
 564) have a message to tell. Because whatever people do, the music they



- 565) compose, the music they sing there is a message. There is a message they  
 566) are passing to the audience that is why I was saying the other man when  
 567) he was singing, people were there. People were laughing about the *mutego*  
 568) [*trap of scantily dressed lady*] they were getting a message. *Mutego* means  
 HIV.  
 569) And when we get the thing [*catch HIV—meaning that the badly*  
 570) *dressed girl will spread HIV!*], the end is death. They will laugh but  
 571) there is a message. So a musician is an entertainer, an educator and I  
 572) think ...these are, I don't know how I can say it. But they are dictionaries  
 573) of ideas and knowledge. [P3, 21, 560-573].

Participants claimed traditional musicians possessed *prophetic* skills, that is, the ability to predict what will happen to, or in, societies through music. This claim to prophesy was particularly held in *Buganda* region where a special position was created in the *Kabaka*'s palace for a *mulanga*, a special musician whose job was to alert, or warn, the *Kabaka* of impending trouble or happenings. He also voices concerns and complaints from ordinary people to the *Kabaka* through songs specially crafted to pass a message without implicating complainants. That way the *Kabaka* got honest feedback from his subjects.

- 401) .....in the past, the *Kabaka*  
 402) had *omulanga* who played *enanga* [*the bow harp—eight string*  
 403) *instrument*]. This man played and sang alone for the *Kabaka* while he  
 404) [*King*] is reading papers or writing something. The reason the instrument  
 405) was named *nanga* is because he prophesized to the *King* through music.  
 406) That man was free to sing anything about the *Kabaka*. If the *Kabaka* was  
 407) not running the kingdom to the satisfaction of the people, he would advise  
 408) him to correct wrongs through his songs. *Ssabasaja* would listen but not  
 409) do anything to him. The *Kabaka* would change accordingly.  
 410) *R: he was like an advisor?*  
 411) *P: yes the reason he was called a mulanga [prophesied]. He prophesizes*  
 412) *what is to come and what is happening at the time.*  
 413) *R: so the instrument is called enanga...?*  
 414) *P: yes...[P2, 16, 401-414].*

The *mulanga* was the bridge between them and the king presenting even the most difficult and distasteful topic to the *Kabaka* that no ordinary folk would dare discuss

directly with the *Kabaka*. Somehow the *mulaga* facilitated the proper running of the kingdom but also harmony between the people and the *Kabaka*.

- 573) Because you know when you look at the king, the  
574) *nanga* man ... they used to come and *nanga* [*prophesize*] what will  
575) happen. The *bakopi* [ordinary folks] would not be able to go and tell the  
king, you  
576) know king you are doing this and that but something may happen. But  
577) they will use musicians. The man will sing but as he sings there are things  
578) ...hidden meaning in what they singing and they seat down and analyze ...  
579) and say haa...this man really sang about this thing. So which means it's  
580) the only thing that you can use to pass a message mainly to [*Kabaka*]...  
and very  
581) understanding message without any problem. Yeah. [P3, 21, 573-581].

Other musicians prophesized by alerting communities about events to come through carefully crafted messages. Whether or not all events predicted came to pass was not always revealed by participants but one participant cited a case where musicians' prediction happened. According to this participant, people were excited about the construction of railway line to *Mubende* (small district west from Kampala, Uganda's capital). Little did they know that the colonial government was to require and force their labor when the project takes off. At that point, musicians 'warned' people that excitement would soon turn to misery since they were to be forced to provide manual labor.

- 405) P: ...they sang [musicians] that  
406) [*the*] construction of the railway to *Mubende*, even the young ones will  
provide  
407) labor...long before anyone knew about such plans...[*R: no one*  
408) *knows...?*]. When construction finally started...their prediction came  
409) true...they took hundreds of people to construct the line, it was a battle.  
410) Another example that wasn't intuitive. Anyways these things [show]  
musician  
411) has something to teach...  
412) *R: oohh...music has something to teach?*  
413) P: yes music teaches quite a lot. When a musician sings, pay close  
414) attention [*for the message*] to hear what s/he is singing about. If you are

- 415) lucky to live long, you eventually see what s/he sang about.  
[P4, 19, 405-415].

Related to the prophesy skill is the ability of musician to bridge generations through music. Participants noted that an ideal musician ought to have skills to create bridges between generations or societies. Participants noted that musicians must have skills to bridge generation by telling about past and future events through songs. Bridging differs from prophesy because it focuses on cultural preservation which is broader than alerting or warning the *Kabaka* and people(done by the *omulanga*). Like prophesy, bridging generations through songs entails composing songs that teach about the past, present and the future. Training or preparing a young generation of musician is another aspect of the bridging skill and function. Young generation ensure continuity of the music and cultures. Several participants emphasized this element of the ‘bridging’ skill. Many preferred preparing own children to assume responsibility.

- 467) Even after my death, my off springs  
468) will know the importance of continuity. My dad died, I die and now my  
469) kids know they have a responsibility to continue the tradition. So  
470) continuity has to be there whereby its part of society. People will watch in  
471) amazement that there are people who still play authentic Buganda music.  
[P5, 20, 467-471].

Musicians as self-defined teachers and prophets were portrayed by participants as didactic in tone and message of their music. Their music tends to only teach but also moralistic. Likewise, the all encompassing multitalented traditional musician is expected to demonstrate more skills than the non-traditional musician. All views taken together,

the traditional musician is not simply an entertainer but a complex social being with multiple talents and functions in society. Attributes, skills and functions identified by participants raise the social standing of musicians in society so much so that their perspectives on different cultural questions are as important as other members of society if not more important in some instances.

Previous thematic categories as well as the current category are directly, or indirectly, related to traditional expressive forms. *Ownership* of expressive forms was the overarching theme in the conversation with participants and the presentation of their views in previous thematic categories. The next and last thematic category was appropriately labeled *ownership* for it presents participants views, perspectives and construction of *ownership* of traditional expressive forms.

### 5.3.4 Ownership

*What does it mean to own music creative expressions?*

*“I have recorded this I am preserving it so I can sell it. So that is the ownership but not original ownership”*

*Ownership* of creative traditional expressions was the central question in the study. Generally knowledge of *ownership* was not presumed. Therefore, participants were not directly asked about *ownership* but allowed to talk about music and issues concerning their work. The preceding thematic categories cover most of these issues. *Ownership*, whenever raised, came about as part of the conversation on related matters. We only

prompted participants about *ownership* when it became clear that responses to preceding contextual questions had aroused or addressed *ownership*. Consequently, some participants brought up *ownership* of their music on being prompted by the researcher. In such instances, participants were simply asked to give their thoughts on *ownership* of traditional music in general and the music they make based on traditional resources. Participants were asked questions like: *what does it mean to own music in the traditional sense? What does ownership mean to you? Do you own the performances you make? Do you own the music you make based on traditional resources?* Since several interviews were conducted in Luganda, the researcher was lucky that *ownership* as a term translated very well to both *Luganda* and *Lusoga*. In both languages, *ownership* is simply *obwananyini*. Hence, for instances, where participants had to be directly probed on *obwananyini*, variations of the above questions focused on *obwananyini* on or of traditional music.

We note from previous thematic categories reference to conditions and circumstances that directly impact on the conceptualization of *ownership*. By engaging participants about contextual themes in the previous categories, we set the stage for discussions on musicians' perceptions of *ownership*. The *ownership* category presents the different views expressed by participants. Sub-themes under this category include: *cultural institutions, originality, self-efficacy, own, individuals, authority, rights, groups, preservation, and westernization* among others. Some of these were discussed in previous thematic categories. Sub-themes re-emerge under *ownership* to show the interconnectedness of the thematic categories, but more importantly to demonstrate how

*ownership* is based on the social, economic, cultural and political contexts in which musicians are embedded. Likewise, musicians' life experiences (or lived experiences) impacted their assessment of the music industry, definition of a musician as well as perceptions of *ownership*, or lack thereof. Participants did not restrict the scope of *ownership* to expressive forms. *Ownership* was extended to dances, performances, instruments and other resources used in traditional performances. Additionally, certain factors were raised as far as *ownership* is concerned. For instance, several participants mentioned *originality* and *authenticity* of expressive forms as important in defining *ownership*. Others made reference to cultural resources associated with traditional music as prerequisites for defining *ownership*. If a particular group has always associated their music with certain resources, an outsider may not claim *ownership* to that music unless s/he has demonstrated knowledge of associated resources. Lastly, legal protection against 'stealing' of their music was always an issue attached to *ownership*. Participants understood that *ownership* meant that use of music they make without permission from them constituted 'stealing' and reported the practice as rampant in the industry. 'Stealing' was fuzzier when considered in context of shared music, that is, in situations where the person implicated in the stealing and the 'owner' share cultures or belong to the same ethnic community.

Several participants associated *authenticity* of expressive forms, dances, instruments with specific individuals, groups or geographical regions. Consequently, *ownership* in this case is perceived and constructed bearing in mind of the individuals, groups or regions in question. Other participants indicated the challenges of defining *ownership* when cast in

context of such fluid concepts like *originality* and *authenticity*. A participant thinking aloud asked where did all this come from? Against that background, the researcher invited participants to explain what *authenticity* and *originality* original music meant in context of traditional music and resources. Participant three noted the challenges of attaining authentic dances in teaching and learning environments. To him dances must be done as they were ‘done before’ but what was done before was difficult to attain, especially the necessary resources. If the original resources are inaccessible, alternatives are improvised but these are never as good as the old ones.

- 55) ...That is why when
- 56) aah...I am a teacher, and I also teach music. When we are teaching music we feel
- 57) the dances must have that authentic...the authenticity the way it was done before.
- 58) We may not go back to the back cloth, we may not go back to the leaves but we
- 59) ...
- 60) instead of having leaves we have [*sanja* - dry banana leaves] ...!  
[P3, 3, 55-60].

Participant seven, on the other hand looks up to the indigenous communities for *authentic* forms. Only indigenous people can claim *authenticity* because expressive forms and associated dances are unique to them. Some cultures are simply not accessible to non-members making it difficult for ‘outsiders’ to reproduce the expressions in the exact form. *Ownership* in this case can only be claimed by the ‘indigenous’ group who have an understanding of associated cultural resources such as food as well as live in close proximity with those that perfected their culture such as elders.

- 350) P: [for] authenticity in music especially in cultural ethnic music, we look at the
- 351) cultures how the...indigenous people do it or used to do it? You try... you
- 352) have to keep...keeping the trend the way things were done and
- 353) not...ah...diluting like concentrated you are not adding any form to kind
- 354) of loose the real direction of the culture. Ah this one comes about like
- 355) when you allow yourself to learn so many other...to learn other people's
- 356) cultures for instance. Naturally these people learn their cultures right from
- 357) their parents. There are no formal schools for culture. You are born in that
- 358) culture, you find your father your mother your bigger brothers doing that
- 359) same culture so you grew up knowing what... so it becomes much easier
- 360) for you to do...to do it than anyone else will do it. For instance
- 361) *Acholi*,...*Acholi* dances are a bit difficult for other cultures [non-Acholi].  
Like it's
- 362) a bit sometimes it's a bit difficult for some *Acholis* to do the *Kiganda*  
[Baganda].
- 363) Aar...you look at the Rwandese, the way they dance, if you tried to learn
- 364) it, it will really take you a long times to really produce that authenticity.
- 365) For them...may be even the food you eat...aam...the activities you do in
- 366) your culture also somehow determine your body and how your body will
- 367) respond to that. So if you've grown in a different society, which has got
- 368) totally different values and different economic activities may be some
- 369) other things are not accepted in their culture. So you are bound to do the
- 370) things not exactly the easy the indigenous one will think. So you will have
- 371) lost the authenticity in that particular thing. [P7, 14-15, 350-371]

*Authenticity* to another participant [participant five] is to be found in rural not urban areas. Rural areas have 'real' musicians. In urban areas, especially *Buganda* region, real musicians are lacking. However, he didn't necessarily attribute *ownership* to rural areas where the 'real' musicians and expressive materials are located.

- 413) P: in Kampala...there are very few [real] but in the villages there are very many.
- 414) When I go to do research sometimes I some rural based groups...reason
- 415) when doing research I take them to rural areas...to go to the real
- 416) people...where to find the real information. But someone recording music
- 417) here in Kampala as traditional music...laughs...
- 418) *R: you don't get the real thing?*
- 419) P: I would not be sure what you got. Because remnants of traditional
- 420) music in Uganda are found in the villages, but even there very few. For
- 421) instance here in Buganda traditional music is completely dead. The



- 422) places to find music is *Busoga, Teso*, West Nile and Gulu.  
 423) *R: hmmm...?*  
 424) *P: But in Buganda ...*  
 425) *R: there is nothing...?*  
 426) *P: no everything is dead...[P5, 17-18, 413-426].*

For some participants, *originality* resides with an individual and not necessarily geographical or mastery of cultural resources as mentioned above. One musician from the old generation claimed that he held custody of original works and knowledge. As a result, researchers and journalists consulted him. He also claimed to have improvised the metallic string currently used on *ndigiddi* (tube fiddle) when he noted that materials previously used were weak. Musicians used to replace the string several times per performance rendering the instrument unreliable in certain circumstances. However, the participant didn't go as far as claiming *ownership* of rights in that innovation but made the point that age and experience of an individual were necessary in claiming and defining *originality* of traditional music performed by that individual.

- 429) *P: yes anybody that wants to know the history of these things [music]—*  
 430) *including journalists, researchers ... not clubs. For instance Rwanjezi no*  
 431) *one goes there for research, just entertainment. They changed*  
 432) *everything...[the lack authenticity---although on their website*  
 433) *they claim to perform authentic traditional dances, etc!]. So for original*  
 434) *knowledge, people come here—I am the only one remaining.*  
*[P2, 17, 429-434].*

This claim to *originality* of knowledge and works was prevalent because each musician portrayed himself as the originator of something. Participant eleven claimed to have originated the *amadinda ga sekinomu*, type of xylophone played by a single person.

- 63) I am the one who designed the xylophone...they didn't

- 64) exist before me. What existed was for multiple players not single players... the
- 65) multiple player xylophone was mostly in the Palace...but the single player...
- 66) *R: sekinomu? That is interesting.*
- 67) *P: Desiderio mentioned on radio one time that the man who designed amadinda*
- 68) *lives in Bugombe. That is the instrument...I am proud of.*
- 69) *R: yes what you contributed to traditional music?*
- 70) *P: yes...it's now widespread...it is everywhere. And I make them too. There was*
- 71) *someone who knew how to play it but not making it.*
- 72) *R: but you started? [P: yes] this is interesting. Often time we see instruments out*
- 73) *there but never stop to ask where they originated...*
- 74) *P: exactly...*
- 75) *R: I am delighted to have this information and meeting the person behind this*
- 76) *one...*
- 77) *P: yes...that is me who originated that one... My wife would cook and call me to*
- 78) *lunch but don't show up when I am busy working on my instrument. [P11, 4, 63-78]*

The participant has since retired from making instrument but attempted to motivate his children to take over from him. Unfortunately the children are not as interested.

Consequently, buyers seeking this instrument are not getting the best *madinda* from roadside sellers.

- 300) ...I am a tired man. I told them [children] to make but they are a
- 301) bit lazy. Nowadays people buy from roadside vendors, which are not good
- 302) because they are not well designed and tuned. [P11, 15, 299-302].

To get good, genuine and authentic *mandinda*, buyers used to go to him since roadside vendors don't have good instruments. We note in the above case, the linking of economic

interests with claims to *originality* and *authenticity*. We also note the quest for recognition of the individual contributor rather than the community in which he exists.

Misappropriation of traditional music is not just a challenge involving local ‘stealing’ but has a foreign dimension where foreign companies and individuals are implicated for stealing local traditional music. Consequently, foreign misappropriation has drawn traditional musicians’ attention to the issue of *ownership*. One participant (Five) complained that his late father’s music was being misappropriated by online stores singling out Amazon.com. The participant had, as a result, picked interest in issues of *ownership* and benefits that ought to accrue to the family from the sale of ‘their’ music.

- 580) P: ownership is good I liked the idea...  
581) ...  
582) ...  
583) ... So that you have rights on your music...people shouldn't  
584) simply sell your music. For example, my Dad's music ...for us we are  
585) benefiting nothing. I am about to write to these organizations I see on the  
586) Internet selling my father's music. Where does the money go?  
587) R: *hmmm...?*  
588) P: yeah I saw some...I saw Amazon  
589) R: *Amazon.com*  
590) P: yeah Amazon.com they are selling his music. I am about to write to  
591) them and tell them that they are selling my father's music but we as a  
592) family what are we benefiting? Because you find *Ssempeke's*  
593) music...*Agenda Nomulungi Azaawa*...what note...*Nagenda Kasana*  
594) *Ngabulaba*...so many songs. Are there...you even see the prices.  
595) R: *and they are expensive...*  
596) P: yes expensive...but if there was a copyright commission at least it  
597) would help us on the question of ownership. When someone sells, s/he has  
598) to consult you...because I can set terms for every CD you sell I get a  
599) certain percentage. Already the British Sound Archives has already started  
600) that. They sent my Dad some little money but I don't know how long they  
601) have taken without sending him. [P5, 25, 580-601]

This case represents important developments in traditional music some of which were noted earlier. First, traditional music is increasingly recorded, unlike in the past when it flourished as unrecorded genre. One only got a taste of traditional music as and when it was performed. Second, it is marketed and distributed through electronic stores like other music genres, rendering the selling and claims to private *ownership* possible. It also means that the recorded music is further removed from the traditional contexts from which traditional musicians draw to make that music. Hence the ability to claim private and individual *ownership* of the resultant forms. The previous participant saw an opportunity to gain if *ownership* of his dad's music sold by online stores was resolved. Clearly, the family feels a sense of *ownership* over that music, which should translate into economic gains. The same participant castigated foreign scholars for recording traditional music and placing it on the market in their home countries. Again, according to the participant, this is ground for considering and resolving *ownership* of traditional music

- 603) .....Ownership is good, we
- 604) have encountered many problems along the way. Someone comes here at
- 605) the Museum, we play music for him to record. You play several songs.
- 606) When that person goes home, he makes slight edits on the computer and
- 607) puts the music on the market. [P5, 26, 603-607]

When specifically asked about *ownership*, another participant also justified it on grounds of 'widespread' misappropriation and theft of *their* songs. According to the participants, musicians are not benefiting from their creativity due to lack of 'stringent' laws against those that misappropriate musicians' work.

- 364) P: I would like it [*ownership*] – in fact I should say I would like it, I like it very
- 365) much because when you look at the current situation, leave alone

- 366) traditional music, many people misappropriate other people's music. They  
 367) gain more than the person who composed them [*songs*]. In small bars, you  
 find  
 368) someone singing [*another person's song*]. If there existed a law – stringent  
 369) one, musicians...composer would benefit from their creativity.  
 370) ...  
 371) Here people sing other people's songs. I  
 372) wouldn't expect someone singing another person's song.  
 [P1, 14, 364-376].

The participant looks at songs as personal property of an individual musician. Due to this perception of misappropriation of their music, participant three observed that musicians were 'fighting' for *ownership*. Like the previous participant, *ownership* means owning the songs and recordings. He noted that far from common belief, traditional music is not without *ownership*. *Ownership* exists and belongs to the person who did 'something' whether it's traditional music or not. He argued that without that person's input and imprint, the music would not exist, traditional inclusive. The musician must be rewarded by acknowledging *ownership* of his work and economic gains that result from that work.

- 674) P: the ownership...that is what we are trying to fight. It is a disease here.  
 675) But because when now I look at music people recorded...people recorded  
 676) that music I hear we recorded a CD but I don't have any percentage I get  
 677) from that music which was recorded. They are selling it. I am the one who  
 678) played the music. The instrument was mine. The music...I am the one  
 679) who played it. But people they normally take tradition [*as free*] ... but we  
 have  
 680) what we call ownership. The person who has done something even if  
 681) tradition, if its tradition and its not done by that person then it cannot exist.  
 682) But I feel we need to appreciate the person who has done it. How do you  
 683) thank...that person? [P3, 24, 674-683].

Another participant also acknowledged that *ownership* means musicians claiming songs or music as personal property but noted the lack of certainty once the song is done. Since musicians own their work, another person using that music should seek permission from the owner.

381) P: ownership at this point when the song is done is where its most  
382) uncertain. Either you sweat or sit back and lament. I would expect if there  
383) was a good arrangement for you to benefit from your song in a meaningful  
384) way. How? If the song is played on radio to start a program, every time its  
385) play on air, the composer/singer gets paid. That song –let say...the song is  
386) popular and someone wants to use it in a film [as .....], they should  
387) not simply use it. Without your permission. That is how I look at it.  
[P1, 15, 381-387].

Another musician attributed musicians' miserable plight to lack of clarity on *ownership* which makes it difficult to realize economic benefits from their work. Lack of clarity on *ownership* and right to work, leaves musicians open to exploitation. The participant was optimistic that *ownership* would be resolved to enable musicians benefit from their work.

683) ...that is why people normally die there  
684) [poor] ... "me I didn't get anything." The musicians you see... a very good  
685) musician but he has...he is sleeping in a very funny house. He has no  
686) house but people are getting money [*off his music*]. Like there is...  
687) ...this man Matta [*I tracked him down and interviewed him*], I was  
688) interviewing him. I went to his home, its terrible. His a blind man. He is  
689) one of those best musicians from the East. But when you look at his state.  
690) He has no house, he is living a very poor man but people have got money  
691) from his music. They sale up to now they are still selling the music. He is  
692) one of the best musicians in Busoga called Matta Nathan so that  
693) ownership it...that is why I am insisting that when this copyright becomes  
694) very effective, it means if you want music, you must either make an  
695) agreement and say this is the percentage I am going to give the owner. But  
696) it has not been effective but we are trying to make it become strong so that  
697) people can have that ownership and have a right for their music.  
[P3, 24-25, 683-697]

However not all participants subscribed to the idea that musicians identifying with traditional music should make *ownership* claims or even need to define *ownership* at all.

According to one participant there is no such thing as *ownership* of traditional music.

Lack of *ownership* claims, therefore, enables traditional musicians to sing any songs without worrying about consequences. That position sharply contrasts with previous

participants who strongly advocated for *ownership* of songs or music if only for economic gains. The participant below also linked *ownership* to economic gains but noted that traditional musicians unlike *kadongo kamu* [country musicians], didn't not draw economic gains primarily from selling but paid performance. Instead of claiming *ownership* on the music and songs, his group charges for performances but makes no *ownership* claims to songs they perform.

- 326) P: for us we don't have the approach of *Kadongo* denying anyone [access]. After  
327) such a function where *Desiderio* is lead singer. If one is part of another  
328) group at a different function because we musicians are also independent.  
329) Even if you sing the same song, no one will blame you for singing the  
330) song. To us when you sing and find another person singing the same song,  
331) the issue is who does it better but not attacking the person singing that  
332) song. We don't do that. If you find someone singing your song, you  
333) should be delighted the question is whether or not they are good musicians  
334) ...  
335) R: and singing the song well?  
336) P: exactly...  
337) R: so no one can claim to own it?  
338) P: no...  
339) R: why?  
340) P: because we don't sell ours... the reason we don't claim ownership is  
341) because we don't sell. The others [who claim ownership] want to sell. For  
342) us we don't sell. Once paid for our performance, that is it. We make sure  
343) we entertain well at your function...we don't sell. Others are complaining  
344) because they want to sell. They sell songs they compose to get money.  
345) R: so if you're in traditional music...[skip]?  
346) P: we don't sell.  
347) R: one can sing as many songs as possible...  
348) P: even if you sing *Nandujja's* song and sing it well, whether you do better  
349) than her or not, she can't blame you. No...no... Even *Nandujja* can't  
come  
350) and ask why I heard you singing my song at *Kasanje*? No...  
351) R: she cant?  
352) P: no we don't sell...[P11, 17, 326-352].

In lieu of *ownership* claims, the group negotiates contracts with interested parties, renders services in form of performances and gets paid afterwards. Failure to pay they take legal action, a direction they have never had to take. Ironically payment problems were within the group.

- 384) P: we make contracts if broken we prosecute them...[*tape skips*]...we have  
385) never taken a case to court ... but its infighting within musicians. We  
386) don't pay each other well.  
387) R: *within the group?*  
388) P: yes someone is hired at a very high fee only to pay the rest of us  
389) peanuts...  
390) R: *eee...?*  
391) P: yes he negotiates with each one of us individually and paid  
392) accordingly...you negotiate...[*skips again!*]...  
393) R: *that is where the problem is in your work?*  
394) P: yes but we don't interfere with the main contractor...we stay out of  
395) that. You don't ask to know how much someone was paid...  
[P11, 19-20, 384-395].

However, the participant sympathized with musicians who 'sell' and, therefore, claim *ownership* over their work because a lot goes into 'composing.' Composing is a difficult job that ought to be rewarded.

- 354) P: for us we sell the group performance...we don't mind about individual  
355) songs. When I come to entertain you [*your function*], you don't tell us  
356) which song to sing...  
357) R: *ooh...you are the ones to decide?*  
358) P: yeah...you buy the group not the song...you can't demand to have  
359) certain songs sang...for the time we perform, we play all songs...those  
360) you like and don't like...  
361) R: *what do you think about those who sell...those who claim ownership?*  
362) P: I don't care about them. They earn from composing. If someone earns  
363) from composing [*skip*]...for them instead of farming, or raring hens,  
364) composing is how they earn a living. Their office [*literary job*] is  
composing. [P11, 18, 354-364].



Unlike the previous participant, another participant perceived *ownership* as originating with performance. *Ownership* exists on performing, because whoever performs is making a contribution to the ‘advancement’ of traditional music. The participant dismissed the notion that traditional music has always existed as it is and, therefore, nobody can claim *ownership* over it. His arguments are based on the constant change the music undergoes as evidence that some individuals are making contributions without which the music would remain static.

- 702) P: I think the person who is performing. Because that one if he has made  
703) that music to exist then that person should have a right. We have a right of  
704) presenting. Because when you talk of tradition, it’s tradition...there are  
705) traditions which are not even tampered with but this one has made it  
706) practical, made it effective that you can appreciate what he is doing from  
707) the other traditions. So this person should have also a right. But since he is  
708) the one who has presented it, he must have the right of something out of  
709) that. But people think aaahhaa...at least the tradition *nti ndaba bwebityo*  
710) *bwebyali ani amanyi bwekyatandikila?* [*since this is tradition that is the*  
711) *way it has always been—the form! Who knows how it started?*]. But if it  
712) remains in the same state as it was/ has always been without anyone using  
713) it/adding to it, would you [*anybody*] see it? Why don’t you appreciate this  
714) person that has made it? And say this person should be rewarded because  
715) no one would develop it. But if he has made it into interesting then there  
716) must be something that person should receive. He should be recognized.  
717) Yeah. [P3, 26-27, 702-717].

On the basis of personal contributions to traditional expressive forms through performances, the participant recommends rewards to contributors. And *ownership* is a prerequisite for the economic rewards to the musician. Another participant recommended claiming *ownership* to a recording but not the original form. Using as example a recording by Ndere Troupe, a local performing group, that recording should be used by the group to generate funds and also claim *ownership* but not the original forms from which materials were drawn. According to this participant, recording of traditional music is not simply money making but also preservation mechanism for that music.

293) P: but ownership say if I have to sell because they [Ndere] don't give that  
294) free of charge. They sell. If I am interested in buying I buy and the CDs  
295) are 30,000 which is about \$15...yeah roughly. So now that is what makes  
296) it able [*possible*] for them to sell. Because there isn't much effort really  
297) they just got what was already in existence and they really exploited  
298) that...this is there we can do something about this and we  
299) can preserve it in a way. So it's for record. I have recorded this I am  
300) preserving it so I can sell it. So that is the ownership but not original  
301) ownership. [P6, 11, 293-301].

In articulating *ownership*, participants raised the issue of *authority* over traditional expressive forms, noting that existence of an agency or body with authority over traditional resources helps resolve *ownership* over expressive forms. Some participants envisaged the functions of such agency as managing and controlling traditional music resources on musicians' behalf.

622) P: yes authoritative body ... or at least to have a body bringing together  
623) traditional musicians so that they all know where they belong – certain  
624) body. So that when you record your album, this organization gets a copy  
625) and you're registered with this organization. See? Already the  
626) organization would be monitoring. For songs, the organization would have  
627) a copy such that finding anybody selling them all over the world it's  
628) responsible [*the organization*]. [P5, 25-26, 622-628].

In case of government as the authority, participants expected the authority to enact and enforce laws to help traditional musicians.

614) P: authority should come from the Ministry of Culture. The Ministry  
615) should be concerned because talking about traditional music has  
616) implications for culture as well. They should have something applying to  
617) both...musician and others people working on culture. They should draft a  
618) law—but there are systems which we can't get in Uganda right now [due  
619) to apathy] you see the situation right now [R: yes I see the situation]. But  
620) that would be helpful. [P5, 26, 614-620]

On the legal questions, like the case was on *ownership*, participants were divided as to whether traditional musicians and music needed legal protection. For instance the

participant below was of the view that traditional music remains out of legal purview since it is “music of the people.” This participant took the position that traditional music belonged to ancestors so that claims to *ownership* is unattainable today.

- 374) P: Traditional music is music of the people and you know no copyright on  
375) traditional music because it is a cultural thing...because as long as you  
376) have that constitution as may be a citizen to that kind of society, you have  
377) the right over that...over your culture. So I don't think you are going to  
378) have limitations that or this one may be published this song and you are  
379) not allowed to perform it. No it is for the people culture is for the people  
380) and ... there are ancestors who would claim it may be if they were [R:  
381) they were here?] yeah. But I think ... folk music traditional music and  
382) dances are...it's a public good. It's a public good. Because everyone will  
383) identify with it and...yeah. [P7, 15, 374-383].

Another participant that considered legal protection of traditional music *ownership* agreed with the previous participant that traditional music cannot attract legal protection save for ‘new’ techniques or ‘stamps’ devised by a musician or group. It didn't matter whether the ‘new’ techniques and stamps were entirely or partially based on historically shared resources. As long as the musician can demonstrate new elements in his or her music, that music should be protected. Ultimately copyright was viewed as the best legal remedy to protecting such techniques and stamps.

- 277) There is no copyright but technique is what  
278) marks the copyright. For instance, if you went to *Ndere* you will find that  
279) they have recorded some CDs and these CDs are in different  
280) languages...different songs different languages. That doesn't mean that  
281) music entirely belongs to them. I would say the music belongs to different  
282) groups ...the music belongs to the country. But there is a lyric.  
283) *R: country as in the national heritage?*  
284) P: yeah national...so it becomes heritage in a way. But they retain the  
285) ownership whereby I cannot duplicate what they have produced and which  
286) protects them is their technique and then their stamp...which is the label  
287) anyway. Because ‘Performed by *Ndere*’...is a stamp. And the technique  
288) may be the way they play the *Ndongos*...their small little things that they  
289) have added in there make the limit but then we still have to remember that

- 290) these are different languages make...I mean presenting the country which  
291) is national heritage. [P6, 11, 277-291].

It was interesting that the previous participant acknowledged that while *Ndere* could claim *ownership* on the techniques and stamp, ultimately the resources on which their techniques and stamps were based constituted national heritage. National heritage meant that the state has a stake on the management of the resources. The participant didn't elaborate how the three sources of authority, the musician, traditional community and the state would reconcile. However, participant one was clear on copyright as the remedy to dealing with traditional music and techniques. He drew our attention to the Bill to revise the copyright law to cover, among other things, traditional music. The Bill would remedy the rampant 'stealing' problems.

- 388) *R: you talked about copyright ...*  
389) *P: that bill was talked about [by Government] and they are still discussing*  
390) *it in parliament because it was discovered that people sing other people's*  
391) *songs. In most cases before your song is out, someone steals it! That*  
392) *person sings it so well. However much you complain – that person knows*  
393) *s/he did it. If that bill goes through [enacted into law], it will help*  
394) *composers/musicians so that they don't struggle [to compose] a song for*  
395) *nothing. Composing a song is no mean feat! You have to have peace of*  
396) *mind. You keep all problems out so that you can develop ideas for the*  
397) *song. When you go through such process and someone simply steals your*  
398) *song, is a painful experience. [P1, 15, 388-398]*

Musicians' views on copyright as a remedy and the views shared under the four thematic categories: *experiential*, *the industry*, *musician*, and *ownership* represent attempts to change with changing sociocultural and economic as well as political environments. Most of these changes were articulated by the individual participants and group interviews. We also note those struggling to retain, or preserve, past cultural practices and traditions

through music and dances in an environment hostile to such practices and traditions. These were predominantly the older generation of musicians whose work was deeply rooted in the cultural practices handed to them by their mentors that have since past on. In the final analysis, participants helped us appreciate the complexities surrounding *ownership* of traditional music perceptions of which are rooted in their lived experiences, their positions or status in society, the general music industry and their perception of the self as well as other fellow traditional musicians.

#### 5.4 Summary of Findings

The study of traditional musicians' perception of *ownership* of expressive culture in Uganda, music in particular, is a complex exercise owing to the multifaceted system of production, distribution and consumption of the music interlocked in the country's rich and fast changing sociocultural, economic and political environments. This section recaps the main findings and interrelationships among thematic categories. The findings were presented by, first discussing two group interviews that enabled us appreciate the environment in which musicians work and live. Group interviews were followed by findings of the individual interviews presented under the thematic categories that emerged from the interview data. The findings reveal attempts to *professionalize* and *commercialize* traditional music by presenting the music as a source of musicians' livelihood in a fast changing socioeconomic and political environment. This direction has significant implications for perceptions of traditional music by musicians.

Leading the shift and reorganization of traditional music were organizations such as the National Council of Folklists of Uganda (NACOFU), the umbrella organization for folklists in the country. NACOFU assumed the role of marketer of traditional music as well as representative of traditional musicians in the market place (futuristic goal) and government circles. The organization encouraged subjecting traditional expressive forms to academic inquiry if only to give Ugandan traditional music the much needed visibility for it to be exploited economically. Scholars were perceived as ambassadors for traditional music, the country and continent. NACOFU's other role was to monitor the traditional music 'industry' in order to protect that 'industry' against misappropriation. Musicians were to be trained by NACOFU to monitor against misappropriation themselves. NACOFU officials believed that curbing misappropriation would open up possibilities for economic exploitation of the music and better welfare for traditional musicians. NACOFU was also actively seeking partners in Uganda's mainstream economic sector as the avenue for popularizing traditional music and musicians. The Senator project was one such partnership between traditional performing groups nationwide with NACOFU at the helm and UBL, a multinational beer company operating in East Africa. The partnership enabled UBL to penetrate and introduce Senator Beer in culturally closed rural areas while affording performing groups the much needed visibility to showcase their work.

The NACOFU/UBL case offers useful insights on the contexts in which musicians live and work. Most importantly, new traditional music forms are emerging based on historically shared resources. The new forms and contemporary themes appeal mainly to

the market-oriented and image sensitive societies but also to individuals still engrained in the traditional values and ethos. Consequently, this attempt to *corporatize* Ugandan culture (music in particular), presents opportunities and challenges but above all it impacts musicians' perceptions of music in their lives. NACOFU's mobilization activities have influenced performing groups country wide including a *Busoga* group interviewed as part of this study. The interview with the *Busoga* group demonstrated the different ways in which traditional music had become a hunting ground for local mainstream musicians as well as foreign musicians with an interest in traditional expressive cultures. NACOFU saw her role as protector of seemingly powerless rural based groups.

Individual interviews were conducted to further examine musicians' lived experiences as well as understand their perceptions of *ownership* of cultural expressions. Four thematic categories that emerged from individual interview data were: *experiential*, *the industry*, *musician*, and *ownership*. Musicians' perception of *ownership* of traditional music when cast through the lens of the four thematic categories, reveals interesting connections and interplays between the musicians' lived (life) experiences right from childhood, and the musicians' perception of traditional music as an industry, or lack thereof, and how that industry is structured. Musicians analyzed *ownership* by examining themselves and fellow musicians, by focusing on the question *who is a musician (traditional) and what attributes should such a person exhibit?* The interconnectedness and complexity of defining, or expressing one's perception of, *ownership* is best illustrated by the cross listing of sub-themes (or descriptors) that emerged in the thematic categories. Thematic

crossovers as shown in *Table 5.2 Table Showing Thematic Categories and Crossover Sub-themes (underlined)* illustrate the connections between the musicians' life experiences and their connection to the industry as well as their perception of self and other musicians. These factors combine (along others) to shape and influence musician's perception and construction of *ownership* of traditional music (made by him/her and/or others).

Five sub-themes cross listed between *experiential* and *industry* thematic categories were: *self-efficacy; livelihood, functional, westernization, cultural institutions* and *professionalism*. Being at the intersection of musicians' lived *experiences* and the *industry* (musicians' assessment of it), these sub-themes reflect musicians' feelings on the different ways the industry shapes their lives and vice versa. For example, individual experiences, say for a musician raised and molded under the *Kabakaship* (a cultural institution), saw such cultural institution as pivotal to the very existence and preservation of traditional music. Likewise musicians that tended to think of themselves as *professional* musicians within the traditional music genre, were likely to see *professionalism* as critical to the survival of traditional music in the music industry. But to be professional was to make strategic shifts away from 'traditional' to 'modern' approaches to presenting traditional expressive cultures. Since *cultural institutions* and *professional(ism)* were shared amongst the four categories including the *ownership*, these two aspects of traditional music had a direct impact on the perception of traditional music *ownership*. Increasingly musicians linked *cultural institution* and *professional(ism)* as critical to survival of traditional music.



**Table 5.2 Table Showing Thematic Categories and Crossover Sub-themes  
(underlined)**

<b>Thematic Category</b>	<b>Sub-themes or Descriptors</b>
<i>Experiential</i>	<u>Self-efficacy</u> , learning, <u>livelihood</u> , <u>functional roles</u> , <u>appreciation</u> , dynamism, <u>preservation</u> , <u>westernization</u> , <u>cultural institutions</u> and <u>professionalism</u>
<i>The industry</i>	<u>cultural institutions</u> , <u>appreciation</u> , bleak, dynamism, <u>professionalism</u> , <u>self-efficacy</u> , stealing, <u>livelihood</u> , <u>functional</u> , <u>westernization</u> , identity, creativity and morality
<i>Musician</i>	personality traits, attributes, <u>instrumentation</u> , identity, <u>westernization</u> , <u>appreciation</u> , rhythm, language, <u>professional</u> , <u>cultural institutions</u> and <u>preservation</u>
<i>Ownership</i>	<u>Cultural institutions</u> , originality, <u>self-efficacy</u> , own, individual, authorities, rights, groups, <u>professionalism</u> , <u>preservation</u> , <u>livelihood</u> , <u>Westernization</u> , learning, identity, didactic, culture and national heritage

Music was perceived as primarily a source of income but also deeply embedded in the cultural traditions and practices of their community, hence the connection to cultural institutions. *Ownership* of music, in that regard, is contested amongst musicians but individual musicians also struggle to reconcile their competing loyalties. Between musicians, there are those that totally opposed the notion of *ownership* and those that supported it.

Crossover sub-themes between *experiential* and *musician* included: *westernization*, *cultural institutions*, *professionalism*, *preservation*, and *appreciation*. These represented a musician's perception of self and how that impacts his perceptions of other musicians or the ideal musician. *Appreciation*, for instance, meant that if an individual musician felt appreciated, or not, the same was true of other musicians. Expectedly, *experiential* and *ownership* shared the sub-themes that included: *cultural institutions*, *self-efficacy*, *professionalism*, *preservation*, *livelihood*, *westernization*, and *learning*. These sub-themes essentially helped us understand the question, *how does a musician's lived experience influence his perception of ownership?* *Ownership* of expressive forms was construed and approached as part of an individual's broader life narrative and culture. Using *self-efficacy*, the sub-theme that best illustrated the intersection between the two thematic categories, musicians used this (*self-efficacy*) as a way of expressing their contribution to traditional music within their cultures, or communities. *Self-efficacy* was also a way to musically project one's social standing to the researcher. Whether one's contribution was a musical instrument, or a remodeling of elements of an existing instrument, that contribution meant projecting oneself as the embodiment of traditional music or

traditional music instrumentation. Most musicians in this category were careful not to claim *ownership* of any case, idea or instrument. However, they all projected their self importance as if to suggest that without them that instrument or traditional music in general would not be in existence let alone survive. Increasingly that seemed the reality in the contemporary environment where such posturing means economic or business opportunities.

Thematic categories *industry* and *musicians* shared sub-themes including: *cultural institutions, appreciation, professional(ism)* and *westernization*. *Industry* and *ownership* shared: *cultural institutions, professional(ism), self-efficacy, livelihood* and *westernization* while *musician* and *ownership* shared: *westernization, professional(ism), cultural institutions* and *preservation*. The interconnectedness through sub-theme crossovers illustrates the complex nature and manifestations of traditional music and musicians. Conceptualization and perception of *ownership* based on the nature and manifestation of traditional music, becomes complex due to the multiple layers of defining elements shown in the four thematic categories. That is why the *ownership* category shared three sub-themes with at least two other categories including: *self-efficacy, livelihood* and *preservation*. As earlier noted, all three pointed to the changing perceptions of traditional musicians towards the self (*self-efficacy*), role of music in their lives (*livelihood*) and their perceived function (and that of their music) in society (*preservation*). When converged into *ownership*, the three tended to influence musicians perceptions *ownership* of that music towards the individual musician.

Three sub-themes were shared amongst all four thematic categories. These included: cultural institutions, professional(ism), and westernization. These best illustrated the contested nature of *ownership* of traditional music. On one hand, there was tension emerging from the cultural environment, or practices, represented by old generation musicians that were historically tied to cultural institutions (and cultural leaders). On the other, there was a tendency to portray traditional music as increasingly westernizing (or being modernized). The relevance and importance of cultural institutions in the process was made abundantly clear. *Cultural institutions* were perceived and framed as sociocultural, political and economic frameworks under which traditional music is promoted and shaped. In addition, they had tremendous influence on individual musicians and groups. However, the importance of cultural institutions went beyond providing the environment for musicians to emerge. Their existence and vibrancy popularized traditional expressive forms. Popularity of cultural institutions and their relevance was evident when the state in Uganda banned their existence and activities. Traditional music as an aspect of expressive cultures was at its lowest during that period, to a point of extinction in some societies.

In the findings, we noted that musicians tended to see themselves as professionals as opposed to ‘traditional’ musicians. Those considered ‘traditional’ musicians were still tied to past approaches to traditional music with a strong emphasis on cultural purposes. Consequently tensions arose as evidenced by the unsettled debate on how *ownership* should be treated. The tension notwithstanding, there was near consensus that emerged amongst participants on the need for musicians to live off their work. That was regardless

of whether they subscribed to the notion of *ownership*, or not. It was also regardless of whether they advocated for legal remedies and definitions of *ownership*. *Professionalism* was characterized with emergence of professional groups that cut a 'professional' identity or image with well designed costumes, negotiated contractual agreements with clients, had physical and postal addresses, possessed some business acumen, skills, as well as financial management. *Professionalism* also meant that groups performed well choreographed dances, were sensitive of their image or trademark and were commercially or business-oriented. Their performances were demand-driven and custom tailored based on carefully conducted audience analysis to ensure proper packaging. This is not to suggest that in the past there was no concern for customizing performances to an occasion or fear of musicians offending audiences. For example, when performing at wedding, musicians were always sensitive to appropriate wedding costumes, customs and traditions. Today the customization is more business oriented than cultural, although the latter remains an important element. In light of *professionalism* there was a dichotomy between indigenous and professional, representing old and new musicians respectively. Whereas some groups didn't exactly fit any one category, several exhibited characteristics of either category. The concept of '*culture as a product*' was central to the professional group so was competition for the market. Competition in this case was markedly different from competition in the past that was aimed at demonstrating supremacy as performing artists within a particular traditional community.

*Westernization* represented abandoning of traditional themes or instruments in favor of western instruments. It also represented fusion of western with traditional to create new

forms or ‘contemporary-traditional’ forms, as we prefer to call them. Westernization was largely perceived as positive save for instances where participants felt there was dearth of some forms under the heavy influence of western entertainment forms. On the positive side, fusing western with local created what participant referred to as the ‘African modern’ or ‘contemporary-traditional!’ With the ‘contemporary-traditional,’ musicians are not totally dismissive of the old traditional music and cultures as sources for their own ideas, but argue that they’re creating something totally ‘new’ and personal. We noted that musicians have borrowed, fused or merged not only with western but also African. They have created a rich mix of new forms representative of a variety of ‘contemporary-traditional’ forms. Increasingly this ‘contemporary-traditional’ is perceived as personal and ought to be treated differently from the old as far as *ownership* is concerned. Fusion is innovation and creativity after all. Fusion involving technology was viewed suspiciously for it is threatening the very traditional music it is meant to protect.

## Chapter Six

### 6.0 Introduction

We learn from this study that when dealing with questions of *ownership* of traditional music in Uganda, one contends with contextual and environmental factors in order to fully understand how and why musicians construct *ownership* the way they do. This study examined musicians' work environment to understand their perspectives on *ownership*. The study also looked at their lived experiences to appreciate how experiences shaped musicians' perceptions of and views towards *ownership*. We found valid views and arguments in support of musicians' perception of *ownership* being influenced by the sociocultural and economic contexts in which they live and work. This study found a trend of musicians moving away from looking at music as simply cultural expressions to traditional music as a cultural product on the market. Notwithstanding the shift, musicians still see part of their work as preserving the music and related cultures for posterity. Historically, the changes introduced by the rearrangement of the traditional music 'industry' would be antithetical to customary practices and laws of certain traditional communities that never assigned *ownership* to an individual but the community collectively. Custodianship (in individuals) is the closest they came to individual *ownership* owing to the expertise and talent of those individuals. These customs persist in many societies, including *Buganda* and *Busoga*, the sites of this study. Consequently, we revisit the customary practices, values and norms as part of the broader analysis of the study findings that point to changing environments for traditional music making and use. This study found instances where customary practices and beliefs

requiring the collective *ownership* as potentially undermining the continued production of music by traditional musicians. The discussion of the findings that follows and its specific reference to *ownership* is cognizant of the socioeconomic, political and cultural contexts reported in the preceding chapter as well as musicians' lived experiences. Likewise the legal and policy recommendations at the end of this chapter are informed by the need to pay attention to the changing environments in which musicians live and work. These environments impact on their views of *ownership*, which influences preservation of traditional music and cultures transmitted through traditional music.

This chapter starts off with a brief review of the study covering the central problem, research questions, methodology, data analysis and the findings. The second section takes a critical look at the findings through the narrow lens of the cultural or customary practices, values, and norms from which collective values originate. The analysis facilitates the understanding and appreciation of the musicians' perception towards *ownership* of traditional music in Uganda *Buganda* and *Busoga* in particular. Having understood the nature of customary practices, values and norms and their application and influence on traditional music *ownership*, the discussion focuses on how cultural and customary practices, values and norms (and the relevant customary laws) can accommodate the changing environments in which musicians' lives. We learn from this study that increasingly, those environments call for musicians striking a balance between 'traditional' and 'modern,' the western and the local, the past and the present in order to forge the future. The balance is aimed at preserving traditional music, the cultures represented by the music and identities of societies in questions. The need for that



balance was best illustrated by the three (3) crossover sub-themes: *cultural institutions*; *professionalism*, and *westernization*. As reported in the previous Chapter, the three sub-themes show musicians' struggles to stay true to their traditions while at the same time making use of opportunities presented by the current socioeconomic environment that has shifted towards western values. For traditional musicians working and living in that environment, they have had to shift and rearrange the music and associated cultures in order to survive in those environments. A visible part of the shifting and rearrangements in the traditional music 'industry' is the tendency towards *professionalism*, leading to what we referred to as 'traditional modern' or what one participant called "African modern" forms. *Ownership* of these forms is highly contested or unclear at best.

However, what is clear is that musicians must be able to live off such works for the sake of the music and the survival of the cultural identities of the relevant societies. Part of this section is cast in legalistic arguments in order to link the study findings to the broader legal and policy issues of intellectual property in Uganda and Africa. The final section presents conclusions and recommendations based on the findings of the study. In addition, it identifies implications of the study for legal reform and policy making in Africa as well as future scholarly endeavors in the area of traditional music and cultural resources in general.

## **6.1 Recap of the Study**

The study explored the question of *ownership* of traditional music with traditional musicians drawn from *Buganda* and *Busoga* regions of Uganda. The purpose of the study

was to understand musicians' lived experiences and work environments taking into account of the socioeconomic, cultural and political factors and structures that shape their lives. With the understanding of the musicians' experience and work environments, their perspectives on *ownership* of traditional expressive forms were examined.

It was established in this study that the current socioeconomic environment calls for a break from, or flexibility in, certain traditional views and approaches to traditional music. It was noted that there was hardly any scholarship that critically examines the musicians' experiences in the contemporary work environments aimed at contributing to the understanding of changes needed in the generation-old collective practices and approaches to traditional music. Such studies would reexamine collective *ownership* and offer recommendations on how musicians' views can be accommodated to enable them live off their work at the same time preserving the music. Studies have examined the changing socioeconomic and political environments in which traditional music is produced and consumed in Africa (Barz 2004; Cooke 2002) as well as the prevailing legal environment to regulate its production and use (Amegatcher 2002; Kuruk 2002). Yet little attention is paid to intellectual property questions more so issues relating to intellectual rights in traditional music as part of the broader and complex sociocultural and economic environment (Boateng 2002; Tsukada 2004). There is urgent need to study traditional music as part of the broader process of understanding how best African cultures can adjust and survive the onslaught of western cultural forces through music and expressive forms.

In this study, music is considered central to Africa's predominantly expressive cultures making it inextricably linked to cultures of any traditional communities. Expressive cultures of many African communities are based on cultural practices, values, and norms that go back many years. Traditional musicians like other members of society are expected to live by the same cultural practices, values, and norms. In some cases they are not simply expected but required to adhere to the norms (Kuruk 2002). Some cultural practices like collective *ownership* of music, threaten the making of traditional music owing to the changing economic environments in which the music is produced and consumed. Previous studies have not probed musicians' life experiences and how those experiences inform musicians' views on *ownership* of traditional music they make.

## 6.2 Discussion of Findings

This study makes a small but significant contribution to the understanding of *ownership* of traditional music from a musician's perspective. It demonstrates that musicians' perceptions of *ownership* are deeply situated in changing socioeconomic and political relations in their societies. This study recommends rethinking of cultural or customary practices like the collective approaches to *ownership* if traditional music is to survive the turbulent and changing socioeconomic environments. It's argued that flexible cultural practices on *ownership* of traditional expressive forms will go along way in ensuring musicians live off their work and preserve traditional music in the process. Consistent with existing literature, this study noted that musicians occupy unique position in society as teachers, foretellers and *preservers* of important cultural elements (Barz 2004; Cooke

1996; Digolo 2005; Wanyama 2006). Traditional musicians are multitalented members of traditional communities often assuming multiple roles and functions that tap different talents (Barz 2004; Cooke 2001; Cooke 2002). We learn that the functions and roles of traditional musicians go beyond entertainment. Given the additional roles and functions in societies, traditional musicians assume even greater importance. As teachers, musicians preach morality in society and related educational themes often assuming didactic tones. As foretellers, musicians help their communities approach and navigate the future fully aware of the dangers. The prophetic stance is probably a more historical than contemporary role but the power to do so is still claimed by many as reported in this study. As cultural icons, through music they share the community's cultures with the 'outside' world as well as pass on cultural practices to young generations within their communities. The cultural icon status is more of celebration of own cultures but also instrumental in bridging gaps between generations which ensures the continuity of certain cultural norms, values and practices that would otherwise disappear in predominantly the undocumented oral cultures. As *preservers* of cultures, their work creates intergenerational bridges in addition to gluing together members of traditional communities at a given moment in time. Additionally, traditional music touches those outside the communities in question. This study noted that increasingly, 'outsiders' are no longer just adjacent traditional communities, but distant communities in Europe and North America where traditional musicians travel on tours. This means that to the extent that musicians have special functions in society; it is in society's interest that *ownership* of expressive forms they create is resolved. Resolving *ownership* in a way that enables

musicians live off the music is one way of ensuring the preservation of the music, traditional cultures and the very identities of the communities.

But are traditional musicians central to preservation of cultures of their communities as some participants claimed? Did they overstate their importance for their individual benefit? Ideally it's tempting to dismiss musicians' claims as self-seeking measures aimed at securing their livelihood. However, given the visible nature of traditional music as part of expressive cultures, musicians tend to have more impact than other creative individuals engaged in other expressive forms in traditional communities. The visibility of traditional musicians and its positive impact on societies in question was well documented and supported by this study as well as other studies (Kafumbe 2006; Wanyama 2006). It was not the intention of this study to vilify musicians for posturing as cultural icon as some scholars have done (Mccann nd). The goal was to show that musicians are uniquely positioned individuals in societies that deserve to have the necessary tools and incentives from their communities to continue doing what they do. Some scholars have unashamedly criticized traditional musicians of selfishness in seeking to benefit from using traditional resources to create own music sold on the market. Mccann (nd) put that argument very explicitly:

Many musicians from traditional cultures are partaking of the fruits of a burgeoning music industry that considers traditional forms of music marketable commodities on the "World Music" scene, thereby unknowingly working within two fundamentally contradictory, it [if] not at least paradoxical worldviews. (Mccann nd, 2)

Contrary to the above argument, this study established that musicians were aware that they were placing 'traditional forms' on the market. Indeed a few mentioned of deliberate

efforts by traditional musicians to package or 'brand' their products with decent and clean traditional costumes and well choreographed performances let alone drawing elaborate contractual agreements. However, musicians also understood and went to great length to show that taking such directions was necessary for their own survival, that of the music and traditional communities they represent. While this study agrees with traditional scholars like Mccann (nd) that placing traditional forms on the market is not an end in itself, that is, musicians shouldn't be seeking economic gains as the sole or primary motive. Findings of this study, as clearly articulated by different participants, show that contrary to assertions by scholars like Mccann (nd), musicians are not simply looking out for themselves. Participants argued that the environments in which they work requires that they actively participate in the market place but at the same time retain cultural identities and values that define them as traditional musicians. It's this environment that compels musicians to look to foreign audiences and markets. Not simply to extend the reach of traditional music 'market-wise' but to ensure the vitality of the expressive forms by teaching and impacting on 'foreigners' or Ugandan and African in Diaspora. However, the complementarity of the local and foreign domains as spaces for traditional musicians to tap for economic and cultural reasons was most compelling and one successfully nurtured by traditional musicians. Foreign travels were inherently beneficial to the extent that they built confidence and generated even more income for musicians. However, they also helped cultivate a local following whose attention would be hard to get without foreign 'markers.' Clearly here we see the role of musicians in growing a young generation of cultural enthusiasts that would otherwise be lost to foreign entertainment and cultural forms. We also note efforts to integrating traditional music

into the global cultural flows further extending the reach and influences of the originating communities. The most important reason for participating in the market, therefore, was to preserve the music and cultures they represent. But undoubtedly, the societal needs are clearly intertwined with personal economic and social needs.

This study established that defining and clarifying musicians' perspectives on *ownership* was a crucial part of enabling musicians live off traditional music. Consequently, this study attempted to avoid the usual lukewarm calls for reforms in traditional music often touted as the magic bullet to the survival of musicians and music in today's hard and changing socioeconomic environments. Often it is left to musicians to adapt, adopt and borrow (Barz 2004; Cooke 2002) in order to survive in the changing world of music. To that end, literature examining musicians' coping mechanisms in current environments, often concludes that musicians by themselves can and are making the necessary adjustments to survive in the changing socioeconomic environments (Barz 2004; Cooke 2001). According to findings of this study, these recommendations are not far reaching. This study established that the musicians' working environments were such that changes by musicians are necessary but not sufficient to address in a coherent and holistic manner the adjustments necessary to ensuring that those musician, the music and cultures they represent survive the onslaught of outside influences. Without reservations, this study calls for adjustments and flexibility in customary and cultural practices of traditional communities if only to allow their traditional musicians to gainfully participate in what might be the only avenues for preserving expressive forms.

While outside influences are inevitable and at times present opportunities for traditional communities as evidenced by the numerous positive impacts cited by this study, this study shows, through the lens of traditional music *ownership*, that flexibility in cultural practices, beliefs and norms somewhat shields traditional communities from outside influences. Enduring cultural practices, values and ethos preserved and passed on through music and other expressive forms enable self preservation necessary in societies increasingly bombarded with western cultures. Often traditional communities are cast as vulnerable and inconsequential in light of powerful western cultural forces and the fast changing socioeconomic realities associated with westernization. What that view fails to appreciate is the inherent ability of traditional communities to deal with outside influences by making the necessary adjustments in their cultural or customary practices, values and norms, like collective approach to *ownership* the focus of this study. In context of traditional music, adjustments by musicians coupled with changes in ownership proposed by this study, ensure adequate ‘protection’ of traditional expressive forms from undue influence. While such changes might be seen as reactionary rather than proactive, this study showed sufficient evidence that African cultures were historically adaptable to immediate and distance influences, a fact that contributed to their continued existence.

Besides glossing over the ability of traditional communities to adjust to changing socioeconomic environments (Barz 2004; Cooke 2002; Digolo 2005; Madian 2005; Wanyama 2006), literature has also failed to make explicit connections to issues of intellectual *ownership* as it relates to traditional cultural or customary practices. By



analyzing the historical nature of intellectual *ownership* of traditional music, or lack thereof, one is able to appreciate why traditional musicians find the current environment of undefined *ownership* problematic (Nwauche 2005). This study reveals that today *ownership* should not be a simplistic fixation on what cultural practices on *ownership* used to be, that is, the historically collectivist values. To do so is to portray collectivism as a static value system and the cultural practices and values applicable to traditional music as not responsive to the socioeconomic environments in which traditional societies find themselves at different moments in time. *Ownership* in this study entails the understanding of the contexts and how that shapes musicians' views on *ownership* which must be accommodated and reflected by cultural norms, practices and values. Even then, the study established that *ownership* remains problematic and elusive; especially determining the precise definition of what it means to own traditional music. Yet lack of consensus on the *ownership* aside, the goal of defining *ownership* or engaging in the debate around it was clear. That debate would clarify what musicians can, or cannot, do with the music they make and consequently be able to live off their work. Even participants that didn't subscribe to, or understand, the notion of *ownership*, agreed that the debate was necessary. They didn't think traditional music should be 'owned' but acknowledged the economic struggles of their colleagues who are actively seeking to settle the *ownership* debate. Those who didn't subscribe to *ownership* argued that musicians can sell 'performances' which is another way of traditional musicians living off their work. This argument goes to show that this study cannot advance *ownership* as the only way musicians can live off their work. Yet without clarity of *ownership*,

musicians are unlikely to realize meaningful incomes to live a decent life off traditional music through other avenues.

Musicians that supported the idea of clarifying *ownership* to help them earn a living off their work argued that others (mostly mainstream musicians) shouldn't be in position to simply sell their music on ground that it is 'free' while traditional musicians struggle under harsh economic conditions. One can take it for granted that mainstream copyright laws don't preclude traditional musicians from claiming rights on their works. According to that school of thought, the problems of traditional music *ownership* are more or less settled legislatively in most jurisdictions where copyright covers folkloric resources.

However, if cultural practices and norms are invoked rebuffing such claims, a traditional musician is left in confusion as to which value system addresses the situation. And certainly the musician is less likely to enjoy the fruits of his labor, a factor likely to drive that individual from traditional music making. Many participants agreed that defining *ownership* of new forms created from existing cultural resources was the best way to realize economic benefits from that music. This environment requires resolving *ownership* of 'new' forms created from historically shared resources by aligning both western and traditional values on *ownership*. Therefore, traditional musicians' perspectives ought to be accommodated in the ongoing intellectual property rights discourse in Africa, in this case informed by traditional and customary practices, values, norms and laws.

Bearing in mind the contested nature of *ownership* emerging from this study and the changing socioeconomic and political environments, it is necessary for some cultural practices and values, like the perception of expressive forms as collective property of a traditional society, to be redefined for the very survival of these forms. It goes without saying that this study contributes to understanding the relevance of historical cultural practices, how they applied to traditional music, changes they have undergone over the years and changes necessary today. What does this mean for traditional music in Uganda and Africa in general? What does this mean for intellectual property discourse around traditional music in Africa and folkloric resources in general? How do musicians' views fit the historically important customary or traditional perspectives without casting musicians as untraditional? How do national legal and policy frameworks address traditional music vis-à-vis *ownership* of the music and preservation of expressive forms is concerned? This last question has far reaching implications for it raises question of alignment and survival of traditional African cultures and societies in environments that are increasingly in contact with western expressive forms and legal infrastructures. The discussion that follows draws from findings of this study and the literature in examining the above questions with a goal of finding an accommodation of traditional musicians' views commensurate with the current socioeconomic environments.

### **6.3 The Need to Confronting Rigid Cultural Beliefs**

Without radical intervention at different levels by different entities, this study noted that some musicians were resigned to the idea that traditional music would survive the onslaught of western entertainment forms. As noted earlier, some looked to clarification

of *ownership* as the remedy to problems faced by traditional music and musicians in increasingly market-driven environment. Such participants were confident and optimistic of the future noting the ‘hunger’ for traditional expressive forms made possible by the revival of cultural institutions and a growing local and foreign audience for traditional expressive forms. That notwithstanding, musicians avoided confronting or were unaware of cultural beliefs assigning traditional music *ownership* to the communities collectively. For obvious reasons, some musicians wouldn’t want to be seen challenging traditional beliefs of the communities they claim to represent. At the same time there is no doubt some musicians are not aware that traditional music is collectively owned probably because collectivism also creates a sense of lack of *ownership*. Indeed a few claimed that traditional music and resources in general belong to no body but everybody in the community in question. Proponents of this argument claim that traditional resources belong to the ‘public domain,’ in context of western intellectual property system. In order to address the issue of *ownership* and not seen as challenging own cultural practices, musicians tended to turn to the mainstream intellectual property legal system, through the copyright law. However, it is also possible that the reason musicians didn’t turn to their own cultural systems and customary laws or practices is due to lack of knowledge of how that system works or even pessimism that it would help address their concerns. By turning to mainstream legal system, musicians tended to blame local and foreign non-traditional musicians for misappropriating traditional music. Turning to offending musicians justified the need for resolving *ownership* problems without being seen to undermine the very cultural system in which traditional music is rooted. Only one participant, a NACOFU official, made explicit claims that a fellow traditional musician

copied his song. Not surprising, this musician decided to 'leave him alone' for committing such unbecoming act. Ordinarily the claimant would take action but this is a case where the 'owner' is confronting a fellow traditional musician in a clearly grey area. Attempts to follow through with his fellow musicians would leave him in unfamiliar territory legally and culturally. In support of the fact that musicians were toiling with their own plight, on one hand, and the cultural beliefs, on the other, several musicians that made the case for individual *ownership* still professed their loyalty to their traditional cultural institutions and cultural leaders. Shifting to government institution as sources of authority further illustrates reluctance to confront their own cultural practices and beliefs, or lack of awareness that rigid cultural practices were partly the source of the problem. Such participants believed Government should have authority over traditional music. What we learn from all this is that musicians are struggling with their own cultural beliefs and practices, on one hand, and the need to live off their work by stipulating *ownership*, on the other. There is a generation dimension to this struggle where older musicians tended to dismiss the notion of *ownership*. They preferred to generate income from performances rather than claiming *ownership*. Younger musicians tended to push for *ownership* and most likely to look to public performance as a source of livelihood as only supplementary to CD/DVD sales. Frequent citing of copyright as the realm in which to define *ownership* in addition to designating Government institutions as having authority over traditional music, calls for defining how customary practices, values and norms should interface with mainstream legal and institutional framework. This is discussed next with specific recommendations on how traditional cultural interests can and should be addressed by mainstream systems or customary systems taking into account of

customary systems. The World Intellectual Property Organization (WIPO) is the most active international policy space for discussing traditional music related policy and legal matters. The analysis of needed flexibilities in customary laws and practices towards traditional music are discussed in context of WIPO's work and that of other experts.

Notwithstanding the tension between customs and contemporary traditional music, this study still found strong connection between traditional music and cultures. This was supported by the many traditional musicians in both *Busoga* and *Buganda* still presenting themselves as *Kyabazinga* and *Kabaka's* men respectively!<sup>24</sup> Indeed, when musicians' work environment and lived experiences were probed, the cultural dimension to their work was clearly articulated. It formed an important element of the broad contextual elements that were inextricably linked to musicians' views, constructs and perspectives of *ownership*. Moreover the connection was empirically supported by the crossover sub-themes (across the four thematic categories) that included: cultural institutions, professional(ism), and westernization.

To examine traditional music, specifically *ownership* of the music, is to examine these customary values associated with the music and the interconnectedness of cultures with cultures and the music. Consistent with findings of this study, WIPO's IGC asserts that what makes music 'traditional' has more to do with 'customary' and 'intergenerational' contexts within which it's made and disseminated (WIPO IGC 2001). We note throughout this study that music is an important avenue for expressing and

---

<sup>24</sup> As indicated earlier, the *Kyabazinga* is the King of *Busoga* while *Kabaka* is that of *Buganda*. *Kyabazinga* or *Kabaka's* man means his servant.

communicating cultural values of traditional societies. Traditional music is the “very identity” of traditional communities their customs and cultures (WIPO IGC 2001).

Secondary, we know from a wide range of traditional music scholars and literature that traditional music encompasses different facets including songs, dances, foods, instrumentations, costumes and presentation among others (Amoaku 1982; Bansisa 1936; Barz 2004; Cooke 2001, 2002; Euba 1970; Horton 1980; Kubik 1964, Kuruk 2002; Kyagambidwa 1955; Lois 1968; Lush 1936; Nketia 1974; Wachsmann 1971; Woodson 1983). These facets interface in different ways with cultural and customary fabrics of the society in question (Amegatcher 2002; Barz 2004; Boateng 2002; Cooke 2002), further extending the realms in which *ownership* can be defined (and was defined in the study).

This study pointed out the problematic nature of certain customary practices, especially the conservative and inflexible approaches to these practices. In the final analysis, this study subscribes to need to examine the nature and functions of customary or cultural practices as sources of insights on traditional music *ownership*. The intention is to identify flexibilities in customary systems and practices that permit and support the kind of contemporary traditional music practices described in this study. Customs are principles, norms and rules “orally held and transmitted, and applied by community institutions to internally govern or guide all aspects of life” (WIPO ICG 2001, 3). Rules may be codified or not but often reflected in community practices and ways of life. Customs might be “formally recognized by external legal systems in various ways or currently not recognized by the community, it may be linked with other legal systems, including national constitutions and national laws and regulations” (WIPO IGC 2001, 4).

The connection between the customary rules and practices interface with mainstream

legal infrastructures is important due to the extent that traditional musicians in this study ventured into mainstream economic realms. Aligning traditional customary practices regulating traditional music with mainstream legal systems is a necessary step in order to afford musicians the ability to generate income off their work. However, as noted throughout this study, we find the same customary laws, practices and protocols at odds with traditional musicians' desires to have *ownership* of traditional forms their work. The main problem is that customary values that prescribe collective *ownership* make it difficult if not impossible for traditional musicians to live off that music.

This study reckons that while historically relevant, when cultural practices and values like collectivism are strictly applied to traditional cultural expressions, they are more likely to threaten than promote the continued production of traditional cultural expressions. This is the case when *ownership* of traditional musical expressions and economic exploitation of those expressive forms requires that traditional musicians live by the collective values and practices of traditional communities. In the past when traditional musicians didn't necessarily live off their work, collective values and approaches to *ownership* of expressive forms were relevant and critical to the preservation of traditional expressive forms. Then, traditional music making and production was more of a cultural than an economic activity. Maintaining the integrity of the closely knit community was paramount and collective *ownership* was one way of attaining that objective. Today, communities find themselves infiltrated by even other traditional communities, which heightens the importance of self-preservation of communities. Unfortunately some approaches like collectivism when applied to



traditional music, were shown by this study as inadequate at best or self-destructive at worst. In an environment where traditional communities, and traditional musicians in Africa are increasingly struggling to exist, hanging onto to certain conservative traditional practices simply don't help the societies in question. Today traditional music making as a cultural as well as an economic activity often requires the rethinking of the meaning of music in the lives of traditional musicians as well as the communities they represent. For musicians to live off their work, they have to experiment with all sorts of forms, adapt and adopt (Barz 2004), all factors requiring some degree of flexibility of customs and cultures that historically defined and 'regulated' traditional music. From ethnomusicological perspective, Barz (2004) and Cooke (2002) cast this as flexibility of musicians that portend African cultures as capable of change in changing sociocultural, economic and political environments. For traditional communities, mostly in rural areas, traditional music is "reflect both the peoples' participation in urban modernity and the maintenance of rural life" (Barz 2004). This calls for striking a balance based on the assumption of customary and cultural practices as flexible to accommodate changing socioeconomic, political and cultural environments. Consistent with findings of this study, Barz (2004) found that African musicians (at least in East Africa) were constantly creating bridges between the old and new by fusing old with new forms. This study, therefore, doesn't entirely dismiss the cultural values and practices of traditional communities since they still inform and shape musicians' perspectives and approaches to music making. It only finds the compelling need for flexibility in cultural practices which were made abundantly clear by the musicians' life experiences as well as their work environments.

The oral and intergeneration nature of customary practices and associated laws present real opportunities for dealing with the changes identified by this study as necessary for posterity of traditional music. The fact that such norms, values and practices are uncodified makes it difficult to explicitly define and apply collectivism to specific traditional music situations. Indeed it is never the goal of traditional communities to monitor and enforce each and every aspect of their cultural or customary practice. But the exact and binding nature is only felt when ‘infringing’ or contravening situations arise (WIPO IGC 2001; Kuruk 2002). Then, elders in society or persons with authority to correct wrongs translate the customs into laws (customary law) and interpret the laws accordingly (Amegatcher 2002; Kuruk 2002). A traditional musician going against the collective norms and values will likely not know his or her activities are contravening until customary laws are evoked. Given the fluid nature of these customary or cultural practices and laws, the problem then is not only the prescribing and holding musicians to collective values (much as flexibility is needed to operate in the current socioeconomic environment), but also the lack of clarity on what responsibilities come with the collective values. In the event that a musician is thought to go against the community ‘standards,’ there are no rules set in stone to be referenced and applied consistently for that individual to be sure of fair judgment. This reinforces the problematic nature of traditional collective values for a musician is never certain of what s/he can, or cannot, do. Yet the findings of this study indicate that musicians need certainty of *ownership* which translates into better livelihood for them to continue doing what they do without being reprimanded or being disqualified as non-traditional. Paradoxically, the historical

lack of documentation and clarity of customary laws and practices, collectivism inclusive, gave this approach to community life the strength and power to continue evolving and adjust to changing circumstances. That notwithstanding, owing to ‘foreign’ or ‘outside’ influence, the contemporary times are so turbulent that the lack of clarity and/ or documentation of community standards on certain cultural elements endangers rather than protects the community in society. As shown by this study’s specific reference to traditional music, cultural practices like collectivism disempowered rather than strengthened traditional musicians consequently leaving them unable to fend for themselves and continue doing what they ought to do. The same study showed that where musicians were struggling to position themselves to keep traditional music on the national and international scene. However, without refining *ownership* questions, their efforts by themselves didn’t go far enough to endure the production and ‘consumption’ of traditional music for posterity. It is against that backdrop that this study recommends in specific terms, a flexible customary ‘regime’ that allows creative individuals like musicians to experiment without being cast out as non-traditional or non-community members based on customary laws and practices.

A handful of scholars, notably Kuruk (2002), have examined the nature of customary laws with the intent of aligning them to mainstream statutory regimes all with the intent of preserving cultures of originating communities. Kuruk makes useful and relevant recommendations regarding customary laws and practices partly consistent with and supported by the findings of this study. In order for customary practice and laws to remain relevant and supportive of traditional communities, Kuruk (2002) recommends

documenting such rights as well as flexibility in their application. With well documented customary laws, argued Kuruk, mainstream legal systems will be in position to apply, administer or reference customary laws in cases involving cultural resources such as music or folklore. On flexibility, Kuruk makes the same argument advanced by this study of flexibility in customary laws. However, Kuruk's recommendation, relevant as it is to this study, represents slight departure from the environment desired by participants in this study. Kuruk's recommendations of documenting and ensuring flexibility in customary laws as a way of "improving the protection of folklore," don't go far enough. He doesn't specifically indicate areas in the traditional customary system in need of flexibility. This study established that flexibility should be directed specifically at music or expressive cultures and creative individuals like musicians. These individuals should be given leeway to live off traditional music in turn ensuring vitality of traditional expressive forms in the long run. While legal protection is paramount and recommended by this study, adopting that as the main or only way to ensuring the future of traditional music and cultures associated with that music is insufficient if not misguided in some ways. Legal protection, as envisioned later in this study, should be part of broad and sweeping changes in the ways traditional communities deal with traditional musicians and other creative individuals. It should recognize that letting musicians out of the bondage of collective values to allow flexible means of production, distribution, use and, most important, gaining from music is the best way to ensuring that the music survives into the future. Promoting and supporting musicians is also one of the best means of securing the society's identities, as one participant informed this study.

For instance, in the quest to develop ‘marketable’ cultural products, musicians are borrowing and rearranging forms from within their communities as well as from other communities. Without a flexible system for defining *ownership* and cultural issues associated with *ownership*, musicians involved in the adaptation and rearranging traditional expressive forms will be challenged on account that resultant forms don’t belong to them, their own communities or societies from which they borrowed. To one community, the musician is an outsider appropriating what doesn’t belong to him/her. To the musician’s community, s/he is not only contaminating their expressive forms, but also claiming as personal what should belong to everybody since the musician draws from the community’s expressive forms. WIPO’s IGC (2001) also finds offence in such actions arguing that “of all the aspects of a community’s collective cultural and intellectual heritage, their cultural expressions and knowledge are most easily appropriated by third parties – exactly because they are intangible and more readily copied” (2). Contrary to findings of this study, WIPO’s assumptions are based on the thinking that there are always markedly and distinct differences and dividing lines between expressive forms, music in particular, among traditional communities. The environment studied revealed crossovers often occasioned by the emerging cross cultural professional groups whose borrowing, adaptation and adoption broke down barriers. This study notes that even individual musicians were actively engaging with forms outside their communities not mentioning that many communities have intermarried. If a musician is adopting or borrowing from another and the two (or more) communities have variations in their approaches to collective *ownership*, which can be expected given the uncoded nature of customary laws and differences amongst traditional communities (Kuruk 2002), the

musician will be caught between customary laws of the two communities. Depending on which society the musician is ‘copying’ or adopting from or the extent of rearrangement of the local materials, the musician will likely be labeled outside of the traditional cultures of either communities. That musician will definitely be seen as stealing by the other community (Tsukada 2004). WIPO’s IGC (2001) notes that historically “form or representation of a cultural expression, and the content of knowledge, should not be appropriated without recognition of the legal and cultural context that helps define them as distinctively traditional” (1). While this study is not entirely opposed to the “legal and cultural context” and the need to retain the ‘distinctively traditional,’ such rules when approached in the historically collectivist and oral nature, make it difficult for musicians engaging in potentially beneficial adaptations and adoptions. Traditional requirements like these are problematic to a volatile environment in which musicians live.

Additionally, many traditional communities have assimilated each other often blurring the contexts that historically made music from certain communities traditionally distinct. That impacts on what the musician can, or cannot, do without coming off as stepping outside traditional realms let alone offending other communities. That said, flexibility in cultural or customary norms and values should strike a balance so that cultural resources including songs, dances, foods and instrumentation are not totally abandoned or removed from the traditional contexts in which they are applied to music in the quest for ‘marketable’ traditional music resulting from adaptation of the local or adoption from outside. Besides retaining cultural resources, musicians ought to continue working within the context of traditional cultural institutions or at least retain links with these institutions.

Flexibility is also important to facilitate the rearrangement and new partnerships musicians are forging with corporate entities. Along these lines, we noted that emerging forms in the partnership between Uganda Breweries Limited (UBL) and NACOFU/Nile Beat with the so-called ‘original compositions.’ First, customary laws and practices should accommodate or allow such partnerships to thrive for they have demonstrated the ability to reawaken otherwise fading cultural groups and individuals. Second, the ‘original compositions’ from the *Senator* national festival should be left to, or owned by, the creative individual or groups involved in the process. However, as was noted, corporations involved are not so much interested in preserving cultures as they are interested in marketing their products. Given that reality, musicians ought to drive the process rather than the corporate entity. Consequently, the flexibility advocated for is both a call for action as well as a principle that must inform or be at the center of any attempts to reform historically collectivist practices, laws and practices as far as expressive cultures are concerned. That notwithstanding flexibility as a principle is only meaningful if reflected in legal and policy infrastructures to address issues of the day. The section that follows highlights some legal issues and proposed principles for addressing traditional music in context of findings of this study and the broader environment in Uganda and Africa in general.

#### **6.4 Lingerin Legal questions**

Problems abound if the flexibility in customary or cultural practices advocated for traditional music realms by this study is not rooted in national legal infrastructure since the environment mentioned in the study is based or shaped by the mainstream legal

systems. Concerning *ownership* of traditional expressive forms, the legal framework is complicated by the fact that the traditional customary laws that regulate traditional communities will have to interface with mainstream intellectual property laws. Existing thinking is that protection of expressive forms should be for the “benefit of the indigenous peoples and traditional and other cultural communities in whom the custody, care and safeguarding” of expressive forms are assigned (WIPO IGC 2001, 6). Other possible beneficiaries are communities “who maintain, use or develop the traditional cultural expressions/expressions of folklore as being characteristic of their cultural and social identity and cultural heritage” (WIPO IGF 2002, 6). These positions are important in anchoring music and related expressive forms within the traditional realms of those communities but represent the thinking largely challenged by this study. The idea that benefits should accrue to the traditional or indigenous ‘community,’ with no possibility of individual traditional musicians engaged with those resources benefiting, represents the historically problematic collective approach that at best ignores individuals like traditional musicians or, at worst, totally thwarts them. Increasingly the development of expressive cultural forms is on the shoulders of individual musicians who are weighed heavily by the socioeconomic environment in which they work. A legal framework that fails to acknowledge creative individuals like traditional musicians risks disenfranchising them in the process risking the dearth of cultural identities of communities in question. The benefit of rethinking or relaxing customs to include individuals in the community is to ensure continuity of the music by allowing musicians live off that work since they are largely responsible involved in its development in the contemporary settings.



Adaptation, adoption or borrowing of expressive forms from other communities noted earlier, call it third party use in legal language, presents legal problems as well. Going by the 'old' cultural framework and thinking, *ownership*, in this sense would be a nightmare at best. Yet the work on a musician engaging expressive forms from both communities is leading to new forms that ensure the two communities thrive culturally. Notwithstanding WIPO's belief in the old collectivist framework, WIPO's IGC is aware of the problematic nature of the framework when one applies customary laws and practices of one community in another. It notes that "it is challenging to consider how the full body of a community's customary law and practices could be made to apply integrally to third parties beyond that community and the traditional reach of its customary jurisdiction" (WIPO IGC 2001, 17).

Legally, there are a number of unresolved issues and probably irresolvable issues if the old approach is strictly applied. One is the fact already known to us that traditional musicians locate their work with specific cultural/traditional groups. If their work draws from outside their community, for *ownership* purposes, such works should be treated in the same way as if it were drawn from their own cultural context. In essence, all traditional musicians should legally be in position to draw resources from all cultural groups and claim *ownership* on resultant works. While this has been going on for generations, at least within communities and lately across communities, there was no clear definition or resolution of *ownership* of resultant forms. What presents problems is whether, or not, *ownership* of resultant forms should be exclusive to the 'creator.' That is a difficult question given the complex nature of contemporary African societies. In

principle, such forms should be available to other traditional musicians with an equitable formula for sharing proceedings, in cases where money is being made off that work. Based on the sentiments and views shared by participants, it is the opinion of this study, that the legal system should lump traditional musicians as a group on questions of *ownership* regardless of their original society. This means that when a traditional musician draws from traditional resources of any traditional community, s/he can claim individual *ownership* of resultant forms. Non-traditional musicians may not do so for the obvious reason of threatening to exclude traditional communities from their resources in future. However, even for traditional musicians, *ownership* should be limited. For instance when, or if, protected by mainstream copyright system as folklore, the traditional musician should not enjoy the same exclusive rights envisaged by the traditional copyright system for creative individuals. To do so is to create problems if individual traditional musicians (a few) chose to invoke their exclusive rights to exclude fellow traditional musicians including members of their community. That is as bad as, or even worse, than the collective approach that was reported as leaving musicians' hands tied. Exclusive rights should be limited to public performance and sale of recorded forms or works. The public performance rights should further be limited not to cover self-identified traditional musicians in Uganda regardless of traditional community of the musician's original or source community of the traditional music. That at least ensures the all important element in African traditional music of borrowing, adoption and adaptation. Recommendations in the next section reflect the general sense of the need for flexibility in customary practices and values around traditional music making, distribution and consumption.

## 6.5 Conclusion and Recommendations

Generally, give the increasingly changing environment in which traditional music is made, *ownership* of expressive forms ought to be cognizant of changing environments and musicians' attempts at adjusting to that environment. Against that background, this study recommends that the *professionalizing* and corporate identity assumed by the emerging traditional groups should be encouraged rather than thwarted. Likewise the partnerships between traditional groups and individual musicians should be seen as representing the future rather than offending the past. Changes like the *Senator Extravaganza* that involved the exploitation of cultural performances and cultural/natural resources is an indication of the necessary shifts that increasingly pit traditional musicians against cultural norm and practices of their traditional communities.

Specifically the following steps must be taken in addressing *ownership* of traditional music within or outside mainstream legal and policy infrastructure:

- Define *ownership* of traditional music from customary realms to Intellectual Property (IP) realm recognizing individual traditional musicians as owners of expressive forms created by them. Customary laws and practices should fully apply but redefine *ownership* in terms of both communities and individuals in those communities, in this case traditional musicians.
  
- Given the complex sociocultural relations in which most traditional societies in Africa find themselves due to intermarriages and movements of people,

questions on how to address *ownership* by ‘outsiders’ arise. First, traditional musicians in any community and members of any traditional community, the notion of ‘outsider’ or ‘insider’ to the music shouldn’t arise. Musicians should be able to pick from resources of any traditional community without constraints and reprehension of customary laws and practices of that community (certainly this is outside activities that degrade the source communities). This is regardless of whether it is for commercial or cultural purposes. As highlighted previously, ultimately any traditional music making is presumed to be beneficial to the community or communities in question.

- A legal framework should cause and/or change customary laws on traditional music to allow creative individuals live off their work by claiming *ownership* over ‘new’ musical forms but not preclude other creative individuals in the traditional communities from drawing from the same ‘original’ resources to create ‘new’ forms. That ensures a regeneration of traditional expressive forms that balances the need of furthering traditional music and cultures represented, as well as ensuring the well being of traditional musicians, and
- The contemporary environment pushing musicians towards redefining *ownership* was a result of the introduction of western intellectual property system. That necessitates examining the intersection between traditional music (customary laws, practice and protocols) and western IP systems. It’s the opinion and recommendation of this study that traditional music should be eclipsed in the

mainstream IP system but with special provision that recognize it's traditional and intergenerational elements. As noted above, the legal regime should allow greater flexibility of exploiting traditional musical resources by traditional musicians regardless of originating society. Unlike earlier efforts to nationalize cultural resources through *cultural nationalism*, the proposed changes would be musician or community driven recognizing and giving priority to traditional musicians and their communities.

## 6.5 Implications of findings

It was noted that traditional music is a core element of the customary laws, practices and values of any traditional society yet the same customs define the cultural practices and beliefs of that society. Traditional music is, therefore, important to the survival of society culturally, without which such society loses its identity. This study worked from the plausible connection between music and cultures to hypothesize that clarifying and defining *ownership* of traditional music and expressive forms was central to the very survival and continued production of that music in Africa today. Multiplicity of views towards *ownership* of creative expressions is a reality so is the changing socioeconomic and political environment in which musicians work. Unfortunately some cultural beliefs, practices and values still bar individual claims to emerging expressive forms based on historically shared resources. Whereas that was and, in some cases remains, culturally prudent, failure by traditional musicians to live off their work because they can't claim *ownership* of emergent forms threatens the very core of traditional expressive forms. The preceding critical analysis of the study findings pitches customary practices that are

representative of traditional cultural practices of traditional societies against the findings of this study effectively calling for the critical review of some of these customary practices to allow for more flexibility in the creation and utilization of traditional expressive forms. Obviously, the idea that customary and cultural practices ought to bend to the currents in traditional music making and consumption in Africa today is a seemingly contradictory position. Yet it is well documented that customary and cultural practices and systems in Africa have historically been malleable and accommodating of the changing socioeconomic and political changes in society as a whole. The study findings point to the fact that this is another moment when Africa's socioeconomic and political realities have shifted tremendously as to require a rethinking of the customary and cultural practices so as to permit the continued production of traditional expressive forms. On the other hand, western legal regime must accommodate certain customary and cultural practices giving special attention to certain groups in traditional communities. As the evidence starting to emerge from WIPO's IGC, the process is under way at the international or global level. This study concerns itself with a specific policy issue that must be addressed at national level.

The study recommends addressing the traditional music problem under western IP systems specifically assigning new forms of traditional expressive forms created by traditional musicians to individuals responsible for the forms. That presents challenges at a number of levels. First, the 'new' forms must be 'new' so that well known songs, dances, instruments, techniques, etc, are not claimed as 'new' in the process passing on to individual musicians century old cultural resources that have been part of a community's

cultural repertoire. The second challenge, and central to this study, is that of *ownership* of ‘new’ forms and related rights. At the moment, the legal system (western) recommended by this study acknowledges a wide range of rights even in a single types of works like music. It recognizes rights like the moral right (that is, the right by one’s work to retain its integrity and individual responsible for the work is always attributed); the economic rights (the right to economic benefits from one’s work), and reproduction rights (making copies or versions of a work) which can touch on both moral and economic rights. It is the opinion of this study that two categories of rights must be clarified by the legal framework once traditional music is brought into the realm of the western IP system.

First, the moral rights should be attributed to the community in general recognizing that ultimately expressive cultures are sacred resources for the communities in question. It is assumed and rightly so that the traditional musician creating new forms does so partly to live off that work but also to contribute to the preservation of the cultures in question. As an individual, this individual cannot claim moral rights over cultural resources because the community as a whole has greater claim to cultural resources in the form they exist. It is also the opinion of this study that the community has greater interest in being recognized and attributed for the expressive cultural forms than an individual. The moral rights should always refer to the community and be perpetual.

Second, the economic rights in ‘new’ forms should be assigned to the individual musician with the understanding that by assigning such rights to the musician, the individual is in position to live off the work at the same time contribute to the cultural repertoire of the

community. Unlike the current way of dealing with economic rights that assigns economic exploitation of the work exclusively to the individual, in this case the exclusivity does not apply to the originating communities and all traditional musicians who can draw from the new forms to create their own. However, for economic purposes, public performances of the new forms for economic reasons should be assigned exclusively to the individual traditional musician responsible for its creation. It is against the background that public performance is the main source of income for traditional musicians. If not attributed to the individual, chances are that the musicians will not be in position to make a living off the work. 'Economic purposes' is emphasized because there are many contexts and instances when these new forms can be performed on purely cultural purposes. Such instances should be permitted by the law for they serve to advance the cultural preservation function of the music.

The above suggestions to unbundle the rights in traditional music serves achieve the goal of setting musicians from the problematic cultural norms that historically prevented them from claiming individual ownership to traditional music and expressive forms in general. As earlier noted, from a British cultural perspective, restraining the individual on cultural grounds meant that culture was being used to subjugate and suppress certain groups or individuals in the traditional communities (Keller (1995a)). By unbundling the rights into moral and economic rights and recommending that moral rights are assigned to the community irrespective of whether the resource is new or old, this study makes an attempt to ensure that individuals are afforded the freedom to exploit cultural resources at the same time traditional communities have access to their sacred resources.



Besides addressing the central question of *ownership*, the study makes an important contribution to the critical cultural scholarship in Africa anchored in the re-examination of century old traditions if only to preserve traditional African cultures. This approach to cultural studies in the African context is clearly different from Boateng's (2002) suggestion of primarily grounding African cultural studies in the colonial experiences of African countries and communities. It puts the communities at the centre of the analysis and criticism.

### **6.6. Questions for Further research**

Some questions remain to be addressed in future work in this area. The most important is how can customary laws on music (or aspects of customary laws applicable to music) be formalized (for instance, through documentation) and made part of the mainstream legal systems? What are the implications of the 'formalization' to the continued development of that body of laws, customs and practices? Is it even desirable to 'formalize' these laws, notwithstanding the strong justifications revealed by this study?

Another potentially gray area relates to one of the recommendations of this study, that is, bringing traditional music in the ambits of mainstream intellectual property law by defining *ownership* of traditional music within that system. In an increasingly porous world of music, certain individuals seem to permeate traditional and mainstream contemporary genres. Given that fluidity, how will the law clearly delineate who is a traditional musician and, therefore, in need of the 'special' treatments recommended by this study. Who is not? This question is fundamental to a workable legal regime that

designates traditional musicians as a single group and one that must enjoy similar rights outlined in the recommendations in a legal jurisdiction like Uganda.

## **References**

## References

- Abili , Stephen (2006). Kampala Finds Its Ethnic Side. *Sunday Monitor*. Available from: <http://allafrica.com/stories/200602270439.html> [Accessed: 02/27/2006].
- Agger, Ben (1992). *Cultural Studies*. London: Falmer Press.
- Akubu , Jeroline (2006). Challenges Of Current Copyright Regimes In Protecting Indigenous Knowledge And African Traditions. Presentation at the African Copyright Forum, November 2005. Kampala, Uganda. Available from: <http://www.nlu.go.ug/dwnld/Anaba.ppt> [Accessed: 10/10/2007].
- Amegago, Modesto Mawulolo Kwaku (2000).An holistic approach to African performing arts: Music and dance curriculum development and implementation. Ph.D., Simon Fraser University (Canada), 2000, 415 pgs.
- Amegatcher , O. Andrew (2002). Protection of folklore by copyright – a contradiction in terms. *Copyright Bulletin*, 2(32)33-42.
- Amoaku, William Komla (1971). *African Songs and Rhythms for Children*: Orff
- Amoaku , William Komla (1982). ‘Parallelisms in Traditional African System of Music Education and Orff Schulwerk’, *Journal of International Library of African Music*, 6(2), pp.116-119.
- Anderson , Birgitte, Kozul-Wright, Zeljka and Kozul-Wright, Richard (2000). *Copyright, Competition and Development: The Case of the Music Industry*. Geneva: UNCTAD.
- Anderson , Lois Ann. 1968. "The Miko Modal System of Kiganda Xylophone Music." Ph.D. diss., University of California, Los Angeles.
- \_\_\_\_\_. 1984. "Multipart Relationships in Xylophone and Tuned-Drum Traditions in Buganda." *Selected Reports in Ethnomusicology* 5 (Studies in African Music):120-44.
- Apter , David Ernest (1997). *The Political Kingdom in Uganda: A Study of Bureaucratic Nationalism* Available from: [http://www.iprsonline.org/unctadictsd/docs/Madian\\_ArabRD\\_music.pdf](http://www.iprsonline.org/unctadictsd/docs/Madian_ArabRD_music.pdf)
- Asmah, Josephine (1999). Recent challenges to the protection of copyright in literary works: A study of Ghana and Canada. LL.M., Dalhousie University (Canada), 220 pgs.
- Avirgan , Tony and Honey, Martha (1982). *War in Uganda : the legacy of Idi Amin*. Westport, Conn. : L. Hill.

- Badu-Young, C. M. Zelma (2003). Ewe culture as expressed in Ghana West Africa. Through Adzogbo dance ceremony: A foundation for the development of interactive multimedia educational materials. Ph.D., McGill University (Canada), 369 pgs.
- Banerji , Shondeep (2000). The Indian Intellectual Property Rights Regime and the TRIPS Agreement. IN Long, Clarisa, ed., (2000). Intellectual Property Rights in Emerging Markets. Washington: The AIE Press.
- Bansisa, Y. (1936). Music in Africa. *Uganda Journal*, 4: 108-14.
- Barz , Gregory (2004). *Music in East Africa: Experiencing Music, Expressing Culture*. New York: Oxford University Press.
- Beeko, Eric Odame (2005). Creative processes in Akan musical cultures: Innovation within tradition. Ph.D., University of Pittsburgh, 2005, 227 pgs.
- Bettig, V. Ronald (1996). Copyrighting Culture: The Political Economy of Intellectual Property. Boulder, CO, Westview.
- Beyaraza, Ernest (2004). Contemporary Relativism with Special Reference to Culture in Africa. Kampala: Makerere University Press.
- Bigalke, Erich Heinrich (1982). An Ethnomusicological Study Of The Ndlambe Of Southeastern Africa. Ph.D., Queen's University of Belfast (United Kingdom), 302 pgs.
- Blundell, Valda, Shepherd, John and Taylor, Ian, Eds. (1993). Relocating Cultural Studies: Developments in Theory and Research. New York: Routledge.
- Boateng, Akosua Boatema (2002). African Culture in the global Market Place: the Case of Folklore and Intellectual Property in Ghana. Unpublished Thesis, University of Illinois at Urbana-Champaign.
- Bogdan, C. Robert and Biklen, K. Sari (1992). Qualitative research in education: An introduction to theory and methods (2nd ed.). Boston, MA: Allyn and Bacon.
- Botwe-Asamoah, Kwame (1999). Kwame Nkrumah: Cultural thought, policies and the National Theater Movement in Ghana, 1960—1966., Ph.D., Temple University, 400 pgs.
- Bowker, Richard Rogers (1912). Copyright, its history and its law: being a summary of the principles and practice of copyright with special reference to the American code of... Boston; New York, 731pp.

- Britz, Johannes and Lipinski, Tom (2001). A moral reflection on current legal concepts of intellectual property. *Libri* 51 (4): 234 - 247.
- Brown, Andrew Philip (1999). The role of a professional teachers' organisation in the integration of music into the primary school curriculum. M.Mus., University of South Africa (South Africa).
- Bwengye , A.W. Francis (1985). The agony of Uganda, from Idi Amin to Obote : repressive rule and bloodshed : causes, effects, and the cure. New York : Regency Press.
- Byerly, Ingrid Bianca (1996). "The Music Indaba: Music as Mirror, Mediator and Prophet in the South African Transition from Apartheid to Democracy." Ph.D. diss., Duke University.
- \_\_\_\_\_ (1998). Mirror, Mediator, and Prophet: The Music *Indaba* of Late-Apartheid South Africa. *Ethnomusicology*, vol 42, n.1.
- Canon, Sherri Dawn (2005). Music, dance, and family ties: Ghanaian and Senegalese immigrants in Los Angeles. Ph.D., The University of Texas at Austin, 322 pgs.
- Collins, John (1994). The Ghanaian concert party: African popular entertainment at the cross roads. Ph.D., State University of New York at Buffalo, 640 pgs.
- Cooke , Peter (1996). Music in a Uganda Court. *Early Music from Around the World*
- \_\_\_\_\_ (2001). Uganda. In *The New Grove Dictionary of Music and Musicians*,
- \_\_\_\_\_ (2002). *Republic of Uganda*. *Grove Music Online* ed. L. Macy. Available from: <http://www.grovemusic.com> [Accessed 02/16/2006].
- Coplan David (1980) Marabi Culture: Continuity and Transformation in African Music in Johannesburg 1920-1940. *African Urban Studies*, 6.
- \_\_\_\_\_ (1982). The Urbanization of African Music: Some Theoretical Observations. In Richard Middleton, ed., *Popular Music: A Yearbook*, Vol. II. Cambridge U. Press, pp113-129.
- Correa , Carlos (2000). Intellectual Property Rights, the WTO and Developing Countries, The TRIPS Agreement and Policy Options. Zed Books: London and New York.
- Denzin , K. Norman and Lincoln, S. Yvonna, eds. (2005). *The Sage Handbook of Qualitative Research*, 3<sup>rd</sup> Ed. Sage, Thousand Oaks.

- DeVane, Evelyn Gaynelle (1980). Music education in teacher training colleges in Ghana. Ph.D., University of Ghana (Ghana), 484 pgs.
- Digolo, Beatrice. A. (2005). The Role of Indigenous music in Contemporary Kenyan Society: A Paradox. In *East African Journal of Music*, no1: 57-63.
- Douglass C North and Robert Paul Thomas (1976). *The Rise of the Western World: A New Economic History*. Cambridge University Press.
- Drati,Enock Lee (1987). Using traditional media to communicate the gospel to the Lugbara of Uganda. Thesis (D. Miss.)--Fuller Theological Seminary.
- Dutfield , Graham (2001) 'Intellectual Property Rights and Development' Policy Discussion Paper, UNCTAD/ICTSD capacity building project on Intellectual Property Rights and Sustainable Development.
- Eisner, E. W. (1991). *The enlightened eye: Qualitative inquiry and the enhancement of educational practice*. New York, NY: Macmillan Publishing Company.
- Euba , Akin (1970). "Music Adapts to a Changed World: A Leading Composer Looks at How Africa's Musical Traditions Have Expanded to Suit Contemporary Society." *Africa Report*, November 1970, pp. 24-27.
- \_\_\_\_\_ (1988). *Essays on Music in Africa*. Vol. 1. Bayreuth. Iwalewa-Haus, University of Bayreuth.
- \_\_\_\_\_ (1989a). "Yoruba Music in the Church: The Development of a Neo-African Art Among the Yoruba of Nigeria." In *African Musicology: Current Trends: A Festschrift Presented to J. H. Kwabena Nketia*, ed. J. C. DjeDje and W. G. Carter (Atlanta, Georgia), pp. 45–63.
- \_\_\_\_\_ (1989b). *Essays on Music in Africa: Intercultural Perspectives*. Vol. 2. Bayreuth. Iwalewa-Haus, University of Bayreuth.
- \_\_\_\_\_
- Evenson , E. Robert, (1991) *Intellectual Property Rights, R&D, Inventions, Technology Purchase, and Piracy in Economic Development: An International Comparative Study*, Yale University mimeo.
- Feather, John (1988). Authors, Publishers and Politicians: The History of Copyright. *European Intellectual Property Review* 377 (12).
- Gibson , Johanna (2003). The Cultural Diversity of Biodiversity: The Protection of Indigenous Cultural and Intellectual Resources in a Global Context. *Situation Analysis*, 2: 46-61.

- \_\_\_\_\_ (2004). Traditional Knowledge and the International Context for Protection. SCRIPT-ed, Vol. 1, No. 1, March. Available at SSRN: <http://ssrn.com/abstract=1137536>.
- Githaiga , Joseph (1998). Intellectual Property Law and the Protection of Indigenous Folklore and Knowledge. *Murdoch University Electronic Journal of Law*, 5(2). Available from: <https://www.murdoch.edu.au/elaw/issues/v5n2/githaiga52nf.html>
- Gould, David and Gruben William (1996). The Role of Intellectual Property Rights in Economic Growth. *Journal of Development Economics*,48:323-350.
- Gray, John (1991). African Music: A Bibliographical Guide to the Traditional, Popular, Art, and Liturgical Musics of Sub-Saharan Africa (African Special Bibliographic Series). Westport, CT:Greenwood Press.
- Grossberg, Lawrence (1989) The Formations of Cultural Studies: An American in Birmingham. *Strategies*, 22: 114-149.
- \_\_\_\_\_, Nelson, Cary and Treicher, Paul, eds (1992). Cultural Studies. New York: Routledge, Chapman and Hall.
- Grove, Johanna Petronella (2002). Music education unit standards for Southern Africa: A model and its application in a General Music Appraisal Programme. D.Mus., University of Pretoria (South Africa).
- Guba , Ebon G. (1990), Paradigm Dialogue, Newbury Park, CA: Sage Publications
- Hall, Stuart (1980). Cultural Studies and the Centre: Some problematics and problems IN Hall et al,15-47. Holger Bernt Hansen and Michael Twaddle (1995). From Chaos to Order: The Politics of Constitution-making in Uganda. Kampala : Fountain Publishers
- Hansen, Holger Bernt and Twaddle, Michael (1995). Uganda Now: Between Decay & Development. London: James Currey.
- Hoggart, Richard (1970). Contemporary Cultural Studies: An Approach to the Study of Literature and Society. In *Contemporary Criticism, Stratford-upon-Avon Studies*. 12. London: Edward Arnold.
- Horton, Christian Dowu. (1980). Indigenous Music of Sierra Leone: An Analysis of Education Resources and Education Implications. Doctoral Dissertation in Music Education, University of California-Los Angeles 1979.  
intellectual property law. New York: Peter Lang.
- Johnson, Richard (1986/87). What is Cultural Studies Anyway?. *Social Text* 16: 38-80.



- Josey, Lucy Barbara Jean (2004). *The Ndebele of South Africa and their intellectual property rights*. Ph.D., Howard University, 168 pgs.
- Kafumbe, Damascus (2006). *The Kabaka's Royal Musicians Of Buganda-Uganda: Their Role And Significance During Ssekabaka Sir Edward Frederick Muteesa II's Reign (1939-1966)*. Master's dissertation, Florida State University, 102pgs.
- Kalb, Don. & van der Land, Marco. (2000). Beyond the mosaic: Questioning cultural identity in a globalizing age. In Kalb, Don et al., (eds.) *The Ends of Globalization: Bringing Society Back In*. (pp. 273-280). New York: Rowman & Littlefield Publishers, Inc.
- Karugire, S. Rubaraza (1996). *Roots of instability in Uganda*. Fountain Publishers: Kampala, Uganda.
- Katamba, Frances and Cooke, R. Peter (1987). Ssematimba ne kikwabanga: the music and poetry of a Ganda historical song. *The world of music* 29.2:49-67.
- Keller, Douglas (1994). Critical Theory and Consumer Culture IN *The Polity Reader in Cultural Theory*. Cambridge, England: Polity Press, 73-80.
- \_\_\_\_\_ (1995a). Cultural Studies, Multiculturalism, and Media Culture. *Gender, Race and Class in Media*, edited by Gail Dines and Jean Humez. Beverly Hills: Sage, 5-17.
- \_\_\_\_\_ (1995b). *Media Culture*. London and New York: Routledge.
- Khan, Zorina (2002). Intellectual Property and Economic Development: Lessons from American and European History. Background Paper for the UK Commission on Intellectual Property Rights. Available at: [http://www.iprcommission.org/graphic/documents/final\\_report.htm](http://www.iprcommission.org/graphic/documents/final_report.htm)
- Khong, W.K. Dennis (2006). The Historical Law And Economics Of The First Copyright Act. *Erasmus Law and Economics Review* 2, no. 1 (March 2006): 35–69.
- Khor, Martin (2002). *Intellectual Property, Biodiversity and Sustainable Development: resolving the difficult issues*. New York: Zeb Books
- Kingma , R. Bruce (2001). *The economics of information: A guide to economic and cost-benefit analysis for information professionals*. Second Edition. Englewood, CO: Libraries Unlimited, Inc.
- Klinger, Rita (1996). *Matters of compromise: An ethnographic study of culture-bearers in elementary music education*. Ph.D., University of Washington, 180 pgs.

- Koops, Lisa Huisman (2006). Children's music making in The Gambia: Pathways to culturally informed music pedagogy. Ph.D., Michigan State University, 2006, 270 pgs.
- Kubik, Gerhard (1964). Xylophone Playing in Southern Uganda. *Journal of Royal Anthropological Institute*. 94:138-59.
- \_\_\_\_\_. 2002. "Intra-African Streams of Influence." In *The Garland Encyclopedia of World Music, Africa*, edited by Ruth M. Stone. New York: Routledge. 1: 293-325.
- Kuruk, Paul (2002). African customary law and the protection of folklore. *Copyright Bulletin*, 2(32)4-32.
- Kyagambiddwa, Joseph (1955). African Music from the Source of the Nile. New York: Frederick A. Praeger.
- Kyemba, Henry (1977). A State of Blood: The Inside Story of Idi Amin. New York: Ace Books.
- Lessig, Lawrence (2004). Free Cultures. New York: Penguin Press. Also available at: [http://trevor.typepad.com/blog/free\\_culture\\_lawrence\\_lessig\\_purple\\_numbers.html](http://trevor.typepad.com/blog/free_culture_lawrence_lessig_purple_numbers.html)
- Liang, Lawrence (2005). The Other Information City. *World-Information.Org*. Available from: <http://www.t0.or.at/wio/downloads/india/liang.pdf> . [Accessed Dec 01 2007]
- Lincoln, Yvonna. S., and Guba, Egon G. (1985), *Naturalistic Inquiry*, Beverly Hills, CA:
- Lipinsk, Tomas A. (1999). "The Commodification of Information and the Extension of Proprietary Rights into the Public Domain: Recent legal (case and other) developments in the United States," *Journal of Business Ethics*, 22(2), 63-80.
- Lloyd, A. Fallers (1961). Ideology and Culture in Uganda Nationalism. *American Anthropologist*, New Series, Vol. 63, No. 4 (Aug.), pp. 677-686
- Lo-Bamijoko, Joy Ifeoma Nwosu (1981). A Preliminary Study Of The Classification, Tuning And Educational Implications Of The Standardization Of Musical Instruments In Africa: The Nigerian Case. Ph.D., University of Michigan, 251 pgs.
- Lush, J. Allan (1935). Kiganda Drums. *Uganda Journal* 3/1 (July): 7-25.
- Madian, Azza (2005). The Protection and Promotion of Egypt's Musical Heritage.

- Mansfield, Edwin (1986) 'Patents and Innovation: An Empirical Study' *Management Science*, Vol. 32(2), pp. 173-181, February 1986.
- Mashelkar, Raghunath. A. (2001a) 'Revisiting TRIPS: A Developing World Perspective', *RIS Digest*, Vol. 18(1-3), September 2001, pp. 1-8, New Delhi: RIS
- \_\_\_\_\_. (2001b). Intellectual property rights and the Third World. *Current Science* 81(8): 955-965.
- Maskus, Keith (2000). *Intellectual Property Rights In The Global Economy*. Washington: Institute For International Economics.
- \_\_\_\_\_ and Reichman, Jerome (2004). The Globalization of private The Globalization Of Private Knowledge Goods And The Privatization Of Global Public. *Journal of International Economic Law*.2004; 7: 279-320.
- Maxwell, Joseph (1996). *Qualitative Research Design: An interactive approach*. London: Sage Publications.
- May, Christopher (2000) *A Global Political Economy of Intellectual Property Rights: The new enclosures?* London and New York: Routledge.
- McCann, Anthony (nd). *Traditional Music And Copyright - The Issues*. Available from: <http://www.iascp.org/Final/mccann.pdf> [Accessed Dec 2007].
- McCracken, Grant (1988). *The Long Interview*. Sage: Newbury Park.
- McLeod, Kembrew (2001). *Owning Culture: authorship, ownership and intellectual property law*. New York: Peter Lang.
- Merges, Robert et al (2003). *Intellectual Property In The New Technological Age*. New York: ASPEN.
- Merriam, Alan (1977). Definitions of 'Comparative Musicology' and 'Ethnomusicology': An Historical-Theoretical Perspective." *Ethnomusicology*, 189-204.
- Mills, Sherylle (1996). Indigenous Music and the Law: An Analysis of National and International Legislation. *Yearbook of Traditional Music* 28:57-86.
- Morris, H. F. (1972). Sir Philip Mitchell and 'Protected Rule' in Buganda. *Journal of African History*, xiii, 2: 305-323.
- Moustakas, Clark (1994). *Phenomenological Research Methods*. Thousand Oaks, CA, Sage.

- Mundundu, Anicet Mudimbenga (2005). The recontextualization of African music in the United States: A case study of Umoja African Arts Company. Ph.D., University of Pittsburgh, 259 pgs.
- Musungu, Sisule and Dutfield, Graham (2003). Multilateral agreements and a TRIPS-plus world: The World Intellectual Property Organisation (WIPO). Available from: <http://www.geneva.quno.info/pdf/WIPO%28A4%29final0304.pdf>
- Mutere, M. Ndiika (1995). The oral-aesthetic: An Africa-centered perspective of music. Ph.D., Temple University, 204 pgs.
- Mutibwa, Phares (1992). Uganda Since Independence: A Story of Unfulfilled Hopes. Kampala: Fountain Publishers.
- Nketia, Kwabena J. (1974). The Music of Africa. New York: W.W.Norton and Co., Inc.
- Nompula, Yolisa Priscilla (2000). A comparison of European and Xhosa singing among South African children. Ph.D., The University of Iowa, 2000, 158 pgs.
- Nwauche, Enyinna S. (2005). The Protection of Expressions of Folklore Through The Bill Of Rights in South Africa.
- Ofcansky, P. Thomas (1999). Uganda: Tarnished Pearl of Africa. Published. Westview Press.
- Okediji, L. Ruth (2003), Public Welfare and the Role of the WTO: Reconsidering the TRIPS Agreement, 17 Emory Int. Law Rev. 819, 850 (2003)
- Park, G. Walter and Ginarte, Juan Carlos (1997). Intellectual Property Rights and Economic Growth. *Contemporary Economic Policy* 15(3), pp. 51-61, The World Bank.
- Patton, M. Q. (1980). *Qualitative evaluation methods*. Beverly Hills: Sage.
- Perullo, Alex (2003). The life that I live": Popular music, agency, and urban society in Dar es Salaam, Tanzania. Ph.D., Indiana University, 412 pgs.  
Proprietary Rights into the Public Domain: Recent Legal (Case and Other) Developments in the United States. *The Journal Of Business Ethics*, October, 63.
- Rapp, T. Richard and Rozek, P. Richard (1990). Benefits and Costs of Intellectual Property Protection in Developing Countries. *Journal of World Trade* 24(5), Washington, D.C., 75-102 pgs.

- Reichman, Jerome H. (1993) Implications of the Draft TRIPS Agreement for Developing Countries as Competitors in an Integrated World Market. *UNCTAD Discussion Paper No. 73*, November 1993.
- \_\_\_\_\_ and Keith Maskus (2004). International Public Goods and Transfer of Technology Under a Globalized Intellectual Property Regime.
- Ross-Hammond, Amelia Nancy (1999). An historical narrative of the West African Bush Schools: Implications for contemporary music education curricula. Ph.D., University of Denver, 217 pgs.
- Sandler, Felicia Ann Barbara (2001). Music of the village in the global marketplace: Self-expression, inspiration, appropriation, or exploitation? Ph.D., University of Michigan, 228 pgs.
- Schulman, Norma (1993). Conditions of their own Making: An intellectual History of the Centre for Contemporary Cultural Studies at the University of Birmingham. *Canadian Journal of Communication*, 18: 51-73.  
Schulwerk in the African Tradition. New York: Schott, ed.
- Sihanya, M . Bernard (2003). Constructing copyright and literary creativity in Kenya: Cultural politics and the political economy of transnational intellectual property. Stanford University, 515 pgs.
- Skeens, S. R. (1937). Reminiscences of Busoga and its Chief. *The Uganda Journal*, vol. iv, no. 3.
- Smith, JA, Flowers P & Osborn M (1997) Interpretative phenomenological analysis and the psychology of health and illness. In *Material Discourses in Health and Illness*, pp. 68–91[L Yardley, editor]. London: Routledge.
- Smith, Richard Donald (2004). Music education in sub-Saharan Africa: Nigeria and beyond. A case for African development. Ph.D., Temple University, 211 pgs.
- Sparks, Colin (1977). The evolution of cultural studies. *Screen Education*, 22, 16-30.
- Strauss, Anselm and Corbin, Juliet (1994). Grounded Theory methodology: An overview, In: *Handbook of Qualitative Research* (Denzin, N., K. and Lincoln, Y.,S., Eds.). Sage Publications, London, 1-18.
- Sutherland, Johanna (1995). Representations of Indigenous Peoples' Knowledge and Practice in Modern International Law and Politics. 2(1) *Australian Journal of Human Rights* 39 at 40.
- Taylor, J. Steve and Bogdan, Robert (1975). Introduction to Qualitative Research. New York: Wiley- Interscience, 1975. 259 pgs.

- Taylor, Timothy Dean (1993). *The Voracious Muse: Contemporary Cross-Cultural Musical Borrowings, Culture, and Postmodernism*. Ph.D, University of Michigan.
- Tsakada, Genichi (2004). "Copyright" and Politics: Nkrumah and Fante Music in Postcolonial Ghana. Unpublished paper delivered at the *Forty-Ninth Annual Meeting of the Society for Ethnomusicology, Tucson, AZ, November 2004*.
- Turner, Graeme (2003). *British Cultural Studies: An Introduction*. Routledge, London and New York.
- Uganda Government (1964). The Copyright Act of 1964. [Internet] Available from: <http://www.sipilawuganda.com/downloads/copyright%20act%201964.pdf> [Accessed December 10 2007].
- UK Commission on Intellectual Property Rights (2002). *Integrating Intellectual Property Rights and Development Policy*. Report of the UK Commission on Intellectual Property Rights. Available at: [http://www.iprcommission.org/graphic/documents/final\\_report.htm](http://www.iprcommission.org/graphic/documents/final_report.htm)
- UNCTAD (1996) 'The TRIPs Agreement and Developing Countries, UNCTAD/ITE/1, United Nations, pp. 1-4.
- van Manen, M. (1990). *Researching lived experience: Human science for an action sensitive pedagogy*. Albany, NY: State University of New York Press.
- Wachsmann, Klaus. P (1957). "A Study of Norms in the Tribal Music of Uganda." *Ethnomusicology*, 1/11 (September): 9-16.
- \_\_\_\_\_ (1971). "Musical Instruments in Kiganda Tradition and Their Place in the East African Scene." In *Essays on Music and History in Africa*, edited by K. P. Wachsmann. 93-124. Evanston: Northwestern University Press.
- Wanyama, Mellitus Nyongesa (2006). *Music Education: An Unexploited Goldmine In Kenya*. *International Journal of Community Music*. Volume D – 2006. Available from: <http://www.intljcm.com/articles/Volume%204/Wanyama%20Files/wanyama.pdf>. [Accessed: 20 Nov 2007].
- Wegner, Ulrich (1993) *Cognitive Aspects of Amadinda Xylophone Music from Buganda: Inherent Patterns Reconsidered*. *Ethnomusicology*, Vol. 37, No. 2 (Spring - Summer, 1993), pp. 201-241. Published by: [University of Illinois Press](http://www.press.uillinois.edu/) on behalf of [Society for Ethnomusicology](http://www.ethnomusicology.org/)
- WIPO IGC (2001). *Needs and Expectations of Traditional Knowledge Holders*. WIPO publication no. 768(E). Available from: <http://www.wipo.int/tk/en/tk/ffm/report>. [Accessed: October 2007].

Woodmansee and Jaszi (1994). *The Construction of Authorship: Textual Appropriation in Law and Literature* by Martha Woodmansee; Peter Jaszi, Durham, NC: Duke University Press, 1994.

Woodson, Craig (1984) *Appropriate Technology in the Construction of Traditional African Musical Instruments in Ghana. Selected Reports in Ethnomusicology.* Vol. 5 of *Studies in African Music*. World Music, edited by Ruth M. Stone. New York: Routledge. 1: 598-609.

## **Appendices**



## Appendix I: Interview Guide

### Interview guide:

*Questions are categorized in blocks representing major strands of the central research questions and study objectives.*

*Questions were modified where necessary to suit a particular interview setting, e.g. group interviews were asked additional questions about the group likewise ownership questions referred to the group in general not individual musician. For the NACOFU interview, additional questions were raised in relation to the Council.*

### Introductions:

- a) Investigator introduces himself:
- b) Read consent statement:

### Biographical-background

1. Tell me about yourself...[prompt musical and general cultural experience – learning about traditional music through formal or informal means, playing and/or making instruments, place of birth and places musician has lived or visited in his/her career, historically significant events or moments in personal career, etc]

### Music, musician (traditional) and originality

2. Who is a musician? [Will indicate, where necessary, that the question doesn't necessarily refer to him/her but 'musician' in general terms including non-traditional musicians. The goal is setting up the stage for more focused discussions on traditional musicians having known the participant's views on musicians in general]
3. What does it mean to be a traditional musician? [Or to restate 'Who is a traditional musician?'—to the extent possible will prompt using their own words, terms or concepts arising out of question 2]

4. What does music mean to you? [The goal is to begin exploring expressive forms as intellectual property and related processes—again draw from earlier questions for prompts specific to traditional music]
5. How do you make music? [Request musician to ‘walk’ me through the process of making music—in traditional sense]
6. Where do you get ideas to make music? [Builds on question 5 but seeking to understand relationship between the traditional musician and his cultural heritage—if not explicitly stated, prompt whether cultural heritage is a possible source for his/her music creative expressions and request exactly how the musician taps into the resources]
7. Are you influenced to make music? [Question is meant to follow up on the prompt in question 6 but also recognizing that cultural heritage may not be the exclusive source of ideas for musician’s creative expressions—prompt to find out anything outside musicians cultural environment]
8. What is original music? [Will look for references to ‘ownership’ construct in traditional or sense and prompt accordingly]

#### Ownership and music

9. What does copyright mean to you? [Or restate ‘What does copyright ownership mean to you?’ or ‘What does it mean to own musical creative expression’—will avoid bias towards ‘Western’ copyright system, especially making references to copyright law]
10. Who has the rights to make, own and use traditional music? [Again emphasize ‘creative expressions or ideas expressed into a musical work’. Specifically prompt on specific issues including rights to traditional musical resources (e.g. folklore, etc), authority over traditional music, etc. Draw from earlier concepts, words, terms used by the musician in relation to traditional music relevant to this question].

## **Appendix II: Informed Consent Statement**

### **Traditional Musician-centered perspectives on *ownership* of creative expressions**

**[Previously: Perceptions on Ownership of Creative Expressions: a case of traditional musicians in Uganda]**

#### **Informed Consent Statement**

##### **Introduction**

I am a doctoral candidate at the School of Information Sciences, University of Tennessee in the USA. I am conducting a study exploring perceptions of traditional musicians in Uganda towards ownership of musical creative expressions. You are invited to participate in the study which is likely to contribute to understanding of the dynamic nature of indigenous communities on the question of ownership of creative expressions like music productions. That knowledge is important for development of appropriate legal and policy framework in Uganda and elsewhere in the world where similar societies are grappling with same questions.

As required by the Ugandan government and the University of Tennessee, I hereby inform you that your involvement requires reading a “consent statement” detailing the study purpose, benefits, risks, your rights and other relevant information mentioned below.

##### **Purpose of the Study**

The overarching goal of this study is to understand how traditional musicians working in a changing socioeconomic and cultural environment perceive ownership of creative expressions. In that context, I want to understand how traditional music and views of musicians have changed overtime as foreign ideas permeate your cultural and social settings.

## **Conditions for participation and duration**

Participation in this study is voluntary. Refusal to participate will not involve retribution of any sort or loss of foreseeable and unforeseeable benefits to you. You can discontinue the interview or opt out of the study at any point.

## **Risks**

There are no specific risks associated with this study.

## **Benefits**

This study contributes to global efforts for protecting indigenous resources and cultural heritage by understanding culturally appropriate ways for representing and articulating ownership of creative expressions like traditional musical works. The study contributes to growing awareness and need for effective protection and sustainable exploitation of traditional resources, music in particular. Traditional musicians' perception of ownership of music productions was chosen because perspectives of such groups enables development of appropriate legal and policy remedies acceptable to various constituents of an indigenous community. It also casts societies and their cultures as dynamic in light of capital-driven western systems penetrating non-western societies. By participating, you help shape global debate on these and related issues which benefits your society.

## **Confidentiality**

Your identifying information will be stripped from the transcripts and resultant reports. All information collected in the course of executing this study will be treated as confidential and used for the sole purpose of this study. I will record our conversation with your permission and tape recordings will be securely locked by the researcher.

## **Contacts**

Should you need more information about this study, please feel free to contact the following:

For information regarding your rights as participants in this study

*Brenda Lawson*

University of Tennessee Office of Research Compliance Services Office of Research

Tel: +865 974-3466

Email: [blawson@tennessee.edu](mailto:blawson@tennessee.edu)

OR

If you have questions about the study such as progress of the study, study reports, etc.

*Dick Kawooya*

School of Information Sciences

University of Tennessee

Tel: + 865 974 2148 (USA)

078 979 002 (Uganda)

Email: [dkawooya@utk.edu](mailto:dkawooya@utk.edu)

## **Vita**

Dick Kawooya was born in Mbarara, Uganda on January 16<sup>th</sup> 1976. The first 10 years of his life were the most turbulent in the history of his country, Uganda. He attended different primary schools because his mother was a public servant whose transfers to different parts of the country happened frequently. For his secondary education, Dick attended St. Henry's College Kitovu, one of the most prestigious Catholic schools in Uganda. Dick joined Makerere University in Uganda in 1997 and graduated with a Bachelor's Degree in Library and Information Sciences (BLIS) in 2000. He immediately embarked on the Master of Science in Information Science (MSc IS) at Makerere University but transferred to Valdosta State University, in Georgia USA. He was the very first graduate from Valdosta's Master of Library and Information Science (MLIS) in Summer 2002. In the Fall of 2002, Dick joined the University of Tennessee, Knoxville to pursue a PhD in Communication with a concentration in Information Sciences. Dick is currently a Visiting Lecturer at the School of Information Studies (SOIS), University of Wisconsin-Milwaukee (UWM). Dick is the Deputy Director of the Center for Information Policy Research at SOIS. Dick will receive Doctor of Philosophy degree in 2008.