



REPUBLIC OF KENYA
MINISTRY OF SPORTS, CULTURE AND THE ARTS

NATIONAL MUSIC POLICY

JANUARY, 2015

Table of Contents

FOREWORD.....	iv
PREFACE.....	v
ACKNOWLEDGEMENT	vi
ABBREVIATIONS & ACRONYMNS	vii
<i>DEFINITION OF TERMS</i>	viii
CHAPTER ONE.....	1
1.0 INTRODUCTION.....	1
1.1 Background.....	1
1.1.1 Definition of Music.....	1
1.1.2 The Music Industry	2
1.2 Rationale for the Policy	4
1.3 Vision	4
1.4 Mission	4
1.5 Purpose of The Music Policy.....	4
1.6 Policy Objectives	5
1.7 Guiding Principles.....	5
1.8 Core Values	5
CHAPTER TWO	6
2.0 SITUATION ANALYSIS AND POLICY ACTIONS	6
2.1 The Music Industry	6
2.2 Policy and Legislative Framework.....	8
2.2.1 The Bill of Rights	9
2.2.2 The Constitution of Kenya	9
2.2.3 Legislation	10
2.3 Music and National Development including Job Creation	11
2.4 Music and National Identity	13
2.5 Music and Tourism.....	15
2.6 Music Education and Training.....	16
2.7 Documentation and Archiving.....	20

2.8	Music Performance	22
2.9	Media and Advertising.....	23
2.10	Music and Technology	24
2.11	Copyright and Intellectual Property	26
2.12	Funding and Investing in Music and Musicians.....	28
2.13	Financial Management	29
2.14	Registration and Affiliation of Music Organizations:	30
2.15	Supporting Structures.....	31
2.15.1	National Music Board	31
2.15.3	Music Industry Development Fund.....	32
CHAPTER THREE.....		34
3.0	IMPLEMENTATION FRAMEWORK	34
3.1	Key Institutions.....	34
3.2	Implementation Structure.....	34
3.3	Expected Outputs/outcomes	34
3.4	Monitoring and Evaluation	35
3.5	Parties Responsible	35
3.6	Networking	35
3.7	Policy Review	36

FOREWORD

Music is a powerful means of enhancing a country's identity while simultaneously creating employment, developing human skills and generating socio-capital and cohesion. In Kenya, music is not only the most highly consumed commodity but also where there exists a large number of musicians producing different music genres.

It is however unfortunate that high levels of music consumption in Kenya have neither translated into adequate employment opportunities and economic empowerment for musicians nor created a viable tax base for the government. This has been caused by a myriad of challenges that include; the uncoordinated operations by individual musicians and music groups, the inadequate support structures, inadequate measures for copyright and intellectual property enforcement and the lack of policy guidelines.

This Music Policy therefore seeks to address these challenges with a view to creating an environment characterized by more coordinated operations by musicians and music groups, adequate support structures for all players in the music industry, deterrence of piracy and other forms of fraud in the Music industry, enforcement of existing laws by relevant agents and finally the increased flow of benefits to all music industry players, from their respective undertakings, for them to better contribute to the increased Gross Domestic Product of our Country.

I look forward to the effective implementation and regular monitoring and evaluation of this policy to ensure that the purpose and objectives of the policy are achieved in the shortest time possible.

Dr. Hassan Wario Arero (PhD)
CABINET SECRETARY

PREFACE

The Music Industry in Kenya has for a long time operated without any policy guidelines. Haphazard and uncoordinated measures laced with unfair competition are what ruled the industry. Consequently, there has been stagnation of the Music Industry with all industry players feeling frustrated that their efforts and investments were not paying off. Development of this Music Policy is therefore a big milestone that was long overdue.

The Convention for the Safeguarding of Intangible Cultural Heritage (UNESCO, 2003) calls on state parties to adopt a general policy aimed at promoting the function of the intangible cultural heritage in society and to integrate the safeguarding of such heritage into planning and programming.

The Vision 2030 seeks to achieve a sustained economic growth of 10% per year over the next 25 years. The music industry fits well in both the Economic and Social Pillars of the Vision due to its contribution towards improved economic growth through youth employment where music is also used to preach peace and national cohesion. Music contributes towards the achievement of the Millennium Development Goal No one; eradication of absolute poverty and hunger, as explained inter-alia. The Constitution of Kenya (2010) makes a strong case for the promotion of music as a form of cultural expression and protection of musicians from unlawful deprivation. However, strong guidelines are needed to ensure that the above functions are realized.

This Music Policy will therefore go a long way in providing the necessary guidelines and safeguards to ensure that the artist benefits from the rights and protection provided for in international and national legislation relating to cultural and artistic freedom. It will make it possible for self-employed artists to enjoy, within reasonable limits, protection as regards income and social security. On the whole, the policy will lead to the realization of a robust music industry that generates youth employment, facilitates national cohesion and enhances our GDP.

Amb. Richard Ekai Titus
PRINCIPAL SECRETARY

ACKNOWLEDGEMENT

This policy was developed through a consultative process that involved all stakeholders in the Music Industry. It was a long and winding process that comprised of brainstorming sessions, writing retreats, stakeholder review and validation meetings.

I wish to take this opportunity to thank all those who played one role or another that collectively led to the realization of this policy. Officers in the Permanent Presidential Music Commission (PPMC) are thanked for their contribution and all manner of support as messengers, drivers, secretaries and technical staff.

Officers from sister departments of Culture, Arts and Administration are equally thanked for their ideas and support. The Music Policy Committee members namely; Susan Gachukia, Angela Ndambuki, Hubert Nakitare (Nonini), Alex Apoko (Ringtone), Protus Onyango, Bernard Kioko, Monica Sairo, Charles Muthini and Maurice Okoth are thanked for their valuable inputs. In the same breath, Mr. Wenslas Ong'ayo is thanked for being an able chairman of this committee.

Last but not least, I wish to thank Mr. John W. Njogu (Senior Principal State Counsel) for making the final touches including the editing of the whole document.

I would like to acknowledge the Business Advocacy Fund through the Performers Rights Society of Kenya as representatives of the music industry for funding the finalization process of this Policy. Finally, I wish to thank the Principal Secretary, Amb. Richard Ekai Titus, for giving the necessary push that ensured the completion of the document. The Cabinet Secretary, Dr. Hassan Wario Arero, is most appreciated for taking this process as his pet project and for giving the necessary encouragement that led to the realization of this Music Policy.

We expect the implementation of this policy to transform the music industry into a viable vehicle for youth employment, poverty reduction and economic growth in Kenya.

Rufus Thuku

DIRECTOR - PPMC

ABBREVIATIONS & ACRONYMNS

UNESCO	- United Nations Educational Scientific and Cultural Organizations
CSICH	- Convention for the Safeguarding of Intangible Cultural Heritage
D	- Disc jockey
CPWCNH	- Convention on Protection of World Cultural and Natural Heritage
MDG	- Millennium Development Goal
UN	- United Nations
UDHRC	- Universal Declaration of Human Rights Charter
WIPO	- World Intellectual Property Organization
UCC	- Universal Copyright Convention
Berne Convention	- Berne Convention for the Protection of Literary and Artistic Works
Rome Convention	- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
GDP	- Gross Domestic Product
UCC	- Universal Copyright Convention
TRIPs	- Trade-Related Aspects of Intellectual Property Rights
PPMC	- Permanent Presidential Music Commission

DEFINITION OF TERMS

Music Industry Stakeholders – Includes Musicians, producers, performers, Publishers, Djs and event organizers, collective management organizations, learning institutions, Media, Private sector, Members of public, Local government.

Vision 2030 - Kenya's blue-print for development till the year to 2030

Piracy Refers to unauthorized reproduction and selling of works protected by copyright.

Conference Tourism –Tourism facilitated by provision of conference facilities

Cultural tourism - Tourism inspired by a rich cultural heritage

Cruise ship Tourism - Tourism facilitated by availability of cruise ships and love for sea travel

Aviation Tourism - Tourism made possible by availability of aviation services

Eco-tourism - Tourism made possible by rich and attractive environment

Copyright infringement -refers to copying "intellectual property" without written permission from the copyright holder, who is typically a publisher or other business representing or assigned by the work's creator.

-The unauthorized use of works under copyright, infringing the copyright holder's "exclusive rights", such as the right to reproduce or perform the copyrighted work, spread the information contained within copyrighted works, or to make derivative works.

Intellectual Property – refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

CHAPTER ONE

1.0 INTRODUCTION

This music policy came into being as a result of there being a music industry in Kenya that was marred by a myriad of challenges including the uncoordinated operations by individual musicians and music groups, inadequate support structures, inadequate measures for copyright and intellectual property enforcement and lack of policy guidelines.

1.1 Background

Music is an important social tool of communication used to educate, encourage and inspire society at all levels. Music can inspire social consciousness that is beneficial to the development of Kenya's economy, politics and even education. Besides, the music industry directly and indirectly creates employment opportunities which can be demonstrated in the rise of the number of entertainment spots employing hospitality staff, security, sound managers, cashiers etc.

In addition, music is a powerful means of enhancing the country's identity and distinctiveness while simultaneously creating employment, developing human skills and generating socio-capital and cohesion.

1.1.1 Definition of Music

The Webster dictionary defines music as an art of sound in time that expresses ideas and emotions in significant forms through the elements of rhythm, melody and harmony.

In the Kenyan context, music refers to the use of sound to express and reflect ideas, attitudes and emotions, collectively and individually, in acknowledged fora. It embraces traditional and contemporary idioms of sacred and secular genres of song and instrumental expression.

1.1.2 The Music Industry

Whereas the Music Industry in Kenya has a lot of potential, its growth and development is marred by a myriad of challenges that include; the unfavorable environments for musicians to operate in, the inadequate support structure and lack of policy framework. These issues make it virtually impossible for musicians, producers and other stakeholders to develop a competitive music industry.

Music is arguably the most consumed entertainment commodity in the world. However, the high levels of music consumption in Kenya have not translated into adequate employment opportunities and economic empowerment for musicians or a viable tax base for the government.

A World bank commissioned survey in 2004 put the economic worth of the music recording industry in Kenya at about Kshs.11.52 billion per annum.

The country has not been able to optimally harness this potential due to inadequate measures and structures for copyright and intellectual property enforcement, poor co-ordination of industry players and lack of policy guidelines in the Music Industry.

Protectionist policies barring importation of locally available goods and products in Kenya were instituted in the early 70's to protect local industries from unfair competition from imports from industrialized nations. However, music was not accorded similar protection. The survival of the local music industry is a complement to local creativity which has managed to overcome the surge of foreign content through good innovative instincts that have continued to offer more aesthetic appeal.

Moreover, the United Nations Educational Scientific and Cultural Organizations (UNESCO) provide direction and policy statements under the Convention for the Safeguarding of the Intangible Cultural Heritage (CSICH, 2003). It calls on state parties to “- adopt a general policy aimed at promoting the function of the intangible cultural heritage in society and to integrate the safeguarding of such heritage into planning programmes”.

The Declaration emphasizes the need to safeguard meaningful measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal

education, as well as the revitalization of the various aspects of such heritage. The Convention on Protection of the World Cultural and Natural Heritage (CPWCNH,1972) calls on state parties to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage.

The Vision 2030 (Kenya's blue-print for development till the year 2030) aspires to achieve "a globally competitive and prosperous nation with a high quality of life by 2030". The Economic Pillar of the Vision seeks to achieve, a sustained economic growth of 10% per year over the next 25 years. The Social Pillar envisions "a just and cohesive society enjoying equitable social development in a clean and secure environment".

The music industry fits well in both the economic and social pillars of the vision 2030. The industry has a contribution towards improved economic growth as well as a peaceful and just society through creation of youth employment where music is used to preach peace and national cohesion.

The Music Industry also contributes towards the achievement of the Millennium Development Goal (MDG) No. one; to eradicate absolute poverty and hunger. This is realized through creation of employment by the industry as well as increased incomes for individual musicians, sound managers, electricians, entertainment organizers, accountants, music producers and their workers.

The Constitution of Kenya (2010) makes a strong case for the protection and promotion of music as a form of cultural expression as well as a property whose owner has to be protected from unlawful deprivation. The Bill of Rights in Chapter Four provides for these rights. Article 11 of the Constitution recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation.

The Jubilee Manifesto (2013) proposes to boost youth employment through support to youth enterprises. The Music industry is one avenue for the achievement of the manifesto once the challenges facing the industry are addressed and industry players are enabled to benefit from their investment in time, labour, finances and creativity and to live more rewarding lives now and in future.

Lack of an explicit, coherent and codified music policy has led to music being marginalized in the national development agenda.

1.2 Rationale for the Policy

The need for a National Policy on Music is informed by the recognition that music creates a rich and varied world that increases the range of choices and nurtures human capacities and values and therefore is a mainspring for sustainable development for peoples, communities and nations.

It is also in conformity with Kenya's ratified conventions requiring each UN state party to formulate, develop and apply, as far as possible, a policy whose principal aim should be to co-ordinate and make use of all scientific, technical, cultural and other resources available to secure the effective protection, conservation and presentation of their cultural and natural heritage.

This policy document will facilitate the music industry as a vehicle for economic development through provision of deterrent measures against piracy and other forms of infringement in the industry.

The policy will provide vital guidelines to streamline the music industry and to enable music develop into a viable socio-economic sector that is recognized and incorporated into the national development agenda.

1.3 Vision

Towards a culturally vibrant, intellectually stimulating and economically empowering music industry.

1.4 Mission

To accelerate the development of music as a social, cultural, educational and economic activity through material and financial support, mentorship and legal protection of musicians and the entire music industry.

1.5 Purpose of the Music Policy

- i. To guide and regulate all the players in the music industry

- ii. To protect the rights of musicians against any form of illegal exploitation.
To enhance the development of the music industry.

1.6 Policy Objectives

- i) To facilitate the creation of a legislative framework that promotes the growth and development of music;
- ii) To articulate the rights and obligations of players in the Music Industry;
- iii) To spearhead the preservation and development of indigenous music as well as other music genres;
- iv) To support the process of music education and training at all levels;
- v) To facilitate the harnessing of creative and economic potential within the Music Industry; and
- vi) To promote effective music management and use for national development.

1.7 Guiding Principles

- i) Respect for each individual player in the music industry.
- ii) Consultation with the responsible Ministry on all matters of national interest.
- iii) Preparedness to abide by resolutions of arbitrators in conflicts.
- iv) No reproduction of others' works unless with express permission

1.8 Core Values

- i) Integrity:
- ii) Teamwork:
- iii) Professionalism:
- iv) Creativity and Innovation:

CHAPTER TWO

2.0 SITUATION ANALYSIS AND POLICY ACTIONS

This Chapter seeks to examine the context in which the music industry in Kenya is operating as well as the strengths, weaknesses and opportunities present in the furtherance of music in Kenya.

2.1 The Music Industry

The Music Industry comprises of creators, arrangers and performers of works of arts, the producers of sound and audio-visual recordings and record companies. It also includes managers comprising of music trainers, publishers, promoters and distributors.

As African societies transform from traditional to modern ones, the functions, roles and uses of music retain their significance. Kenya holds its music traditions, being part of her cultural heritage, in high esteem.

The traditional music practices embody the people's oral history, literature, philosophies, aesthetics, nationalism, education, ideals and ethics.

In the 1970's Kenya enjoyed a flourishing Music Industry with its products being exported to other parts of the world. The trend has been hastened by the growth of the communication sector. Music is used to articulate the concept of infotainment, which blends salient social messages as well as playing the country's flagship. This flagship helps to maintain a country's presence in the mainstream of global activity - the better the product the better the image of its country. The benefits are varied and create a brand name that also sells other business sectors.

Currently the Music Industry faces degradation in its legal and institutional infrastructure. Lack of proper legal awareness, enforcement, coordination and knowledge of procedures remains a major problem.

The Industry is fragmented with no umbrella body to oversee its affairs.

The industry lacks a coherent strategic vision to align all the key players. This has brought in an influx of new music idioms and materials that is shaping and defining a new musical culture and identity. Regrettably, Kenya has not taken measures to safeguard her music heritage and the result is that an overwhelming portion of the content on most radio and television stations is foreign. One of the most glaring realities here is that the media content is exclusively controlled from the Capital City of Kenya, Nairobi, making it contradictory to the letter and spirit of devolution. This discourages investment in and by local artistes due to inadequate returns.

The high rate of piracy in the Music Industry is an indication of weak law enforcement. Low royalty collection and payment, lack of defined administrative structures to help regulate the influx of illegal recordings, absence of a code of conduct and lack of transparency in printing industry transactions are issues that need to be addressed.

Music practitioners in the country have formed associations to cater for the interests of their members. These groups include church choirs, traditional and contemporary/modern dance groups, choral associations, orchestra associations, composers, performers' associations and music producers associations. The constitution guarantees every citizen the right to form and join associations including trade unions.

The linkages between these organizations are neither well defined nor coordinated. Their activities border more on lobbying than on the professional development of the industry. Besides these, there is mistrust between players in the Industry at various operational levels. The administration of music matters in the country is also scattered across various Government bodies without any clear jurisdictional boundaries.

This has resulted in an unstructured Music Industry hence the need for an institutional framework to harmonize and regulate the administration of the Industry.

The World Bank report 2004 "*An Integrated Value Chain Analysis of the Kenya Music Industry: Critical Challenges and Opportunities*" estimates Kenyan market size to between 10 to 32 million recordings a year. This translates to Kshs.5.4 billion Per annum from audio cassette sales. When CD sales are included the retail value of this music rises to Kshs.11.52 billion per annum.

Over and above this additional revenue could be earned from supporting industries such as recording studios and printing companies if music in Kenya was better managed.

A vital step in the growth of the Music Industry in Kenya is the ability of the country to control its music distribution through greater control of production and distribution in both local and international markets having regard to the attendant copyright laws and enforcement thereof.

Policy Statements

- 1. Government shall develop a vibrant and productive sector by facilitating capacity building for the various organizations and associations within the music industry.*
- 2. The National Government shall create an enabling environment for writers, authors, composers, arrangers, publishers, producers of sound recording, performers and other music practitioners through the enforcement of legislation relating to copyright and the enactment of legislation aimed at promoting music creativity in the country.*
- 3. The National Government shall put in place structures to help combat piracy and enhance the application of best international practices in combating irregularities and illegal exploitation within the music sector.*
- 4. The National Government shall establish a national award scheme to recognize and reward excellence in all genres of music and dance and further provide incentives to investors in the Local Music Industry.*

2.2 Policy and Legislative Framework

As mentioned earlier, one salient cause of stagnation in the music industry in Kenya has been inadequate legislative framework as well as weak enforcement of existing laws.

2.2.1 The Bill of Rights

Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. In the Universal Declaration of Human Rights Charter (UDHRC, 1949), the United Nations reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life for all. The constitution of Kenya does not deviate from this norm as it explicitly provides for these rights to all citizens. Further, UN resolution number 57/249 adopted by the 78th plenary meeting of 20th December, 2002 emphasized the need to enhance the potential of culture as a means of achieving prosperity, sustainable development and global peace.

Kenya is a signatory to international and regional declarations on the status and development of the music industry. These include the Copyright Conventions, administered by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO).

2.2.2 The Constitution of Kenya

The Constitution of Kenya (2010) makes a strong case for the protection and promotion of music as a form of cultural expression as well as a property whose owner has to be protected from unlawful deprivation. The Bill of Rights in Chapter Four provides for these rights.

Article 11 of the Constitution recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation. Clause (2) requires the state to, among other things; promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage; and to promote the intellectual property rights of the people of Kenya. Clause (3) enjoins Parliament to enact legislation to ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage.

Article 33 calls on the state to promote all forms of creative artistic expressions. Article 40(5) provides that the State is under obligation to support, promote and protect the intellectual property rights of the people of Kenya.

Article 44 provides for the protection of language and culture and states that every person has the right to participate in the cultural life of the person's choice and that a person belonging to a cultural or linguistic community has the right, with other members of that community, to enjoy the person's culture and to form, join and maintain cultural and linguistic associations and other organs of the civil society.

Article 260 defines property as including any vested or contingent right to, or interest in or arising from intellectual property.

2.2.3 Legislation

There are no legal provisions in the Kenyan Statute books that seek to specifically promote music. The Copyright Act (2001) is the only current legislative framework related to music. It is however limited as it only focuses on copyright. The Permanent Presidential Music Commission (PPMC) was established through a presidential order in 1988. It however lacks the requisite statutory status to enable it implement the objectives for which it was established. This renders it vulnerable as its legality can be contested in a court of law at any time.

Policy Statements

- 1. The state shall take measures, including affirmative action programmes to ensure that the youth have opportunities to associate, be represented and participate in the political, social, economic and other spheres of life.*
- 2. The Government shall make laws to provide that artists have the freedom and the right to establish trade unions and professional organizations of their choice and to become members of such organizations.*
- 3. The Government shall take steps to ensure that the artist benefits from the rights and protection provided for in international and national legislation.*
- 4. The Government shall take the necessary steps to ensure that artists enjoy the same rights as are conferred on a comparable group of the active population by national and international legislation in respect of employment, living and working conditions, and to see that self-employed artists enjoy, within reasonable limits, protection as regards income and social security.*

5. *The Government shall recognize the importance of international protection of the rights of artists/musicians under the terms of existing conventions and in particular of the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention), the Universal Copyright Convention (UCC), and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention), WPPT, Beijing Treaty on Audiovisual Performances and shall take all necessary steps to extend the field of application, scope and effectiveness of those instruments.*
6. *Considering the role of PPMC in identifying, nurturing and promoting music as well as disseminating the same to the general public, the Government shall take steps to make PPMC a legal entity.*
7. *The Government shall recognize the right of trade unions and professional organizations of artists to represent and defend the interests of their members and to give them the opportunity to advise public authorities on suitable measures for stimulating artistic activities and ensuring their protection and development.*
8. *Recognizing the essential role of art in the life and development of the individual and society, the Government shall protect, defend and assist artists and their freedom of creativity. The Government will take all necessary steps to stimulate artistic creativity and the flowering of talent by adopting measures to secure greater freedom for artists and to improve their status.*
9. *The Government shall ensure the participation of artists in decisions concerning their quality of life and to entrench Arts in the Nations' development process.*

2.3 Music and National Development including Job Creation

The music industry is a major provider of jobs and income in the Kenyan economy. It is estimated that by 2014 the core of the Kenyan music industry had employed over one hundred thousand (100,000) people. Majority of these people are artists and composers that produce music.

Music is therefore a medium of national development. Musicians can sing songs of development as dramatists give shape to the vision of the nation. Choreographers and dance performers can portray development themes and educate the rural population on many ideas while producers can bring down the cost of production to ensure that as many artists as possible produce their works in print and film for improved incomes and wellbeing.

The critical elements of a strong music industry would include strong marketable products, professionalism and integrity, viable markets, cooperation within the industry, effective management and support and recognition from the government.

Fundamental principles of competition and marketing suggest that one must either offer the same competing product at a cheaper price or offer the same product but of superior quality or unique nature and charge more. In all cases, one must offer what audiences want. Producing marketable products on a large scale requires a strong creative culture. To achieve that, first and foremost, musicians and performers must be skillful. They must also have access to affordable technology, which would allow for the production of quality products. While Kenya has very talented musicians, there is an apparent shortage of expressed creativity and/or the expressed creativity is not marketed effectively.

Kenya Vision 2030 is the country's development blueprint covering the period 2008 to 2030. Its objective is to help transform Kenya into a "middle-income country providing a high quality of life to all its citizens by the year 2030".

The Music Industry is an important source of employment and wealth creation. There are many job opportunities that stem from the music industry that are directly and indirectly readily available. This includes singers, songwriters, publishers, arrangers, producers of sound recordings and audiovisual works, instrumentalists, dancers, choreographers, lawyers, accountants, wardrobe assistants, photographers, graphic designers, sound and lighting engineers, event organizers, digital marketers, tour manager, disc manufacturers, content providers and many more. Through music, substantial revenues are collected thereby contributing to the growth of our GDP. The Music Industry avails equal opportunities for equal participation by both women and men.

As an agent for communication, music is a vital tool for disseminating information in all the areas of development as captured in the Millennium Development Goals (MDGs).

The country's population comprises persons with diverse abilities. Participation in music is a right that each and every Kenyan ought to enjoy. This is captured in Article 33 of the Constitution which recognizes the right to freedom of expression including the freedom of artistic creativity.

This right if well implemented will enormously contribute to the nations' economic growth.

Policy Statements

- 1. Music will be used to create awareness and disseminate information on areas of national development.*
- 2. The Government is committed to protect the rights of every person to freedom of expression which includes freedom of artistic creativity.*
- 3. In line with the poverty reduction strategy, the Government is committed to support, promote, and motivate professionals in the Music Industry.*
- 4. The Government is committed to ensuring that persons with special needs actively participate in the music sector through provision of equal opportunities in education, performance and employment.*
- 5. The Government shall undertake to put in place strategies to ensure that women and men, persons with disabilities, the elderly and other special interest groups have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.*
- 6. The Government shall put in place an integrated development programme to advance the role of music in social-economic and political development.*

2.4 Music and National Identity

Music in Kenya has long been used as a vehicle for achieving national identity, pride, patriotism and cohesion.

Folklore, as a form of cultural expression, must be safeguarded by and for the group (familial, occupational, national, regional, religious, ethnic, etc.) whose identity it expresses. Music therefore plays a vital role in transmitting people's values from one generation to another. When played and embraced beyond local, national, regional and international borders, music enhances peoples' sense of belonging, identity, national, regional and international cohesion.

Preservation is concerned with protection of folk traditions and those who are the transmitters, having regard to the fact that each people have a right to their own culture and that adherence to that culture is often eroded by the impact of the industrialized culture purveyed by the mass media.

Measures must be taken to guarantee the status of and economic support for folk traditions in the communities which produce them and beyond.

Policy Statements

- 1. The Government shall develop a national inventory of institutions concerned with folk music with a view to its inclusion in regional and global registers of folklore institutions.*
- 2. The Government shall create identification and recording systems (collection, cataloguing, transcription) or develop those that already exist by way of handbooks, collecting guides, model catalogues, etc., in -view of the need to co ordinate the classification systems used by different institutions.*
- 3. The Government shall stimulate the creation of a standard typology of folk music.*
- 4. The Government shall design and introduce into both formal and out-of-school curricula the teaching and study of folk music in an appropriate manner laying particular emphasis on respect for folk music in the widest sense of the term, taking into account not only village and other rural cultures but also those created in urban areas by diverse social groups, professions, institutions, etc., and thus promoting a better understanding of cultural diversity and different world views, especially those not reflected in dominant cultures.*
- 5. The Government shall guarantee the right of access of various cultural communities to their own folk music by supporting their work in the fields of*

documentation, archiving, research, etc., as well as in the practice of traditions

6. *The Government shall provide platforms for musical expression, moral and economic support for individuals and institutions studying, making known, cultivating or holding items of folk music*

2.5 Music and Tourism

Music tourism is the act of visiting a city or town in order to see a music festival or other music performances. It creates opportunities for employment in the service sector of the economy, associated with tourism. These service industries include transportation services, such as airlines, cruise ships and taxicabs; hospitality services by hotels and resorts; and entertainment venues, such as amusement parks, casinos, shopping malls, music venues and theatres.

The Tourism industry is by far the largest single export earner in Kenya. Tourism forms a vital foundation for the country's economy. It is growing as a result of liberalization measures, diversification of tourist generating markets and continued Government commitment to providing an enabling environment, coupled with successful tourism promotion and political stability. Enormous opportunities exist for investment in film production; recreation and entertainment facilities in the following areas:

- i) Conference Tourism
- ii) Cultural tourism
- iii) Cruise ship Tourism
- iv) Aviation/tour and travel Tourism
- v) Eco-tourism

In the Tourism circuit, music promotes Kenya's culture and continues to market the country. Each of the country's forty two plus indigenous communities has a unique body of cultural expressions that attract international attention. These cultural expressions including music continue to give the country a unique identity which is a special branding that only the arts can do.

The Tourism Industry has recognized the demand for new products. Local music can play a great role in meeting this demand as tourists develop interests in musical expressions. Currently music performers in the rich tourist sites include contemporary and traditional music. Traditional performers exhibit low level of professionalism; the products are not well packaged or marketed to reflect the authentic Kenyan musical forms and expressions. Consequently, the artists seldom get value for the services provided. Kenya has a strong background of traditional cultural expressions including folk music which is in the forefront as a tourist attraction. The Government is aware that these need to be protected and used as a means of attracting tourists hence enhancing the economy.

In March 2012, the Ministry of Tourism launched a campaign to promote Kenya as a tourist destination through music. The musical theater show, "Out of Africa: The Magic of Kenya", is scripted to showcase the cultural beauty of Kenya, thereby promote the country as a tourist destination with a positive visibility.

Policy Statements

The Government is committed to ensuring that the performance of Kenyan music in the tourist circuit is explored and Kenyan music is used to promote the country internationally.

- 1. The National Government shall enhance the Tourism industry to provide for music tourism in Kenya and explore ways of boosting the tourism economy through music.*
- 2. The Government shall develop a local music tourist infrastructure through county, national, regional and international music festivals and international trade as well as tourism fairs.*
- 3. The Government shall put up mechanisms for ensuring the use of Kenyan cultural music idioms as marks of identity (Branding).*
- 4. The Government at both levels shall enhance cultural heritage and identity by capitalizing on each unique culture and providing platforms for their expressions e.g. festivals.*

2.6 Music Education and Training

Kenya has an abundance of untapped music talent that needs to be nurtured and developed for the country to increase its contribution to the global music repertoire. The removal of music education syllabus in formal educational institutions has adversely contributed to the deterioration of standards of music products.

Whereas there are several independent private music schools, there is no government institution that exclusively caters for the wholesome and comprehensive training of musicians. In addition, there is no effective system of monitoring and evaluating the quality and content of education provided by these schools to ensure adherence to globally acceptable standards.

The decline in music education started with the declaration of music as a non-examinable subject in primary schools. While still in the curriculum in primary schools music is in reality barely taught. Many of the secondary schools that used to offer music as an academic subject have dropped it. In addition, the high cost of music instruments and equipment has made it impossible for most primary and secondary schools to offer practical lessons in music. Music learning is therefore heavily theoretical and inadequate for learning and nurturing of creativity.

Several public and private universities have established music departments while teacher training colleges offer music as a subject. However, learning remains theoretical with fewer students opting to take music due to limited opportunities in the labor market.

Where music still thrives in some post primary institutions, learning is characterized by a curriculum that is heavily biased towards western content in material and delivery. This makes formal music education culturally alienating to the Kenyan child.

Music educators range from full time to part time music school teachers. The latter are staff offering music services as well as music teaching and may be musicians, for whom music education is but a negligible career undertaking. Serving music teachers are forced to teach other subjects due to the decline of music as an examinable subject.

Consequently, the education system produces graduates with inappropriate skills in music making; unable to meet the market demands and to service the Music industry.

Music education needs to be seen as a rewarding and structured career with opportunities for personal and professional growth. Music educators therefore, ought to be supported and recognized throughout their careers.

Lack of goodwill at all levels and appreciation of the value of music also contribute to the apathy that surrounds the teaching and learning of music. In addition, there is insufficient understanding amongst stakeholders in the Industry with regard to the functioning of the Industry, labour relations, contracts and music business opportunities. This inhibits the industry players, limiting their performance and resulting in low output.

Issues of intellectual property rights are either ignored or unknown. There should be a systematic attempt to educate young artists and managers on copyright matters and management of music business.

The Government has however begun the establishment of music systems to encourage the youth through youth programs that provide opportunities to grow their musical talent. These youth forums identify and nurture talents as well as provide access to a range of music experiences to young musicians from all over Kenya.

Policy Statements

- 1. The National Government shall facilitate music education and training at all levels of learning from primary, secondary, tertiary and university levels.*
- 2. The national government shall create a plan for music education through practical oriented music curriculum, relevant learning materials and monitoring and evaluation of the learning process at all levels of Education.*
- 3. The National Government shall create standards to guide educators in determining objectives for their teaching to include evaluating music and performances, reading music and notations, singing and playing instruments of different repertoire, composition and arrangement of music.*
- 4. The National Government shall establish centers of excellence and an academy for the teaching and learning of music in its diverse cultures which shall be replicated at the county level.*

5. *Governments at both levels shall facilitate research and documentation in the area of music.*
6. *Government at both levels shall support the creation of a strategic approach towards encouraging more musical activities for the young people through the creation of a Music Manifesto.*
7. *The National Government shall facilitate training, support and incentives for music teachers, instructors and educators.*
8. *The National Government shall set up a Music Information Centre to facilitate access to music and related information and services.*

To achieve the above objectives, the Government shall realign the education sector in line with music in the following ways:

1. *Provision of learning music at all levels of education, to be assessed appropriately.*
2. *Diversification of tertiary level provisions for training, to capture the needs of society and reflect the multi-disciplinary possibilities of the disciplines; Curriculum Review to include music from tender age to tertiary level.*
3. *Extend training beyond provision of teachers and performers by opening avenues to higher education where talented youth can gain access through music scholarships and also creating music centers of excellence;*
4. *In-school activities to include instrumental, vocal tuition at individual, and group levels; creation of performing ensembles such as bands, orchestras, choirs, provision of performing opportunities as part of the school programme, including festivals, school arts programmes, inter-house/class; inter-school festivals/competitions;*
5. *Community-based activities to include music bands, groups and choirs;*
6. *County and national support for music education and programmes in the community*

2.7 Documentation and Archiving

Our country's history, philosophies, aesthetics and education are embodied in our traditional songs, dances, artifacts and folklore. Traditionally, both music and folklore were transmitted orally from generation to generation. However, globalization has made this mode of preservation to lose its efficacy. Despite the existence of traces of persons who can provide valuable information on this aspect of the country's rich cultural heritage, it risks extinction through natural attrition.

A country without a record of its past is a country without a future and this applies to the Kenyan music industry. The future generations of Kenyan musicians must be able to relate to music and musicians in their past. This can only be done through proper archiving and documentation of the past and present Kenyan music with the records being made accessible to the public.

Over the years Kenyan artists have produced a wide repertoire of works of arts but despite the establishment of electronic recording in the 1940's a large proportion of these works remain undocumented. Most recordings are in the hands of individuals and private organizations. This makes previously produced music not readily accessible.

In areas where traditional music performance thrives, costumes and music instruments are maintained. In the present circumstances in Kenya, such valuable materials are not well preserved by their custodians. This has resulted in loss of crucial materials for education and posterity.

Despite oral transmission and audio visual recording, access to Kenyan music is still limited due to lack of proper framework for music publishing.

Policy Statements

- 1. The Government shall ensure the documentation, preservation and dissemination of the country's music material.*
- 2. The Government at both levels shall facilitate the establishment of central depositories through systematic collection and documentation of music expressions of Kenyan communities in all formats;*

3. *The Government at both levels shall establish Living Treasures Programs to help capture and preserve the social and cultural significance of traditional music;*
4. *The Government at both levels shall facilitate the establishment of music publishing for preservation and accessibility for commercial and educational purposes.*
5. *The Government at both levels shall maintain a systematic archiving of discographies of all musicians and ensure its availability to the public through ICT.*
6. *The Government shall take measures to reclaim and retrieve indigenous music from foreign countries.*

2.8 Music Performance

Various sections of the Kenyan society engage in activities that include music making. This avails opportunity for and gives rise to the birth of performers of diverse music categories.

There are professional and amateur performers as well as semi-professionals. These are persons with varied degrees of competence and training in music. Most are talented individuals with interest in music making as an aesthetic experience.

The participation of music groups during national celebrations, state and other public functions plays an important role in the social political life of our nation. Through music, members of the public express their aspirations, expectations and achievements as they physically participate in the events that mark the celebrations.

Although festivals are effective in developing talent at the grassroots, there is need to create an international forum where Kenyan artistes can be pitted against their regional and international counterparts as a means to ensure that they are competitive at the global level.

Policy Statements

- 1. The Government is committed to the development of music and musicians for the performing sector of the Music Industry.*
- 2. The Government at both levels shall put measures in place to ensure performance of music that reflects and promotes the country's values and aspirations during national and State functions.*
- 3. The Government shall strive to create an enabling environment for talent development and exposure, both locally and internationally.*
- 4. The Government shall put measures in place to ensure consumers of music products have the right to goods and services of reasonable quality.*
- 5. The Government shall encourage the development of the necessary facilities (museums, concert halls, theatres and other venues) conducive to fostering*

the dissemination of arts and the interaction of artists with the public at all levels.

2.9 Media and Advertising

A significant percentage of media programmes involve music. The types of music played and accompanying commentaries influence the public's perception and attitude towards music. In particular, except in the case of vernacular stations, a large percentage of music aired from public and private broadcasting media houses is non-Kenyan. By their very nature, airwaves are a public resource and the government has a duty to ensure that the use of airwaves does not work at the detriment of our cultures and common good.

The hotel industry is a vital player in the tourism circuit and is crucial in portraying the identity of Kenya. However, they utilize traditional dance troupes in their outdoor entertainment menu yet piped music in their rooms is largely foreign.

Similarly, the print media pays a lot of attention to international music /artists at the expense of local talents. The commercials and advertisements used to market local products use foreign music and expertise thereby suppressing local creativity and promoting foreign cultures.

Although music contributes heavily to the growth of the media industry, the artist and producers are seldom compensated for their work.

Policy Statements

- 1. The Government shall put in place both facilitative and regulatory measures to ensure and enable a strong partnership between the media and the music industry as well as other players in the development of local music and musicians.*
- 2. In order to promote Kenyan music and to give effect to the Constitutional requirements regarding the promotion of the Kenyan culture, the National Government shall take measures to ensure that at least Sixty percent (60%) of music aired by the Kenyan media is of local content.*

3. *To enhance local cohesion and integration, the Government shall ensure that the community local and vernacular broadcasting stations play at least 30% other Kenyan vernacular music.*
4. *The National Government shall reinforce the existing legislation to provide for a more effective regime for payment of royalties due to artists by the broadcasting houses and digital platforms;*
5. *The National Government shall put mechanisms, both legal and facilitative, aimed at promoting the playing of Kenyan music in public institutions and places, including the national carrier (Kenya Airways) , public offices, airports and at public functions.*
6. *The National Government shall provide incentives by way of, among others, giving tax incentives aimed at ensuring that commercials on local products use local talent. Such tax incentives should also be available to advertisement agencies and media houses that use local talent in such commercials. The Government shall encourage a broader coverage of folklore material in national and regional press, publishing television, radio and other media, for instance through grants, by encouraging and facilitating employment for folklorists in these units, by ensuring the proper archiving and dissemination of these folklore materials collected by the mass media and by the establishment of departments of folklore within those institutions.*

2.10 Music and Technology

Music technology is a term that refers to all forms of technology involved with the musical arts, particularly the use of electronic devices and computer software to facilitate playback, recording, composition, storage and performance. Furthermore, music technology encompasses the technical and scientific aspects of music such as acoustic science, programming, music psychology/sociology and music industry business practices.

The concept of music technology is intimately connected to both artistic and technological creativity.

People are constantly striving to devise new forms of expression through music, and physically creating new devices to enable them to do so. Music technology includes many forms of music reproduction.

Despite a decrease in sales of physical products, the demand for digital music has dramatically increased. The current market players and technological innovations provide new opportunities to deliver music to the consumer. It is imperative to balance the divergent interests of consumers and artists while ensuring profits for all parties involved.

Technology is the means through which high quality work reaches a wider range of people and to engage them as both audience and participants. It is therefore important for the music industry to embrace technology in order to continue to grow.

The Government realizes the challenges that technology also brings to the music industry and aims to bring the law in line with reasonable consumer behavior and expectations while also encouraging creativity.

The Government further realizes the need to adapt to emerging technologies. The Internet and social media have radically changed how the music industry works. The growth of online distribution as opposed to physical distribution is a significant opportunity to both music producers and musicians. At the same time this poses intense risk of copyright infringement. The problem of music piracy has been complicated by technology.

The Government realizes that music technology is under-used in schools. Schools can improve music teaching through the use of technology and also through the teaching of music technology. This can be realized through partnership with the digital village hubs in specific counties whereby all students including those in rural areas, with limited opportunities for specialized tuition, will be in a position to access it. In addition, those with special needs and unable to use traditional instruments will have a chance to experience music in a different form.

Policy Statements

- 1. The Government will work with Internet search providers to ensure that illegitimate sites are less readily available than legitimate sites.*

2. *The Government will encourage development and use of indigenous and modern technology including information Communication Technology in a bid to develop the quality and quantity of music products.*
3. *The Government will take measures to develop partnerships with national broadcasters and technology providers to ensure music is accessible to the whole country through broadcasting, new and existing technology.*
4. *The Government shall take measures to ensure an efficient digital copyright licensing system including supporting the administration of the private copying levy extended to existing, new and emerging technology advancements. This encourages the musicians to create more despite the law allowing for private copying.*

2.11 Copyright and Related Rights

Whereas Kenya is a signatory to most conventions protecting musical works and has enacted a law on copyright, not much has been achieved with regard to enforcement. Many works of Kenyan musicians, composers and artists continue to be pirated and sold at the expense of the rightful beneficiaries who are the originators of the works.

In copyright law, infringement does not refer to theft of physical objects, but an instance where a person exercises one of the exclusive rights of the copyright holder without authorization.

Section 22(1) of the Copyright Act provides for work eligible for protection under the Act. This include literary works, musical works, artistic works, audio visual works, sound recordings, performances and broadcasts. The Act grants both economic and moral rights.

The rights of authors, performers, publishers, broadcasters and many others whose livelihoods depend upon recognition of rights in intellectual property, particularly of copyright, are too often ignored by persons, intentionally, deliberately and systematically, attempting to benefit from creations of others. The World Customs Organization for example found out in its most recent survey, 2005, that around 5% of all world trade is trade in pirated goods. The extent of the problem can be seen in the number of job losses that can directly be attributed to piracy.

Copyright infringement refers to copying "intellectual property" without written permission from the copyright holder, who is typically a publisher or other business representing or assigned by the work's creator. It is also the unauthorized use of works under copyright, infringing the copyright holder's "exclusive rights", such as the right to reproduce or perform the copyrighted works, spread the information contained within copyrighted works, or to make derivative works.

The term "piracy" on the other hand has been used to refer to the unauthorized manufacturing and selling of works in copyright. Article 12 of the 1886 Berne Convention uses the term "piracy" in relation to copyright infringement. Article 61 of the 1994 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) requires criminal procedures and penalties in cases of "willful trademark counterfeiting or copyright piracy on a commercial scale."

Piracy traditionally refers to acts intentionally committed for financial gain, though more recently, copyright holders have described online copyright infringement, particularly in relation to peer-to-peer file sharing networks, as "piracy."

The cultural and information industries form important and well recognized contributory components of the economic and cultural development of any country. They add considerably to national wealth, thus pirate activities undermine this industries hence negatively impacting on wealth creation.

Allowing pirated musical products to be sold freely in local markets effectively undermines all opportunities for a national recording industry to develop.

Policy Statements

- 1. The state shall support, promote and protect the intellectual property rights of the people of Kenya.*
- 2. The Government shall take measures at both levels aimed at ensuring fair labor practices for those in the music industry.*
- 3. The Government shall take measures to put structures in place for effective investigation, regulation and prosecution of offenders involved in piracy and other copyright infringement.*

4. *The Government shall domesticate international conventions on protection of literary and artistic works.*
5. *The Government shall ensure that laws on internet use are in line with emerging technological trends as regards copyright and intellectual property.*

2.12 Funding and Investing in Music and Musicians

The primary weakness facing this industry is the limited finances available for investment in the development and promotion of Kenyan artists. This is exacerbated by piracy and the lack of a coordinated strategy for the development of the industry. It is critical to improve the amount of finance available for investment in the music industry to take advantage of the ever-growing market demand for music of all genres.

Like all other sectors of the economy, the music industry demands input for development of personnel, equipment and infrastructure. Funds are also needed to build capacity for all manner of activities. These include scholarships for academic pursuits, support for exchange visits and tours, exposure of musicians, development and acquisition of equipment and instruments.

The industry generates products that need to be promoted if returns are to be realized. This aspect of selling the industry is vital; taking the form of marketing products and supporting artists on tour.

Each industry must care for the welfare of its workers. Many musicians barely make a living out of music. There is need for structures that cater for the welfare and sustenance of musicians during their non-productive seasons.

The creation of Music Fund will ensure that any genuine budding musician can apply for funding to embark on their music projects without going through the pain and anguish that is common. This process of determining who ends up with the funding must be thorough and highly transparent.

Finally, the system of recognition awards plays a big role in building stamina and motivating artists. Elsewhere, cash awards are given alongside plaques and certificates. These assist the artists in developing their trade.

The following will be the sources of funding for music:

- i) Budget allocation from the Government of Kenya;
- ii) Music Trust Fund - the Government will facilitate the establishment of a Music Trust Fund;
- iii) Contracts and agreements - the Government shall encourage individual musicians or associations to enter into contracts/agreements/endorsements with partners locally and internationally;
- iv) Music levies - the Government shall impose a percentage of profit from the total collections for local and international music events. Gate fees shall be fixed by the Music Trust Fund officials;
- v) Membership/affiliation fees;
- vi) Partnership with development partners and funding agencies;
- vii) Sponsorship for specific music activities.

Policy Statements

1. *The Government is committed to developing a strong financial base for the operations of the Music Industry.*
2. *The Government is committed to providing funding for music projects and activities and further providing financial assistance to the promotion of music e.g. access to loans, grants etcetera.*
3. *The Government shall put measures to provide tax concessions towards music industry as a whole.*
4. *The Government shall put measures to encourage public private partnerships in the music sector.*

2.13 Financial Management

Music is a lucrative source of income. Increased international and local earnings, sponsorships, grants and contracts have attracted many people of various backgrounds to the Industry. In order to ensure prudent management of these funds the Government shall put the following measures in place:

Policy Statements:

1. *Each music organization and association will be affiliated to an umbrella body to oversee their operations and management;*
2. *The National Music Board will conduct a periodic inspection of the books of accounts of all its affiliates;*
3. *All music organizations will form active finance committees to manage their finances;*
4. *All music organizations will open and maintain bank accounts which will be open to public scrutiny;*
5. *All associations will give their audited account reports during their Annual General Meetings to ensure transparency.*
6. *All music associations will institute clear articles and memorandum of association and deposit a copy with the umbrella body.*

2.14 Registration and Affiliation of Music Organizations:

The following principles shall thus apply with regard to registration and affiliation of music organizations;

- i) *Every registered music organization/association shall have a recognized office from where it shall provide the necessary services;*
- ii) *The Government shall provide political goodwill to encourage professional discipline among stakeholders;*
- iii) *The Government shall facilitate the signing of recognition agreements between stakeholders and the media; and stakeholders and entertainment managers. To this end the Government shall play a facilitative role between the various players in the industry.*
- iv) *All collecting bodies will be affiliated to the National Music Board.*
- v) *All cadres of players in the Music Industry are encouraged to form professional associations, organizations and unions;*

- vi) *Each music organization/association shall be required to adopt arbitration as a means of resolving disputes that may arise within their ranks.*

2.15 Supporting Structures

For there to be a viable music industry, there is need for well constituted, well facilitated and well managed supporting structures that are independent, fair, transparent and focused in their operations. These will be:

2.15.1 National Music Board

The Government shall through legislation establish a body corporate that shall be in charge of the music industry development and coordination. This board shall be called the National Music Board.

The Board shall among other things be responsible for:

- i) Implementing the Music policies established herein;
- ii) Providing policy advise to the government by practicing skilled advocacy, expert policy formation and research in support of music including funding, legislation and regulation;
- iii) Offering support, where necessary, to bodies initiating and supporting research on the music heritage of Kenya.
- iv) In consultation with the music stakeholders, develop a code of ethics for music that shall set out the basic principles of professional practice in the music industry;
- v) Encouraging and coordinating the study of Kenyan music as a means of promoting the development of Kenya's cultural heritage.
- vi) Spearheading the promotion of Kenyan music locally and internationally.
- vii) Promoting awareness about the music industry by mounting campaigns, projects, producing recordings and publications.

- viii) Providing an oversight to all music collecting bodies
- ix) Licensing of companies involved in the exploitation of music
- x) Licensing of foreign artist performance within the country
- xi) Providing an avenue for incorporating the concerns of the private sector, NGOs and the general public into music development issues.
- xii) Conducting periodic surveys to monitor and evaluate the potential and continued growth and development of the Music Industry in order to ensure its contribution to the economy.

2.15.2 National Music Tribunal

The Government shall through registration create a body corporate responsible for dispute resolution in the Music Industry. This body will be called the National Music Tribunal. The Functions of the Music Tribunal shall include, but not limited to;

- i) Receiving complaints from actors in the Music Industry;
- ii) Compiling all complaints received;
- iii) Convening arbitration meetings of affected parties;
- iv) Resolving disputes through dialogue and other legal means;
- v) Informing Music Industry players and the general public about resolutions from arbitration meetings held.

2.15.3 Music Industry Development Fund

The Government shall create a Music Trust Fund to help artistes create quality Kenyan Music Works and give Kenyan talent the tools to fully develop their creative and business skills.

The functions of the Trust shall include but not be limited to:-

- i) *Establishing a Musical Diversity Programme to offer resources to produce and distribute specialized music recording reflective of the diversity of Kenyan cultures;*

- ii) *Providing funding to enable Kenyan music entrepreneurs to effectively develop their skills and competencies;*
- iii) *Providing funding to conferences and award shows, market development initiative to provide opportunities to share best practices, inspire young artists and entrepreneurs;*
- iv) *Ensuring significant works are preserved, giving Kenyans of today and tomorrow access to their musical heritage;*
- v) *Ensuring that Kenyan artists have access to career development opportunities;*
- vi) *Ensuring Kenyan sound recording entrepreneurs meet challenges of transit to new technologies and enjoy more fruitful long term collaborations Providing an enabling environment in which artists can build their skills and develop their art;*
- vii) *Ensuring capacity building of all categories of stakeholders in music;*
- viii) *Strengthening research and training;*
- ix) *Ensuring the publishing of Kenyan music in sheet and book form.*

This Trust Fund will get its funding from the government, private sector and NGOs. The fund should have a fundraising organ whose mandate is to find creative ways of fund raising.

CHAPTER THREE

IMPLEMENTATION FRAMEWORK

3.1 Key Institutions

This Music Policy will operate under the custodianship of the Permanent Presidential Music Commission (PPMC), for the time being. Other key institutions for its implementation shall include, but not limited to;

1. Department of Arts
2. Department of Culture
3. Department of Film services
4. Kenya National Archives and Documentation Services
5. National Museums of Kenya
6. Kenya Film Commission
7. Kenya Film Classification Board
8. Ministry of Education
9. Kenya Cultural Centre
10. Anti- counterfeit Agency
11. Kenya Copyright Board

Kenya Copyright Board

3.2 Implementation Structure

3.3 Expected Outputs/outcomes

The policy measures that have been outlined in this document provide a comprehensive framework within which Government efforts to preserve, guide, develop and promote the Music Industry will be realized. The Policy outputs and outcomes therefore are:

- (i) *Guidelines and a comprehensive framework to streamline the Music Industry.*

- (ii) *Provision of opportunities for the most talented musicians to develop their practice, learning new skills, taking time out for research and taking advantage of development programs local and abroad;*
- (iii) *Encouragement to more children, youth and adults to take part in the music industry;*
- (iv) *Provision of technological opportunities to develop and grow the music industry;*
- (v) *Deterrence of piracy and other forms of fraud in the Music Industry.*
- (vi) *Enforcement of existing laws by relevant agents.*
- (vii) *Work plans and targets that commit the Government to achieve in the medium term using appropriate strategies.*

3.4 Monitoring and Evaluation

Monitoring and evaluating the implementation of this policy will be a continuous exercise. However, there shall be joint monitoring and evaluation activities by some key stakeholders who will compile reports after every annual exercise and submit to the Principle Secretary responsible for Music.

3.5 Parties Responsible

The parties responsible for monitoring and evaluation are the same ones responsible for implementation, except that every stage of monitoring and evaluation will focus on what an individual organization is doing in the music industry, the impact of its operations and how this can be improved for the benefit of all industry players.

3.6 Networking

The custodian of this policy and all the key implementers are called upon to network with like-minded stakeholders as well as foreign countries to compare and contrast how the music industry is managed in those countries vis a vis

Kenya. This is intended to provide a more diverse and innovative music industry that is valued by both industry players and the public.

3.7 Policy Review

This Music Policy will be reviewed after a period of ten years in order to realign it with events prevailing at that time. The review process shall be a consultative process involving all stakeholders in the music industry.