Digital Technology and the Music Recording Industry in Nairobi, Kenya

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October 2015

This report summarizes the results of ethnographic research that I carried out in 2011-12 on the music recording industry in Nairobi, Kenya, under the auspices of the European Research Council-funded Music Digitisation Mediation (MusDig) project. The MusDig project, directed by Professor Georgina Born at the University of Oxford from 2010 to 2015, set out to investigate the ways in which developments in the realm of digital technology have affected and continue to affect music and musical practices across the world, using an innovative methodology of simultaneous, interconnected ethnographic research in multiple locales. Of the six MusDig sub-projects, mine was the only one undertaken in an African context.[1] My core aim, developed in dialogue with Professor Born and other MusDig researchers to speak, was to examine how the advent and rapid development of digital technologies of musical production and distribution have impacted the sounds and economics of commercially recorded popular music in Kenya.

I collected primary data for this research during thirteen months of fieldwork, using classical ethnographic methods of semi-structured interviewing and participant-observation. My initial 'writing up' (as ethnographers generally refer to the interconnected processes of reviewing data and articulating findings) took place over the course of a year in Oxford, during which time I met frequently with other members of the MusDig team and worked with them to organize a number of workshops and conferences. My research outputs, including scholarly presentations and publications, necessarily engage with the broader aims of the MusDig project.[2] They are, however, aimed at a broad readership, which includes scholars of popular

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[1] The other locales covered by MusDig were Buenos Aires (Argentina), Montreal (Canada), Cuba, the UK, and rural and semi-urban portions of northern and western India, as well as other two ethnographic projects devoted to online music consumption platforms and to the globally-used music software package, Max.

[2] Two chapters will be published in 2016 in edited volumes tied to the MusDig project; and two journal articles are in process. A chapter on musical property rights in East Africa, co-authored with Professor Alex Perullo of Bryant University, has been published in the *Sage Handbook of Intellectual Property* (Perullo and Eisenberg 2014). This chapter and papers outlining preliminary findings are currently available at nyuad-nyu.academia.edu/AndrewEisenberg.

culture, cultural industries and cultural policy in Africa, and academic and non-academic readers with particular interests in the Kenyan recording industry.

I begin the overview of my research with a history of commercial popular music recording in Kenya, compiled from primary research and secondary sources. I then move on to discuss three other key foci of my research: (1) the relationship between aesthetics and entrepreneurship in musical production in Nairobi; (2) the rise of digital music commerce in Kenya, and what it has meant for Nairobi's recording industry; and (3) how the advent and rapid development of digital forms of musical production and distribution have impacted Kenya's musical property rights regime and attempts to reform it.

The fall and rise of the music recording industry in Nairobi[3]

In the decades following World War II, Nairobi emerged as a regional hub for commercial popular music production.[4] By the late-1970s, the city boasted a large community of talented musicians from across the region, a world-class recording studio owned by CBS Records (now Sony Music Entertainment), and a profitable record pressing plant owned by PolyGram (now part of Universal Music Group). While this dynamic African recording industry produced a great variety of music during the 1960s and 1970s, from coastal Swahili songs to soul and funk, it became famous for three upbeat, guitar-driven styles: *twisti*, *rumba* and *benga* (Stapleton and May 1987, 272). *Twisti*, which 'reigned in Kenya in the 1960s' before declining in the 1970s, is 'bright, bouncy, guitar music, usually in two-part harmonies', and a shuffle beat inspired by American rock-and-roll as well as South African *kwela* (Paterson 2013). Rumba, imported from Zaire and Tanzania, sounds similar, except that it features a Cuban *son* groove. *Benga*, first developed by ethnic Luo musicians in western Kenya, has a 'hard-edged' sound relative to *twisti* and *rumba*, 'characterized by plain, trebly harmonies, spirited guitar licks and a swooping, plunging bass line' (Stapleton and May 1987, 230-31). Its 'bouncy' fingerpicked guitar style recalls the traditional Luo lyre, the *nyatiti* (Osusa et al. 2008, 2).

[3] This section and the next include material from a chapter slated to be published in an edited volume stemming from the MusDig project (Eisenberg In Prep. a).

[4] Nairobi's first local music recording facility opened in 1947. Established by Britons Guy Johnson and Eric Blackhart, East African Sound Studios Ltd. released a range of local sounds on its Jambo label, but especially guitar-driven dance songs of the sort that would come to define African popular music in the ensuing decades (Harrev 1989, 105).

The 'Nairobi sound' sold well locally and regionally during the 1960s and 1970s. A hit *twisti*, *rumba*, or *benga* single could move tens of thousands, sometimes even hundreds of thousands, of records (Stapleton and May 1987, 272). But sales dropped precipitously in the 1980s, leading to a virtual collapse of an industry that must have seemed unstoppable just a decade earlier. By the end of the 1980s, CBS and the other multinational record companies that had begun to set up shop in Nairobi had pulled up stakes and left, studios were no longer being built or upgraded, and PolyGram's record pressing plant was in mothballs.[5] The advent of the audiocassette, which enabled large-scale phonogram piracy and informal sharing ('cassetting') while '[flooding] the market with cheap copies of Western, soul, disco, rock and reggae records', is often named as the sole cause of the downfall of Nairobi's recording industry (Graham 1989, 2; cf. Nyairo 2004b, 11-13; Wallis and Malm 1984, 6-7). But other economic and political factors also came into play. One seed of the collapse was planted in the 1970s, when Africanisation policies forced a transfer of ownership in the thriving music production and distribution companies in Nairobi's downtown-River Road. While the new Kikuyu proprietors of these companies had access to capital, they lacked the 'contacts, trading history, [and] reputation mechanisms' of their 'Asian predecessors', stifling their ability to do business across vast distances and national borders (Blewett and Farley 1998, 242). Their resultant turn toward local audiences and markets imperilled the larger record companies that had come to rely on them as a source of novel sounds for international markets. The once-internationally marketable Nairobi sound began to go stale, suffering from an acute lack of originality whereby 'one melody was taken and flogged to death' (Stapleton and May 1987, 272). Meanwhile, Nairobi's recording industry was also hit by a general economic slowdown (Stapleton and May 1987, 272); stifling 'import, visa, and foreign exchange restrictions' (Blewett and Farley 1998, 247); and, in the 1990s, tragic losses of talent to AIDS (Morin 2012, 110).

Commercial music recording in Nairobi remained in a severe slump for much of the 1980s and early-1990s. The sole bright spot was the continued viability of independent producers

[5] The Euro-American labels, which by that time were only CBS and PolyGram (EMI's venture into Nairobi had already fallen victim to incompetence and corruption [Wallis and Malm 1984, 92-93]), simply pulled out. One local company, Crawford Productions, took over the lease to CBS's studio (by that point owned by Sony); another, Tamasha Records, bought PolyGram's East African catalogue. Nairobi's lone African multinational, AIT Records (a subsidiary of South African conglomerate Longhop) also ceased operations, selling its catalogue to AI Records, a company owned by a family of British Kenyans with a long history of involvement in Kenyan music and media. Acting more as publishers than labels, Tamasha and AI did little to carry on the production activities of the multinationals in Nairobi.

and distributors in River Road. There was nothing surprising about River Road's resiliency. The neighbourhood had already become known for services and products that align well with music production and distribution (printing, electronics, musical instruments, etc.); and as the beating heart of Nairobi's informal economy, it was also the centre of the media piracy industry. Whether or not they themselves were involved in pirating music, River-Road producers had intimate knowledge of 'the pirates' and how they worked, enabling them to tamp down on the unlicensed distribution of their own material or find ways to adequately compete with it. They became famous for getting their music to market with great efficiency using strategies like selling phonograms off the back of a lorry fitted with loudspeakers. Even now, in the second decade of the twenty-first century, they manage to sell tens of thousands of copies of their new releases by keeping prices low and bringing products directly to consumers.

Another important factor in River Road's continued success during the lean years of the 1980s and 1990s was its strong focus on 'vernacular' popular musics, both Christian and secular. Much of the secular output came to be known as *benga*. While the Luo retained their reputation as the progenitors and leaders of this genre, Kisi, Luhya, Kikuyu, and Kamba musicians all developed their own distinctive forms, distinguished by language as well as musical style. *Benga* and other Kenyan vernacular popular musics faced strong headwinds during the 1980s and 1990s. Not only was the local recording industry in decline, but music sung in vernaculars was for all intents and purposes banned from Kenyan radio by the Moi regime (ostensibly to promote national unity). These genres flourished in any case, almost entirely on the passionate loyalties of their audiences.

By the 1990s, the slump into which Nairobi's once-powerful recording industry had slid must have seemed to be more or less permanent to local music professionals. But the final years of the twentieth century saw the situation change drastically. Popular music recording in 'uptown Nairobi' (Nairobi outside of River Road) came back to life with surprising speed. One of the primary catalysts for this revival was a change in Kenyan media policy in the mid-1990s. As part of a broader set of 'liberalisation' measures under President Daniel Arap Moi, private radio was introduced through the sale of FM frequencies to Kenyan media houses and some well-connected Kenyan entrepreneurs. The move came on the heels of the introduction of multiparty politics, and was driven by the demands of Kenyan citizens and business interests as well as international actors (Mbeke 2008; Odhiambo 2002). It was also part of a trend across the African continent during the 1990s, one that had ripple effects in local music production in many countries (Grätz 2013, 3; Charry 2012; Perullo 2011; Shipley 2013).

Kenya's first privately owned FM radio station, Capital FM, went live in 1996, ending a half century of government control of the airwaves. As in other African countries, in Kenya (to borrow Jesse Weaver Shipley's words on Ghana) 'the opening of the airwaves created a new space, first for access to foreign music then for new local music' (Shipley 2012, 37). Kenya's new independent radio broadcasters were primarily interested in attracting young, urban, middle-class audiences (Njogu and Middleton 2009, xii).[6] As a result, in the words of pioneering Kenyan urban youth music producer Tedd Josiah, 'when the FM stations came...the music they were playing was just hip-hop, R&B, rock—everything apart from Kenyan music' (quoted in Wanguhu 2007). Entrepreneurial Kenyan musicians like Josiah saw an opportunity in this radical transformation of the Kenyan mediascape, and responded. That response was the beginning of a phenomenon Joyce Nyairo (2004b, 14-21) aptly terms Kenya's 'millennium music boom', an explosion of urban youth music genres that draw stylistically from hip hop, Jamaican dancehall, and '*lingala*' (Congolese popular music), and employ Swahili, Sheng' (a Swahili-based urban-youth argot), and other Kenyan vernaculars.

Though catalysed by a new mediascape, the urban youth music genres of Kenya's millennium music boom must be understood as products of a longer history of urban Kenyans' engagements with foreign—specifically, U.S. and Jamaican—popular musics (Nyairo 2004a; Ketebul Music 2011). Indeed, as savvy Kenyan music journalists often point out, Kenya's contemporary urban youth music began to take shape just prior to the arrival of FM radio stations, with the success of local R&B vocal groups like Hart, Swahili Nation, Five Alive, and Musikly Speaking. Moreover, the global sounds that emerged from the millennium music boom cannot be fully explained by the content of the new FM stations' playlists. Most glaringly, while some of Kenya's earliest urban youth music resounded with Jamaican dancehall riddims and patois, Kenya's FM stations were programming very little Jamaican popular music in the early days. To understand the Jamaican tinge in Kenyan urban youth music, one must revisit the 1980s, when young Nairobians frustrated with the authoritarian Moi regime gravitated toward reggae music and Rastafarian culture for their emphases on liberation and pan-Africanism. By the time of the millennium music boom, Jamaican popular

[6] The youth was an obvious demographic target for commercial radio, given Kenya's youthful population (Maina 2006); capturing the ears of the urban middle class, meanwhile, made sense for attracting big-budgets advertisers: airlines, car companies, etc. (Bill Odidi, personal communication, 14 June, 2013).

music was well established in Nairobi as a cosmopolitan popular form broadly associated with youthful rebellion.

Along with the liberalisation of Kenya's broadcast media, what set the stage for Kenya's millennium music boom and the revival of Nairobi's recording industry was the proliferation of digital music technologies aimed at the U.S. and European consumer markets. Encouraged in part by the possibility of the compact disc reviving local phonogram distribution (Nyairo 2004b, 15), music entrepreneurs in Nairobi were busy investing in first- and second-hand keyboard workstations equipped with digital (MIDI) sequencers, digital drum machines, and, eventually, hardware and software to assemble digital audio workstations (DAWs) for music production. A few entrepreneurial music professionals within the Kenyan advertising industry were also establishing high-end digital studios with computer-based setups.

While small digital recording studios played an important role in the early days of the millennium music boom, the first local, self-consciously 'urban' productions to achieve significant airplay on Kenyan FM radio came out of studios stocked with tens of thousands of dollars worth of digital and analogue equipment, and were mastered and pressed on CD to international standards in Europe. In 1996, the year that the first private radio stations came on the air, Bruce Odhiambo, an experienced musician and recording engineer who had taken up a job in the advertising industry, produced an album for the R&B vocal group Five Alive using his company's Macintosh-based recording studio. The album received considerable airplay on FM radio, and was heavily promoted on Kenya's first private television station, KTN, by music show host Jimmy Gathu. Around the same time, another musician and recording engineer, Tedd Josiah, who had made a name for himself as a member of the Christian R&B vocal group Hart, was working with young Kenyan hip hop and dancehall artists at Sync Sounds Studio, a MIDI-equipped facility set up by members of Mombasa Roots, a highly successful Kenyan band formerly on Polygram. His aim, as he often stated, was to nurture the distinctly 'Kenyan' urban youth music sound that he saw as emerging organically from the artists he and his collaborators discovered (Kevin Waire, recorded interview, 21 March 2012; Salmon 2000). These artists included dancehall singer Hardstone (Harrison Ngunjiri), who could mix Kikuyu and Jamaican patois, and the rap group Kalamashaka, who came with a raw, Sheng'-inflected style of Swahili rap developed on the streets of Dandora slum (Wanguhu 2007). After a couple of years, Josiah moved to another studio, Audio Vault, set up by Mike Rabar of the deejay outfit Homeboyz and David Muriithi, an accountant who had experience deejaying and managing bands in Manchester, England.

Recognising the value of Josiah's growing reputation as a creative genius, Rabar and Muriithi made him an equal shareholder and the public face of the enterprise (David Muriithi, recorded interview, 27 Nov. 2011).

Audio Vault's activities as a record label demonstrated both the challenges and the potential for success facing the emerging new recording industry. The company made money through phonogram sales (mainly audiocassette), but only by working directly with the 'pirates' on River Road due to the lack of a working legitimate system of distribution. This was a tenuous system of distribution, and arguably unsustainable for a larger industry. But Audio Vault also realised other ways of generating revenue from recorded music—ways particularly suited to its location in a regional economic hub that hosts foreign embassies, United Nations departments and a large NGO sector. Positioning their artists as purveyors of urban youth culture, Josiah, Muriithi and Rabar secured event and endorsement deals with deep-pocket organizations like the UN and British American Tobacco. At the same time, they leveraged Josiah's reputation to bring in commercial audio work (radio advertisements, audio for television shows, etc.) that might have otherwise gone to companies with the most advanced studios.

By the time Audio Vault began operations, it was clear that a new recording industry had emerged in Nairobi. Almost two decades later, my interlocutors in Nairobi described this industry as a set of multifarious and shifting networks, strategies and practices that may someday stabilise into something more 'structured' but has yet to do so. Such accounts were often mediated by the discourse of lack (Ferguson 2006, 33). For instance, one successful producer opined that Nairobi's new recording industry 'is not quite an industry…[because] still we don't have managers, we still don't have publicists; we still don't have, you know, promoters…There's all these things that are still missing, and it all comes to not having enough money to employ these people to do it' (Robert 'R-Kay' Kamanzi, recorded interview, 19 Jan. 2010). But my interlocutors also frequently emphasised the dynamism that stems from the industry's underdetermined, improvised character. As always in urban Kenya, where the notion of *jua kali* (informal economic activity) permeates everything from official government policy to everyday discourses of survival (King 1996; Nyairo 2007), lack is a problem, even a pathology, but it does not equal blight; rather, it inaugurates a context in which rapid change—indeed, 'development'—can take place, precisely because very little is prefigured and everything is negotiable.

One factor that does grant Nairobi's new recording industry a sense of coherence is the persistence of the *old* recording industry as a relatively distinct geographical and institutional entity. Artists and producers in Nairobi's new recording industry look to River Road as a variously positive and negative example in constituting their own aesthetic and entrepreneurial approaches. These new-industry actors often praise River Road for having established robust systems of marketing and distribution, and for generally being where the 'real money' is, where people earn enough from music to 'live in mansions and drive top-of-the-range cars' (Mwaniki 2006, 6). At the same time, many of them decry River Road's '*jua kali*' (informal) atmosphere, in which quality is often sacrificed in the name of expediency—thereby articulating an emphasis on internationally oriented production aesthetics and ideals of professionalism. New-industry actors also find a variously positive and negative example in the music genres that have been forged in River Road's studios. While many new-industry actors characterise River Road's 'vernacular' sound as out-dated and/or lacking relevance for Kenya's urban youth, some hear in it an authentic 'Kenyanness' or 'Africanness' that seems to resonate at home (even among urban youth) and is potentially marketable abroad (see for example the case of Ogopa Deejays, discussed below).

The new-industry producer and aesthetic entrepreneurship

Nairobi's new recording industry is most easily recognised by its distinctive professional roles. The most visible of these is the 'artist', a singer or rapper who purveys a larger-than-life celebrity persona (Nyairo 2004b, 69-71; Shipley 2013). But even more significant, I argue, is the role established by the likes of Bruce Odhiambo and Tedd Josiah: the 'producer' (sometimes 'creative producer'). Music producers have been around for a long time in Kenya, of course. But the term has taken on a particular meaning in the new recording industry. Following the parlance of hip hop and electronic dance music scenes in the Global North (Schloss 2004, 41), a 'producer' in Nairobi's new recording industry is a recording engineer who also serves as a composer and/or arranger by virtue of digitally programming accompanying instrumental parts. He (there are virtually no female examples) may own his own label and/or production house, work independently, or work as a permanent or temporary employee of a label and/or production house.[7] As a label owner, he also takes on the role of

[7] I have no definitive answer as to why almost all new-industry producers have been men. Drawing from her own experiences as a middle-class woman and successful music professional in Kenya, Suzanne Gachukia theorised that it has to do with the fact that music is not always seen as a respectable career for women in Kenya (recorded interview, 3 May, 2012). Thomas Mahondo of the label Calif Records theorised that it has to do with the fact that young men in Kenya gravitate toward

'producer' in the sense employed by the Kenya Association of Music Producers (KAMP) (i.e. the 'phonogram producer' or 'executive producer').

The role of producer in Nairobi's new recording industry is an artefact of the digital age. It could not exist without the digital audio workstation (DAW), a configuration of hardware and software that enables the creation and manipulation of digital audio signals, and is typically designed for musical production. Now a standard compliment to or replacement for the mixing console in recording studios worldwide, the DAW is essentially a studio designed to be controlled by an individual—sometimes even in real time, thanks to specialised software packages like Ableton Live. Its word processor-like approach to (digitally encoded) audio enables the user to 'cut', 'copy' and 'paste' bits of music literally at the click of a button, and to 'undo' any of these actions. The undo function, which has no real counterpart in an 'analogue' studio environment, breaks down the barriers between the conception, planning and execution of the other functions, thereby allowing an individual to effectively 'play' the studio like an instrument. Meanwhile, the need for specialised musical competences is reduced by the fact that it places at the user's fingertips a store of 'musical patterns, musical styles and musical aesthetics' (Magnusson 2009, 173). Such 'cognitive offloading', as Thor Magnusson calls it (2009), enables a wide range of creative actors, some of whom have little background in music beyond that of an avid listener, to enter into musical production—especially because the characteristically Afrodiasporic, 'iterative-variative' style of Kenyan urban youth music lends itself to modular, 'musematic' compositional practices like looping (Toynbee 2000, 97; Magnusson 2009, 171; cf. Brackett 2000, 118). By concentrating creative agency in individual actors while diminishing the need for specialised musical competences, the DAW enables the confluence of aesthetic and entrepreneurial practices that mark production in Nairobi's new recording industry.

The research I undertook in Nairobi's recording studios honed in on what I have come to describe as *aesthetic entrepreneurship*, by which I mean creative practices and projects that are at once wholly musical and wholly entrepreneurial (with *entrepreneurial* understood in the sense of generating new organisational structures and networks of exchange within a capitalist framework). I use this term to open up questions about how aesthetic and business innovation have come to be intertwined in popular music production in Nairobi's new

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informal work, while companies are more likely to hire women for office jobs (recorded interview, 8 Aug., 2012). Both explanations seem to have merit.

recording industry. Specifically, I am interested in how producers employ digital music technologies to simultaneously enact new aesthetic formations, business organisations, networks of exchange, and forms of value.

I reveal aesthetic entrepreneurship in musical production in Nairobi as something that happens largely around the formulation of musical style and genre. An excellent example of this is found in the story of Ogopa Deejays. Convinced that a 'vernacular' tinge was the secret to reaching out to a broader audience than most Kenyan youth music had been able to reach until that point, DJ-cum-producer and Ogopa co-founder Lucas Bikedo set about trying to bring something of 'River Road' into his own productions. His plan began to take shape after he linked up with two Ugandan dancehall singers who had come to Nairobi in search of affordable recording facilities, Bebe Cool (Moses Ssali) and Jose Chameleone (Joseph Mayanja). Together with Kenyan dancehall singer Redsan, Bebe Cool and Chameleone formed Ogopa's first stable of artists, calling themselves the 'Bashment Crew'.[8]

In our interview (recorded interview, 7 Aug., 2012), Bikedo described the production of Chameleone's Swahili-language track 'Mama Mia' in 2000 as a crucial moment for his River-Road strategy. The track was produced in the shadow of Ogopa's first hit, Chameleone and Redsan's '*Bageya*', which was released the year before. A Baganda folk song reworked as a driving pop song, '*Bageya*' has an ineffable appeal that offered no clear formula for repeat success. Chameleone, as Lucas recalled, 'was really frustrated and stressed out on how he is going to top…what he had done'. According to Bikedo, Chameleone was not fully convinced by the idea of incorporating a River-Road sound. While I have not corroborated this with Chameleone, it makes perfect sense. For Chameleone and the rest of the Bashment Crew—young, cosmopolitan artists poised at the edge of a new millennium—the default dancehall beat of the early-1990s would have already seemed passé. But Chameleone ultimately went along with Lucas, and even supplied an element of the song that arguably signals 'River Road' most directly: a melodic figure with a wide bend, sequenced in an upper octave, in what sounds like a modified nylon-string guitar sound. The figure, laid down by Chameleone on Bikedo's Korg M1 synthesiser, is featured in the introduction and throughout all the refrains. It recalls the synth flute riffs in Musiamo's '*Mwigerekanio*', which, in turn, recall the melodic role of the guitar—and decades ago, the accordion—in Kikuyu *benga*.

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[8] *Bashment* is another term for dancehall music in Jamaica.

‘Mama Mia’ initially ‘met some really serious resistance’, according to Bikedo. ‘All the [radio] presenters, they knew music should be hip hop… They were safer playing the American music, European music, because they knew, “I can get away with this.” …What we brought in [with ‘Mama Mia’] was…classified as “shady”’. But after a year of so of slowly gaining popularity in dance clubs, the track started receiving radio play. Once on Kenyan radio, it quickly became a sensation across the entire region, turning Chameleone into arguably the biggest popular music star in Ugandan history, and establishing Ogopa Deejays as the darling of Kenyan FM radio for the better part of the next decade.

The impact of digital music commerce[9]

The establishment of the compact disc as a common medium for music in Kenya in the early 2000s initially offered local music entrepreneurs some hope that legal phonogram distribution might be revived (Nyairo 2004, 14). The shiny new medium appealed to young consumers of Kenya’s new hip hop-, R&B-, and rock-oriented youth music genres; and its wholesale cost was low. But the hope quickly evaporated, as the CD proved an even better media for phonogram piracy than the analog cassette. Even the pioneering Kenyan youth music label Ogopa Deejays, whose catalogue played constantly on Kenyan radio around the turn of the twenty-first century, failed to bring in significant revenue from CD album sales. A ‘successful’ Ogopa album would only sell around three thousands units (Lucas Bikedo, recorded interview, 7 Aug., 2012).[10]

Many recording industry stakeholders in Nairobi today seem to believe that where the CD failed, digital distribution—distribution of digital audio files via the Internet or mobile phone networks—will succeed. The possibilities and promises of m-commerce, in particular, are a constant matter of discussion among Nairobi’s musicians and music entrepreneurs. Kenyan popular music first began to circulate digitally prior to turn of the twenty-first century, driven by demand from Kenyans living in the U.S. and Europe. The self-styled Kenyan ‘Diaspora’ in the West number around three million. The potential for selling Kenyan music to this community via the Internet was suggested in 2001, by the success of an amateur blog called Kenyanmadness. Offering free mp3s of the latest Kenyan youth music tracks, the site became

[9] This section and the next include material from a chapter slated to be published in an edited volume stemming from the MusDig project (Eisenberg In Prep. b).
[10] The rare success stories I have heard with respect to CD distribution in Kenya outside of River Road involve artisanal distribution by artists themselves. One well-known singer by the stage name Ringtone, for example, cobbled a living out of touring high schools and selling VCDs, t-shirts and “success cards” (Alex Apoko, recorded interview, 23 April, 2012).

extremely popular among Kenyans in the Diaspora, and soon enough was attracting around half a million hits per month—enough to crash it periodically (Richard Njau, recorded interview, 17 Jan., 2012). The popularity of Kenyanmadness drove some Kenyan entrepreneurs to become interested in testing out whether Kenyans abroad might actually pay for access to Kenyan music online. In 2003, talent manager Fakii Liwali teamed up with a young computer programmer named Bernard Kioko, who would later make his own mark as founder and CEO of the digital content provider Bernsoft, to create an Internet platform for Kenyan music called MyMusic. The project was short-lived due to a shake-up within a company to which they had sold a large number of shares. But Liwali maintains that it was successful enough to prove that Kenyans at home and abroad were willing to pay for Kenyan music online (recorded interview, 30 July, 2012).

More Kenyan digital music commerce projects, including Internet music platforms, followed MyMusic, and soon the Music Copyright Society of Kenya (MCSK), the organization licensed by the Kenya Copyright Board to collect royalties on behalf of music copyright holders (composers, arrangers, lyricists, and publishers), entered the field. In 2005, MCSK partnered with U.S. digital music aggregator The Orchard to place its members' music on Apple's iTunes and other web-based music distribution platforms. The primary market was obviously the Diaspora, as resident Kenyans would have needed a credit card linked to a foreign address to purchase anything from iTunes at that time.[11] In 2006, MCSK began to look closer to home for digital music commerce opportunities, entering into arrangements with content providers serving the local mobile phone market. From that point on, getting their members' repertoires to be distributed as local ringtones, caller ringback tones, and mobile downloads has been a priority for the Society (Maurice Okoth, recorded interview, 20 March 2012).

MCSK's embrace of mobile-phone distribution, or music m-commerce, was prompted by the fact that Kenyan mobile phone users were being confronted by a growing array of music-centred value added services. Such services were becoming vitally important revenue generators for Kenyan mobile network operators, as an increasingly difficult regulatory environment, a weakening Kenyan Shilling, and vicious price wars were making voice and messaging services less and less profitable. By 2012, Kenya's largest mobile network operator, Safaricom was running three separate music portals, each geared toward a different

[11] Apple did not activate iTunes in Kenya until December 2012.

type of service. The most profitable was Skiza, a subscription service offering caller ringback music at Ksh 5 per song per week. With around 4 million subscribers, it was grossing at least $10 million per year—probably more—the vast majority of which (85% before VAT) was going to Safaricom.[12]

With some exceptions, artists and other rights holders were making little from m-commerce during my fieldwork. But mobile telecommunication and content firms were nonetheless becoming important players in the recording industry because they were becoming involved in activities beyond the realm of distribution. Most significantly, Safaricom and a number of digital content providers were moving into talent management, an area that had not seen a great deal of growth or entrepreneurial activity since the millennium youth music boom. A good example is MTech East Africa, a subsidiary of MTech Nigeria that was then headed by the Nigerian Ikechukwu Anoke. Anoke effectively turned MTech into a talent management agency specialising in connecting Kenyan music artists with Nigerian collaborators (primarily video producers and artists). He attributed this move to the increasingly competitive business environment. In light of the entrance of Indian firms like Spice into the digital content market, he told me, content providers have to have something special to offer to artists. For MTech, this something special was a connection to the Nigerian industry and market, and a CEO who could personally attend to an artist's needs (Ikechukwu Anoke, recorded interview, July 17, 2012).

Digital music commerce and musical property rights reform

Just as m-commerce was exploding onto the scene, Nairobi's recording industry was beginning to feel the impact of yet another transformative global process: the international harmonization of intellectual property law. Proponents of intellectual property law reform in Kenya maintain that it will ultimately serve to eliminate the lingering structural problems of the music recording industry. Whether or not this turns out to be the case, such "formalization" will take years. In the mean time, as new IP laws, regulations, procedures, and institutions are introduced, ideas about musical authorship and ownership shift and change along with, and in relation to, the industry's labile systems of production, distribution,

[12] Music copyright holders were receiving between 8% and 15% of what remained, the rest going to content providers and aggregators. The low rate paid out to copyright holders was a product of MCSK's failure to get all their members to back them in negotiations with Safaricom and content providers. Many MCSK members and prospective members lacked trust in the Society due to its reputation for corruption (Maurice Okoth, recorded interview, 20 March 2012).

and value creation. Part of my research explores this condition of formalization-in-process in the Kenyan recording industry, using the specific case of the controversies and negotiations around the licensing of musical content for distribution via the Internet and mobile phone networks.

In my most direct take on this issue (Eisenberg In Prep. b), I argue that the presence of multiple, competing understandings of music as property enabled firms involved in digital music commerce during my fieldwork to resist the call from the Kenya Association of Music Producers (KAMP) to recognise the intellectual property rights of phonogram producers (master recording owners) and work out a scheme for properly licensing master recordings in digital distribution. In what I describe as a form of 'ontological politics' (a strategic struggle over reality), Kenya's digital music capitalists were eliding the issue of master recording rights by calibrating their business strategies and public communications to the notion that a recorded musical work has only one type of owner—or at least, one type of *rightful* owner—called the 'artist'.. An example of this could be found on Safaricom's FAQ webpage. Two related questions about the legal status of musical ringback tones are included in the company's FAQ database: 'Do the owners of the Skiza Tunes have full rights to their music?' and 'Are the Skiza tunes protected by copyright law?' The answer provided in each case is the same: 'Yes. Artistes should first register with Music Copyright Society of Kenya (MCSK) and then contact one of our partner content providers (IMS, Cellulant, Liberty Africa and Bernsoft) to get their music on our SKIZA service.'[13] The presumption in this statement of an equivalency between 'owners' and 'artists' is part and parcel of how Safaricom was bolstering the (ontological) notion of a unitary form of ownership in music at a time when the corporation was profiting from the exclusion of particular rights holders from the process of digital music licensing. KAMP, meanwhile, were waging an ontological and practical counter-struggle, armed with the internationally accepted dictum that a recorded musical work is comprised of two parts (the 'work' and the 'fixation' of the work on a recorded medium) as well as the new copyright laws and administrative structures afforded by the robust program

[13] The searchable FAQ is available at https://selfcare.safaricom.co.ke/selfhelp/selfservice.controller?CONFIGURATION=1004&PARTITION_ID=1&CMD=STARTPAGE&USERTYPE=1&LANGUAGE=en&COUNTRY=us&user_authenticated=false (Accessed: March 15, 2015). I first accessed the FAQ on March 28, 2012.

of intellectual property rights reform that Kenya has undertaken in response to local antipiracy campaigns and pressure from powerful trade partners and the WTO.[14]

Conclusion

Both within and beyond the context of the MusDig project, the primary value of this research lies in its empirically grounded description of Nairobi's evolving recording industry. As a result of my ethnographic approach, this description may reveal something of the complex, heterogeneous relations—relations among people, corporate entities, technologies, laws, and aesthetic formations (styles and genres)—that constitute local systems of music production and distribution. One can, in fact, sum up my research very briefly (albeit abstractly) by saying that it explores how digital technologies have introduced new subjects and objects into the heterogeneous relations that make up Nairobi's recording industry. The 'new subjects' are individuals and corporate entities that have taken on new creative and/or professional roles by virtue of engaging with digital technology—the (new-industry) 'producer' being a paradigmatic example. The 'new objects' are artefacts of digital media technologies that have come into existence by virtue of having a role in musical production ('loops', 'beats', etc.) or commerce ('tracks', 'ringback tones', etc.). Subjects and objects such as these continue to be created as new digital technologies take hold. Meanwhile, the ones that have been around a while continue to enter into new relations that change the essence of what they are. The role of the producer, for example, was not the same during my fieldwork as it was at the time of the millennium youth music boom; and it was undergoing even more changes in relation to developments in digital distribution and musical property rights reform.

Ultimately, however, this research offers more than can be summed up in a single sentence. As a method for approaching specific research questions, ethnography always exceeds its mandate. And so, my outputs from this research also speak to other themes, such as the relationship between rural tradition and urban popular culture in Kenya, the cultural aspects of neoliberal capitalism, and the dynamics of genre in cultural production (just to give a few examples). Giving these and other themes of my research their full due will mean continuing

[14] The new copyright laws and administrative structures I am referring to followed from the passage of the 2001 Copyright Act. As mandated in the Act, Kenya's Attorney General established the Kenya Copyright Board in 2003. Under the stewardship of Marisella Ouma, the Copyright Board has, among other things, effected reforms in the Music Copyright Society of Kenya and assisted in the establishment of KAMP and the Performer's Rights Society of Kenya (PRiSK).

my intellectual and personal engagements with Nairobi's popular music scene. This is something I intend to do.

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