

## Ethical Dilemmas and Copyright Challenges among Independent Artists in Kenya's Music Industry

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### Abstract

This qualitative phenomenological research aims to find out the ethical dilemmas around revenue generation and copyright practices among independent artists in Kenya. The study delves into various aspects, including collective management organisations (CMOs), copyright laws, governmental policies, exploitative practices, and regulatory frameworks, through an extensive analysis of existing literature and qualitative data. It reveals that while Kenya's music industry has experienced substantial growth with the introduction of new music genres and disruptive innovations, it still struggles with systemic barriers that limit the welfare and success of independent artists. The study shed light on issues such as corruption, mismanagement, and failure to distribute royalties to artists fairly, with a close examination of CMOs, thus calling for the need for increased transparency and accountability. Exploitative practices conducted by industry participants and intermediaries are subjecting independent artists to illegitimate contractual agreements, delayed royalties, and predatory behaviours from industry participants. The presence of weak regulations magnifies these concerns, resulting in the degradation of artists' rights and limited recourse in cases of copyright infringements or contractual disputes. This research, therefore, calls for regulatory reforms and industry-wide interventions to address these structural barriers and to give light on how to promote a more sustainable and equitable music ecosystem in Kenya. The study recommends the strengthening of copyright enforcement mechanisms, improving transparency and accountability within CMOs, and establishing tailored support systems for independent artists.

**Key terms:** Copyright, contracts, disruptive innovations, platform capitalism, intermediaries.

## INTRODUCTION

The development of Kenya's music industry reflects the diversified nation's cultural heritage and identity. From traditional folk tunes to contemporary music genres that are ever influenced and shaped by global trends (Hesmondhalgh, 2013; Erastus & Hurst-Harosh, 2020), the industry has long played a central role in Kenya's social fabric. Over the years, the Kenyan music industry has witnessed remarkable growth, propelled by technological innovations, which have led to shifts in its production, distribution, promotion, and consumption. These shifts have also altered the consumer's preferences as the Fourth Industrial Revolution (4IR) takes root. Hesmondhalgh (2009) noted that "digital distribution offers the chance to monitor the tastes and preferences of consumers, in order to gain market information which, however problematic its reliability and validity, can be sold on to other agents" (p. 62).

The formative years of Kenya's music industry were marked by significant successes, characterised by the emergence of iconic artists such as Fadhili Williams and Daudi Kabaka, amongst many others. The flourishing of vibrant music scenes across the country was also noted through giants such as Freshley Mwamburi and Gabriel Omolo. These artists accessed the global stage through the sounds of benga and rumba styles of music (Eisenberg, 2015). As new innovative fusion genres like hip-hop, genge, afro-pop, and others emerged at the onset of the millennium, independent Kenyan artists began to gain recognition on the global stage, leading to critical success.

Despite these critical achievements, the music industry faced numerous commercial successes. Many more persistent challenges, mostly relating to copyright infringements and others, reinvented themselves, leading to undermining artists' sustainability and integrity. Copyright infringement, piracy, and unfair compensation began to reshape the industry, worsening the financial struggles experienced by artists. Rai (2020) notes that "the current copyright laws are less relevant in the digital age, and should be reformed, amended adequately to address all these issues without any confusion and loopholes" (p. 67). Independent artists, therefore, continued to struggle to protect their intellectual property because of a lack of robust legal frameworks and enforcement

mechanisms. These new challenges made them vulnerable to exploitation. Rai claims that "online piracy poses a worse problem for copyright holders today than it did in 1998 with the rise of online streaming" (Rai, 2020). Music streaming services (MSS) such as Spotify, Apple Music, and YouTube Music, despite facilitating ubiquitous access to music, have introduced new challenges regarding fair compensation, transparency, and content control (Hesmondhalgh, 2022; Kirui, 2023; Rai, 2020).

It is, therefore, evident that independent artists in Kenya are encountering numerous ethical dilemmas and copyright challenges that hinder their ability to thrive. Despite their contributions to cultural and economic growth, artists often find themselves marginalised and overlooked, with limited access to resources, opportunities, and support systems (De Beukelaer & Eisenberg, 2020; Kirui et al., 2022). The proliferation of digital platforms (De Beukelaer & Eisenberg, 2020) and the advent of new disruptive innovations (Kirui et al., 2022) have further complicated the Kenyan music industry for artists seeking to navigate the ever-evolving music ecosystem. Despite the availability of regulatory bodies such as the Kenya Copyright Board (KECOBO) and collective management organisations (CMOs) such as the Music Copyright Society of Kenya (MCSK), Kenya Association of Music Producers (KAMP), Performers Rights Society of Kenya (PRISK) amongst others, the enforcement of copyright laws and the protection of artists' rights remain challenging. Many artists continue to struggle with the effects of platform capitalism.

The monopolistic propensities of certain MSS (Kirui et al., 2022) and the lack of government oversight have augmented these challenges, leaving independent artists at the mercy of powerful intermediaries who dictate terms and control access to audiences and revenues (Hesmondhalgh & Meier, 2018). As a result, many artists find themselves trapped in exploitative contracts, unable to fully realise the value of their creative work or exercise agency over their careers. This paper, therefore, aims to shed light on these ethical dilemmas and copyright nuances faced by independent artists in Kenya. Through a comprehensive literature review and qualitative findings, the research seeks to bring to light these

nuances that are affecting artists' rights, fair compensation, and creative autonomy. By bringing to light these critical issues, the study sought to contribute to a better understanding of the systemic barriers faced by independent artists in Kenya and advocate for meaningful reforms that uphold artists' rights, promote ethical practices, and foster a more inclusive and sustainable music ecosystem.

## LITERATURE REVIEW

### Constitutional Framework and Legal Aspects

The rights and protection of artists' music are shaped by international law and treaties that profoundly influence their rights and protections in the global music industry. Treaties such as the Berne Convention and the TRIPS Agreement have also been providing essential copyright safeguards. International bodies such as the World Intellectual Property Organization (WIPO), the International Federation of the Phonographic Industry (IFPI), and the International Confederation of Societies of Authors and Composers (CISAC) play fundamental roles in harmonising copyright laws and advocating for artists' interests, ensuring fair compensation and protection of creative works (Werner, 2020). The constitutional framework of each nation influences its approach to copyright, impacting statutory laws and enforcement practices. Diverse international perspectives on copyright, such as the U.S.'s focus on economic rights and Europe's emphasis on moral rights, highlight the need for global harmonisation. Ethical treatment of artists, including fair compensation, contractual rights, and creative freedom, remains a pressing concern, especially in the digital age. The Kenyan music industry operates within international laws and treaties to improve the plight of artists. Understanding legal and ethical dimensions is key to promoting a fair and innovative music industry, enabling artists to achieve both critical and commercial success. The Kenyan Constitution enshrines these protections to safeguard artists from exploitation.

#### a. Bill of Rights (Chapter Four of the Constitution)

Muigua (2021) noted that “the Constitution of Kenya 2010 recognises culture as the foundation of the nation and as the cumulative civilisation of the Kenyan people and nation” (p. 45). Chapter Four guarantees fundamental rights and freedoms to its citizens. The

Bill of Rights, as embodied in chapter four, is based on democratic governance principles and ensures individual liberties irrespective of socio-economic status, cultural background, or religious affiliation. Central to the Bill of Rights is the recognition of the dignity and worth of every human being, affirming the principle of equality before the law and entitlement to certain freedoms devoid of discrimination. Beyond the preservation of tangible artefacts and sites, the constitutional safeguard extends to encompass the intangible manifestations of culture, such as language, music, and traditions. These rights are classified as freedom of artistic expression, protection of cultural heritage, rights to participate in cultural life and finally, access to artistic and cultural resources.

#### i. Freedom of Artistic Expression

Artistic expression is the first core principle of individual autonomy and freedom and serves as the fundamental pillar of human rights and democracy. Article 33 of the Constitution of Kenya (2010) states that everyone has the right to freedom of speech, which involves the freedom to seek, receive or transmit information or ideas, as well as the freedom of artistic creativity, academic freedom and freedom of scientific research. Across various creative mediums, from literature to performance, it provides a forum for individuals to express their ideas and emotions freely. Macharia (2021) noted that “freedom of expression is the ability to accommodate a minority view which in most cases does not conform with the views of the majority” (p. 1).

This fundamental freedom empowers individual artists, therefore, to contribute to the cultural ecosystem, irrespective of their views, thus fostering innovation, cultural exchange, and societal progress. Artists are known to play a vital role in igniting dialogue within various cultural contexts, leading to deeper understanding among diverse communities. Artistic expression ensures that individuals can engage in creative endeavours without fear of censorship or persecution, underscoring society's commitment to creativity, diversity, and the free exchange of ideas. As to whether this is true, this paper attempts to shed light on whether freedom of artists' expression has been realised by the artists.

#### ii. Protection of Cultural Heritage

Kenya's culture is rich and diverse due to its varying traditions, languages, rituals, and artefacts and influenced by its historic journey. The Constitution of Kenya mandates the preservation and promotion for the benefit of future generations. Franco and Njogu (2020) noted that,

“to implement the constitutional provisions on traditional knowledge and to enable communities to control the use of culturally significant and economically valuable knowledge and expressions, Kenya passed the Traditional Knowledge and Cultural Expressions Act in 2018” (p. 35).

This 2018 act serves as a repository of collective memory, reflecting the experiences, beliefs, and identities of diverse communities across the nation, thus enhancing Kenya's government's cultural heritage. The future generations can continue to draw inspiration from the rich and diverse cultures of Kenya through the preservation of both tangible and intangible elements of its heritage. Cultural heritage acts as a source of pride, a symbol of national identity and cohesion. The independent artists, therefore, promote the safeguarding of cultural heritage and seek the cultural fabric of society for its citizens to foster a sense of belonging.

### iii. Right to Participate in Cultural Life

Every Kenyan has a right to engage in cultural activities and access cultural spaces within their community (Vaivade & Deacon, 2024). This right includes attending cultural events and festivals and participating in community initiatives and artistic endeavours. Within the Kenyan space, the government has deliberately set aside some spaces for festivals, such as Kenya Music Festivals (KMF), for its citizens to attend and participate in cultural events. County governments of Kenya have set up cultural festivals, too, while the majority of the Kenyan universities have set up cultural week that not only enriches individual lives but also fosters social cohesion and promotes mutual understanding among diverse communities. According to Tall (2023), independent artists, by engaging in cultural events, promote social change and empowerment through the expression of their identities. They amplify their voices, challenging societal inequities and fostering a

platform for dialogue and progress. Kenya endeavours to democratise access to cultural experiences and empower individuals to explore and celebrate their cultural heritage through policies and programs that are aimed at promoting cultural engagement.

### iv. Access to Artistic and Cultural Resources

The 2010 Constitution of Kenya aims to democratise cultural participation and empower individuals from all backgrounds to enrich their lives through cultural experiences. Fostering inclusivity, diversity, and cultural democracy within society, as well as access to artistic and cultural resources, remains fundamental (Gustafsson & Lazzaro, 2021). These resources, ranging from libraries and museums to theatres and educational institutions, provide avenues for individuals to investigate and engage with their cultural heritage. Kenya National Theatre, Kenya National Museum, and Bomas of Kenya, amongst many other spaces in Kenya, have been deliberately set aside by the government to promote equitable access to resources, thus ensuring access to artistic and cultural resources. This fosters a sense of belonging and community, promoting social cohesion and strengthening connections between individuals and their cultural identities.

### b. Collective Management Organisations (CMOs)

The government of Kenya has set aside the Kenya Copyright Board (KECOBO) to administer artists' rights. KECOBO, in turn, has mandated Collective Management Organizations (CMOs) as intermediaries in the administration of these artists' rights and the management of copyrighted content within Kenya's music ecosystem. Acting as facilitators between creators and users of artistic works, CMOs are mandated to license, collect, and distribute royalties, ensuring that artists receive fair compensation for their contributions. In Kenya, several prominent CMOs operate under the framework of the Copyright Act, each specialising in specific sectors within the creative industry.

### i. Music Copyright Society of Kenya (MCSK)

The Music Copyright Society of Kenya (MCSK) holds a key position in the Kenyan music industry by

representing the interests of music composers, authors, and publishers (Kirui, 2024). MCSK was established in 1983 and plays a crucial role in licensing music for public performances, collecting royalties from users, and distributing these earnings to rights holders. MCSK contributes significantly to the economic sustainability of independent artists in Kenya by ensuring that artists are fairly compensated for the use of their music. Kirui (2024) notes that “MCSK ensures that its members receive due compensation from users” (p. 18). Controversies surrounding mismanagement and royalty distribution have led the artists to continually question its existence. Ouma (2020) posited that “MCSK has been riddled with a myriad of complaints from Kenyan copyright owners who lament about skewed royalty payments” (p. 1).

## ii. Performers Rights Society of Kenya (PRISK)

The Performers Rights Society of Kenya (PRISK) focuses on safeguarding the rights of performers, including musicians, actors, and dancers, within the entertainment industry. Founded in 2010, PRISK plays a key role in licensing performances, collecting royalties on behalf of performers, and advocating for fair remuneration. PRISK aims to enhance the welfare and livelihoods of artists by ensuring that they receive recognition and compensation for their entertainment sector's contributions (Kirui, 2024). Challenges, such as limited public awareness and enforcement issues, remain key areas of inquiry in the strive to safeguard the interests and rights of performers, promote professionalism, and foster growth within the entertainment industry.

## iii. Kenya Association of Music Producers (KAMP)

The Kenya Association of Music Producers (KAMP) represents the interests of music producers and audio-visual content creators in Kenya. KAMP was established in 2003, and its main mandate is to advocate for the rights of producers and ensure that they receive royalties for the use of their productions. Nyariki et al. (2009), while referring to KAMP, noted that “it is charged with receiving royalties from radio stations, public service vehicles and all other ‘public’ use of music” (p. 90). With functions that include licensing sound recordings and audio-visual works,

collecting royalties from users, and distributing these earnings to producers and rights holders, KAMP plays an important role in supporting the economic sustainability of producers within the music and film industries. Just like any other CMO in Kenya, the controversies surrounding fair compensation to the producers remain a key thorn within the organisation.

## iv. Major Roles of CMOs

CMOs, as previously discussed, act as intermediaries between artists and users of their music, enabling artists to concentrate on their creative work while ensuring they are fairly compensated. These roles are majorly highlighted in developing economies and may differ from those in developed economies due to strict laws and legislatures governing these bodies.

- **Licensing**

CMOs act as intermediaries between rights holders and users of copyrighted material, issuing licences for the public performance, reproduction, or distribution of artistic works. CMOs work “to license the works in which they hold the copyright for specific uses” (Rai, 2020, p. 21).

- **Royalty Collection**

Kirui (2024) notes that CMOs undertake the responsibility of collecting royalties from various users, including broadcasters, event organisers, digital platforms, and Skiza Tunes, on behalf of rights holders.

- **Distribution of Royalties**

According to Vasilkova (2020), CMOs distribute these earnings to rights holders, including musicians, composers, authors, performers, and producers, based on the usage of their works.

- **Advocacy and Representation**

CMOs advocate for the rights and interests of artists, performers, and producers within the legislative and regulatory frameworks by ensuring that copyright laws and regulations are guarding the content creators (Kirui, 2024).

- **Educational Initiatives**

Rai (2020) alludes that CMOs create awareness among independent artists and users of copyrighted material through provision of training workshops, seminars, and resources. These empower creators to better understand copyright law and effectively manage their intellectual property rights.

- **Enforcement and Compliance**

CMOs monitor the use of copyrighted material to make sure licensing agreements and copyright laws are followed. They take enforcement actions against infringers, including legal recourse, when necessary, to protect the rights of creators and deter unauthorised use of their works.

- **Financial Management**

According to Rai, CMOs manage the financial aspects of royalty collection and distribution, including accounting, auditing, and financial reporting (2020). They should provide rights holders with detailed statements and accounting records to demonstrate the utilisation of royalties.

## RESEARCH METHODOLOGY

This study employed a qualitative phenomenological methodology to explore the ethical dilemmas and copyright challenges faced by independent artists in Kenya's music industry, particularly concerning revenue generation. In-depth interviews were conducted with Kenyan artists using purposive and snowball sampling to gather diverse perspectives. The research framework, based on the Unified Theory of Acceptance and Use of Technology (UTAUT) by Venkatesh et al. (2003), was adapted to focus on ethical dilemmas and copyright issues for musicians. It examined key determinants—performance expectancy, effort expectancy, social influence, and facilitating conditions—to understand their influence on the intentions of independent artists and their audience regarding these ethical and copyright challenges.

### Research Design

Qualitative research methods were utilised in this study to explore the subjective experiences and perceptions of independent artists regarding the ethical dilemmas and copyright challenges in Kenya's

music industry. Phenomenological research design was chosen to elucidate how independent artists navigate and perceive these challenges. This approach facilitated a rich exploration of the lived experiences and perspectives of the participants.

### Location of the Study

The research was carried out in Nairobi County, Kenya, due to its significance as a hub for independent artists, music producers, and sound engineers. The rich history of Nairobi as a centre for music recording and production, coupled with its modern studios and vibrant music scene, made it an ideal location for exploring the ethical dilemmas and copyright challenges faced by independent artists.

### Population of the Study

The study focused on independent artists in Kenya, specifically targeting those residing in Nairobi County. The selection of the participants was based on their residency in Nairobi County and possession of attributes relevant to the research objectives. Additionally, key informants such as music producers and artists' managers were included to provide valuable insights and perspectives on the topic.

### Sampling Procedure and Sample Size

A purposive sampling approach was used to choose participants who met the predefined criteria and could provide rich and detailed information about the ethical dilemmas and copyright challenges faced by independent artists. Initially, four participants were selected based on their experiences and knowledge in the music industry. Subsequently, a snowball sampling technique was utilised to identify additional participants recommended by the initial respondents. This approach ensured a diverse and comprehensive representation of independent artists in Nairobi County, despite practical limitations regarding resources and time constraints.

## FINDINGS AND DISCUSSIONS

The findings are presented in three key areas concerning independent artists in Kenya's music industry: the implications of copyright issues, exploitative practices by MSS, and ethical dilemmas faced by artists. These findings highlight challenges such as copyright protection difficulties, unfair

revenue distribution by MSS, and ethical concerns in contractual agreements and digital literacy.

## **Copyright Bridge and Implications for Independent Artists in Kenya**

Independent artists face significant challenges due to weak enforcement of copyright laws, limited government support, and inadequate resources. Despite copyright laws designed to protect content creators' rights, the lack of effective enforcement has resulted in widespread piracy and unauthorised use of artistic works. Research respondents reported on the rampant unauthorised distribution and reproduction of their music, impacting their revenue streams and artistic autonomy. The digitalisation of the music industry has further accelerated this matter due to the absence of robust digital rights management infrastructure, which makes online dissemination vulnerable to exploitation. This situation has severely impacted the artists' revenue and creative autonomy, with many reporting difficulties in asserting their copyright claims due to limited legal resources and financial constraints. Platforms like Skiza Tunes, as reported by the respondents, are now known for unfair revenue splits, worsening the financial strain on artists. One respondent, while referring to Skiza Tunes, noted that "I think companies and certain individuals have really exploited artists". This exploitation is worsened by insufficient government involvement and outdated legislative frameworks, hindering the protection of intellectual property.

There is a pressing need to strengthen copyright laws and policies in Kenya to address significant challenges faced by independent artists. The current inadequate enforcement by the Kenyan government has aggravated infringements on artists' rights, leading to widespread piracy and unauthorised distribution of creative works. Kirui (2023) notes that "this has normalised illegal music consumption among internet users, especially in developing economies, where laws governing these unauthorised files are rarely implemented" (p. 97). Outdated legal frameworks contribute to artists' vulnerability, hindering their ability to safeguard their intellectual property successfully amidst technological disruptions and online platforms such as exploitation. Rai (2020), while referring to digital disruptions led by Napster, alludes

that "this incident also showed how vulnerable the current music industries were at that time" (p. 9). Strengthening these laws is crucial to providing artists with robust protections against the negative effects of platform capitalism, particularly in the digital age. Kirui (2023) alludes that "the technology needs government laws and policies to shield artists from platform capitalism" (p. 58). By updating legislation and enhancing enforcement mechanisms, policymakers can empower artists to safeguard their creative works, secure fair compensation, stimulate economic growth, attract investment in the creative industries, and promote cultural diversity within society.

## **Exploitative Propensities by Music Streaming Services (MSS)**

Digital platforms have occasionally exploited independent artists, particularly in developing economies like Kenya, by prioritising their financial interests over those of the artists. These platforms impose unfavourable terms, such as unfair revenue-sharing formulas, that benefit the platform disproportionately while offering minimal compensation to artists. The use of opaque algorithms and content curation further discriminates against artists, especially upcoming independent artists, by limiting their online visibility and global reach. The use of intermediaries between artists and MSS intensifies the issue by further reducing artists' earnings. These intermediaries offer limited or lack transparency and accountability, leading to unauthorised distribution and monetisation of artists' works. One respondent reported that "there are these other collecting bodies that are in between that do not allow us to see the logs, so you cannot really get to know whether what you're being paid..." Inadequate mechanisms to address these copyright infringements, along with unclear policies on data ownership and privacy, have significantly contributed to the exploitation of the artists. With the limited bargaining power and recourse against these exploitative practices, independent artists continue to suffer at the hands of the government, CMOs and the MSS.

There is a need to address the exploitative practices in the Kenyan music industry, particularly by MSS, requiring concerted efforts from various stakeholders. Rai (2020) noted that the "major issue related to copyright is the exploitation of reproduction rights..."

(p. 32). The government of Kenya must strengthen regulatory frameworks to protect artists' rights and enforce fair practices. This includes implementing robust copyright laws to prevent unauthorised use of music and ensuring transparency in contractual agreements. Kirui et al. (2022) reported that “most government bodies mandated by the Kenya Copyright Board (KECOBO) to protect performers and producers’ rights have exploited the artists” (p. 8). Industry players such as record labels and streaming platforms should revise revenue-sharing models to provide artists with equitable compensation and increase transparency in financial dealings. Additionally, empowering artists through digital education not only empowers them with their rights and effective negotiation skills but also allows them to connect to their audiences globally. Kirui (2024) alludes that “digital literacy empowers artists to utilise MSS digital tools, manage their online presence, connect with audiences on social media, and analyse streaming data for informed decisions” (p. 11). Collective action from consumers in supporting ethically treated artists and advocating for industry transparency can further contribute to fostering a fairer and more sustainable music ecosystem. If these challenges are comprehensively tackled, the Kenyan music industry stakeholders can create an environment that respects artists' contributions and promotes their financial and creative well-being.

### **Ethical Dilemmas Faced by Independent Artists**

Ethical issues continue to hinder the growth of independent artists in developing economies. These ethical dilemmas range from contractual agreements to the revenue pay-outs models. Independent artists continue to encounter asymmetric bargaining power as the majority of the artists lack the legal expertise and negotiating leverage to secure fair terms. One artist noted that “our biggest challenge is probably not even the lack of law, but the follow up of laws, improving existing laws and creating new ones that protect the artists”. This power disparity can result in agreements that exploit artists through undervalued contributions, restrictive clauses on intellectual property rights, or opaque terms that obscure critical details. Beyond contracts, artists also contend with ethical dilemmas related to exploitation by intermediaries, such as unfair revenue splits imposed by labels or digital platforms. One respondent agrees

with this assertion by stating that “even the three main bodies that collect royalties, KAMP, MCSK, PRISK, it’s like the government is not doing anything to regulate”. These practices not only hinder financial sustainability but also curtail creative autonomy. Moreover, the digital landscape introduces additional complexities, as artists with limited digital literacy may struggle to navigate agreements effectively or comprehend the full implications of their partnerships. There is a need to address these ethical challenges by instituting initiatives that promote transparency in contractual negotiations, advocate for fair practices among intermediaries, and enhance digital literacy among independent artists to empower them in navigating the complexities of the modern creative industry.

Therefore, it is imperative to implement a multidimensional approach to effectively address these ethical dilemmas faced by independent artists, particularly in developing economies like Kenya. This includes enhancing transparency in contractual negotiations to ensure artists fully understand and consent to terms such as fair revenue-sharing and intellectual property rights (Ofochebe, 2020; Kirui, 2023; Hesmondhalgh, 2022). Additionally, as Kirui (2024) noted, empowering artists through targeted digital literacy initiatives will enable them to navigate digital platforms, understand the implications of algorithms on their visibility and earnings, and protect their creative content online. Collaboration among artists, industry stakeholders and the government of Kenya can mitigate exploitation by intermediaries and promote equitable treatment. Stakeholders must strive to create a supportive environment that empowers independent artists to navigate and negotiate ethically within the evolving music industry soundscape.

### **CONCLUSION AND RECOMMENDATIONS**

**Conclusion:** The study has shed light on the ethical dilemmas and copyright challenges among independent artists in Kenya's music industry. This seems to underscore profound systemic issues. The study highlights the persistent inadequacies in copyright enforcement and outdated legal frameworks, which significantly diminish artists' capacity to safeguard their creative works effectively. This vulnerability is exacerbated by rampant piracy and

unauthorised distribution, which not only erode artists' revenue streams but also compromise their artistic autonomy. The exploitative propensities by MSS, characterised by inequitable revenue-sharing models and opaque algorithms, exacerbate the economic disparities faced by artists, particularly those lacking bargaining power and digital literacy from developing economies. These practices hinder equitable compensation and limit artists' visibility and market access in the digital sphere, posing formidable barriers to their sustainable professional development. The ethical predicaments in contractual engagements emphasise the inherent power differentials between artists and industry intermediaries. Artists frequently contend with restrictive contractual clauses and obscured terms that hinder their ability to negotiate fair agreements and assert their rights effectively. The pervasive lack of transparency and accountability within these arrangements perpetuates financial exploitation and constrains creative expression.

Addressing these multifaceted challenges necessitates concerted efforts to bolster copyright legislation, enhance digital literacy initiatives tailored to artists' needs, and advocate for industry reforms that uphold ethical standards and equitable treatment. By empowering artists with the requisite knowledge and skills to navigate digital platforms and negotiate equitable terms, alongside advocating for regulatory reforms that fortify artists' rights and promote transparency, stakeholders can cultivate a more supportive and sustainable milieu for independent artists within Kenya's dynamic music landscape.

**Recommendations:** One key policy recommendation is the implementation of regulations that require greater transparency in contractual agreements between artists and industry intermediaries. This includes mandates for clear and understandable language in contracts, disclosure of all terms and conditions, and standardised formats for reporting financial

transactions and royalties. The government of Kenya can establish oversight mechanisms or regulatory bodies to monitor compliance with these regulations and investigate allegations of unfair practices. The study has revealed that most of the artist's complaints remain unresolved. Digital literacy must be rolled out to help artists understand not only the laws that govern MSS but also promote their marketing strategies. Governments, industry associations, and non-profit organisations can collaborate to provide resources and training on legal literacy, contract negotiation skills, and financial management to help artists navigate the complexities of the music industry. This may involve establishing mentorship programs, workshops, or online resources tailored to the needs of emerging and independent artists, empowering them to assert their rights and negotiate fairer deals with industry stakeholders.

Furthermore, reform efforts must aim to improve the economic viability and sustainability of artists' careers by promoting fair compensation and revenue-sharing models. Governments should incentivise industry players to adopt equitable practices by offering tax incentives or subsidies for companies that prioritise artist-friendly policies, such as fair royalty rates and revenue distribution mechanisms. Additionally, industry associations and collectives can play a role in advocating for fair compensation standards and promoting ethical business practices within the industry. Lastly, fostering collaboration and dialogue among stakeholders is essential for driving meaningful reform. Governments, industry players, artists, and consumer advocates should come together to identify common goals, share best practices, and develop consensus-based solutions to address exploitative practices in the music industry. By working collaboratively, stakeholders can utilise their collective knowledge and influence to enact positive change and create a more fair and sustainable music ecosystem for artists and audiences alike.

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