

Efficacy of Cultural Policy on Appropriation of Music and Dance Idioms: A Case of *Kamabeka* Music and Dance of the Bukusu

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Abstract

This study focuses on the interplay between a cultural policy and its efficacy in the regulation of the appropriation process of music and dance idioms. With a specific focus on *Kamabeka* music and dance of the Bukusu Community of Kenya, available scholarly investigations attest to the fact that previous studies focused on other aspects of the dance and less on the aspect of appropriation, hence resulting in a paucity of literature. The study was guided by a qualitative research design. The results revealed that appropriation is still ongoing, and its effects continue to undermine the socio-economic and cultural identity fabric of the Bukusu community. A lot of crucial cultural elements embedded in music and dance are fading away gradually and being replaced by others, some of which are from alien cultures. This threatens the traditional cultural embodiment of the Bukusu people. In conclusion, the current policy in its form is not capable of addressing the dynamics of appropriation underpinning *Kamabeka* music and dance. As a matter of societal interest, this study recommends that policymakers develop robust clauses to be included in the current policy to expand its scope and address matters of appropriation. In the absence of this, traditional *Kamabeka* music and dance will soon be extinct.

Key terms: Appropriation, Bukusu, dance, *kamabeka*, policy.

Music and dance the world over are systematically organised products of human behavior, informed by socio-cultural, economic and philosophical patterns of a group of people in a particular society or cultural setting (Dils & Albright, 2001) In African culture, dance is often viewed as a communal activity that belongs to the community rather than any one individual. It is, therefore, a shared experience that brings people together and expresses collective cultural identity and values (Asante, 2002).

Kamabeka music and dance are traditional symbols of the cultural identity of the Bukusu people, and they are performed for various traditional and cultural purposes to represent the community. Its idiom in terms of language, visuals, instrumentation, contexts of performance and movement has been purely derived from Bukusu cultural history. Additionally, Simiyu (2018) explains that "*Kamabeka* dance also embodies cultural norms, values, beliefs and customs and also serves as a vehicle of cultural transmission among the Bukusu people". However, in the recent past, this is changing. There is visible evidence that the dance is shifting from its historical, cultural identity to adopt new forms through processes of appropriating other styles foreign to the community. As this process goes on, the dance continues to lose crucial elements that may be difficult to retrieve in future owing to lack of documentation. Additionally, available scholarly investigations on the dance in focus reveal that most of the previous studies focused on other aspects of the dance and less on the aspect of appropriation, hence resulting in a paucity of literature. This study aims to address a knowledge gap. To achieve this, the study takes a different dimension and explores the efficacy of the cultural policy on the appropriation dynamics of *Kamabeka* Music and dance idiom.

Appropriation

In general terms, appropriation refers to the act of taking something for one's own use or benefit, often without permission or regard for the original owner or context. On the contrary, appropriation can also be seen as a way of celebrating or appreciating other cultures or ideas, particularly when it involves respectful engagement and collaboration. As such, the ethical implications of appropriation depend on the specific context and the intentions and actions of the appropriator. For instance, when appropriation is done respectfully and with an understanding of the cultural context, it can lead to cultural fusion and innovation (Susan, 2005; Ash Sarkar, 2019). This means that when two or more different cultures interact and exchange their elements, new forms of expression, art, music, and dance can emerge, hence enriching the cultural landscape in terms of cultural hybridity and encouraging creativity (Susan, 2005). It, therefore, means that the implications of appropriation, depending on the intentions of the appropriator and one's point of view, can be both positive and negative.

In African dance, there has been a long history of cultural appropriation, where different styles of dance have emerged over time as a result of various factors such as colonisation, globalisation, and migration. As new generations of dancers emerge and travel, they bring with them new influences, ideas, and perspectives that can reshape and redefine the traditional forms of African dance (Nittle, 2021). Furthermore, as society and culture continue to grow, new forms of dance are created to reflect contemporary issues, such as hip-hop, which emerged as a response to social and political changes in African American communities in the United States during the 1970s (Chang, 2005).

Implications of Dance Appropriation

Ash Sarkar (2019) argues that appropriating cultural idioms can have several consequences. For instance, using cultural idioms without understanding their historical and cultural significance can result in

misrepresentation and distortion of the culture, leading to stereotypes and prejudices. This can also be seen as a form of exploitation, as it often involves taking knowledge or cultural expressions from a culture without giving credit or compensation. Susan (2005) and Young (2010) observe that cultural appropriation can further marginalise cultures that have already experienced historical injustices, as it reinforces the idea that their culture is only valuable when it is used by members of the dominant culture. Rogers (2006) propound that cultural appropriation can also lead to the commodification and commercialisation of cultural expressions, resulting in the loss of their original meaning and cultural significance.

On a rather positive note, cultural appropriation can also trigger policy changes and advocacy efforts aimed at protecting and preserving cultural heritage. This can be achieved through the exploration of legal measures that aim at the prevention of unauthorised use or exploitation of cultural elements and artefacts (Rogers, 2006). Cultural appropriation can also spark discourses and raise awareness about cultural sensitivity. These discussions can lead to enhanced recognition, appreciation and respect for the etymology and significance of cultural practices, which may, in turn, encourage intercultural interactions in a more respectful manner. Cultural appropriation can also contribute to a renewed interest in the revitalisation of perceived marginalised or endangered cultural practices. In essence, when the elements of a particular culture are appropriated by another culture, it can revive attention to those practices and prompt members of the originating culture to reclaim their cultural ownership.

Relevance of Cultural Policy

A cultural policy is a set of guidelines, principles, and actions that a government, organisation, or community uses to promote, protect, and support cultural activities and expressions. Cultural policy aims to enhance the cultural sector's contribution to society, promote cultural diversity, and preserve cultural heritage (Belfiore et al., 2018). Cultural policy can take various forms, including laws, regulations, funding mechanisms, incentives, and programs and can encompass a wide range of expressions and cultural activities, such as visual arts, performing arts, literature, heritage preservation, media and digital culture, and cultural industries.

Cultural policy can have significant social, economic, and political impacts. It can contribute to cultural development, promote cultural tourism, foster social cohesion, enhance cultural diversity, and generate economic benefits. However, a weak Cultural policy can also have numerous effects, which include but are not limited to lack of cultural rights, freedom of expression, lack of protection of cultural heritage leading to its loss, limited cultural diversity, limited opportunities for cultural participation, decreased cultural tourism, missed economic opportunities and a weakened sense of community belonging (Throsby, 2010).

In Kenya, the national government policy on culture and heritage is at the final draft stage. This means that the policy is not in force yet. Nonetheless, the policy draft promises a couple of issues. For instance, in the Kenyan draft policy on culture (2009, p.10), it states that;

Kenya's policy on culture and national heritage is also an affirmation of the government's commitment to protecting the intellectual property rights of performers, artists and creators. In this regard, the government, in line with Article 16 of the Universal Declaration of Cultural Diversity (UDCD) and Article 17 of the Universal Declaration of Human Rights (UDHR), shall strive to ensure the preservation of copyright and related rights in order to promote the growth of contemporary innovation and fair remuneration for creative work while protecting upholding a public right of access to

culture. The government recognises the need to explore ways and means of how innovations and intellectual property laws will assist individuals and communities in achieving their personal, cultural and economic development, with greater international avenues being explored to ensure the protection of Kenya's cultural heritage.

In addition, the National Policy on Culture and Heritage (2009) states: "The government shall create and sustain an enabling environment in which performing arts will thrive and, in particular, shall support creative expression as an effort to revive and revitalise dying languages, traditions and practices".

This study focuses on *Kamabeka* music and dance. Traditionally, the *Kamabeka* dance is owned by the Bukusu community. The Bukusu people are a sub-tribe among other Luhya-speaking dialects that form the cluster of the entire community of the Luhyas, whose cultural home is the former Western and part of Nyanza province (Central Bureau of Statistics, 1996; Wanyama, 2008). *Kamabeka* music and dance is a general celebratory dance and, more often, is practised for entertainment purposes. Apart from serving entertainment, Simiyu (2018) explains that *Kamabeka* dance also embodies cultural norms, values, beliefs, and customs and serves as a vehicle of cultural transmission among the Bukusu people. Therefore, the *Kamabeka* dance is generally a reflection of the cultural and social structure and order that this study refers to as the cultural embodiment of the Bukusu community.

African music and dance idioms have a long history of cultural appropriation, where different styles of dance have emerged over time as a result of various factors such as colonisation, globalisation, and migration. As new generations of dances emerge and travel, they bring with them new influences, ideas, and perspectives that can reshape and redefine the traditional forms. *Kamabeka* music and dance are not exceptions to this reality. Traditionally, *Kamabeka* music and dance were a symbol of the cultural identity of the Bukusu community. However, there is visible evidence that the dance has undergone idiomatic appropriation in the manner in which it is expressed. This is exemplified through borrowed musical instruments from exotic cultures such as Western Europe and dance styles from popular music dance idioms such as *ndombolo*, *kwasa kwasa* and *soukous* that are not traditionally part of the culture, which potentially undermines its cultural identity. The available literature on *Kamabeka* dance reveals that most studies focused on other aspects and less on appropriation, resulting in a paucity of literature. As such, this study seeks to establish the efficacy of the Kenyan cultural policy in the provision of checks and balances since the appropriation process affecting *Kamabeka* music and dance puts the genre at potential risk of total cultural erosion and eventual loss of its cultural identity.

2.0 LITERATURE REVIEW

Cultural policies have existed in several countries around the globe for several decades. More often, their content is informed by the cultural philosophy and objectives unique to a particular country. Drawing from a survey carried out on cultural policy scope globally, appropriation remains a subject of debate. For instance, Beckett (2019) delves into the intricate landscape of cultural policy, providing readers with a comprehensive overview of its various dimensions and implications. Through meticulous analysis, Beckett explores the multifaceted nature of cultural policy, examining its historical roots, contemporary challenges, and future prospects. He emphasises the significance of cultural policy in shaping the cultural landscape of societies, highlighting its role in fostering creativity, preserving heritage, and promoting diversity. Beckett's work serves as an essential resource for policymakers, cultural practitioners, and scholars alike, offering

valuable insights into the complexities of cultural policy in an ever-changing global context.

Bennett and Savage (2017) bring together a diverse range of perspectives on the intersection of cultural policy and a place. Through a number of insightful essays, the contributors explore how cultural policies shape and are shaped by the social, economic, and geographical contexts in which they operate. From urban regeneration projects to rural cultural initiatives, the book examines the complex dynamics of cultural policy implementation at local, national, and global levels. Bennett and Savage's compilation offers a nuanced understanding of the intricate relationship between culture, policy, and place, shedding light on the challenges and opportunities inherent in the pursuit of cultural development within specific geographical settings.

The discussion during UNESCO's (2013) *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* reframed the notion of "protection" as both a right and a responsibility of nations to support the creation of cultural goods and services that reflect their national identities (Yudhishtir, 2000). Nonetheless, this principle has not been fully integrated into the cultural policies of some countries.

In India, for instance, Naregal (2008) argues that ministries responsible for cultural policy tend to be discriminatory, as they prioritise institutions associated with "high culture" by offering awards and prizes to artists and writers, and by promoting cultural diplomacy, while providing comparatively little support to the private film industry. Naregal (2008) posits that despite India being a multi-ethnic country, the government's view of a cultural policy is so narrow that it misses the discourses of nationalism, development, modernisation and how the general citizenship has mobilised different forms of cultural expression. In contrast to Naregal's views, Miller and Yúdice (2002) observe that "a cultural policy is a site for the production of cultural citizens, with the cultural industries providing not only a realm of representations about oneself and others but also a series of rationales for particular types of conduct." The perspectives advanced by these scholars provide a crucial theoretical anchor for this study, prompting a deeper interrogation of Kenya's cultural policy in terms of its holistic coverage of cultural dimensions as defined by Girard (1983), and the nation's responsibility as articulated in the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions—an obligation that remains only partially realized in the Kenyan context.

According to Rentschler (2002), "a cultural policy involves governmental strategies and activities that promote the production, dissemination, marketing, and consumption of the arts." Viewed through this lens, Kenya's cultural policy does not clearly articulate the specific strategies and activities required to support the production, transmission, marketing, and consumption of artistic works. Consequently, many Kenyan artists operate under a "survival of the fittest" paradigm due to the absence of coherent policies and strategic frameworks, a challenge consistent with Rentschler's (2002) observations.

This study endeavours to find out and recommend the best strategies that can be adopted to help improve the environment within the cultural practice of the Kenyan artists, of which *Kamabeka* dance is part. In Singapore, the cultural policy during the 1960s and 1970s focused on how artistic and cultural products could be used for nation-building. It also aimed to avoid the negative influences that were associated with the 'yellow culture' of the decadent West from infiltrating into the Singaporean culture. To reinforce this position, the then minister for culture, Mr Jek Yuen Thong, made a strong statement in a press release on

April 26th 1973: "It is important to have a rich, established cultural tradition, particularly at this time of Singaporean development. This is because there is a danger of our republic being inundated by undesirable influences from the outside world. Already, many young people mindlessly abuse foreign mannerisms. They think that the process of modernisation simply means drug-taking, a-go-go dancing and pornography. Once our youth have adequate cultural anchorage, they will be less prone to these modern excesses" (Shinji Yamashita & Eades, 2003).

The cultural policy of Singapore elucidates the essence of artistic and cultural products in national development. It is also exemplified in the statement by the minister of culture about the role that a cultural policy plays in safeguarding and preserving the culture of her people from erosion and dilution by foreign cultural elements. These aspects are lacking in Kenya's present cultural policy draft. This study shall analyse and determine which aspects of this policy are relevant and applicable in a Kenyan situation and propose borrowing and adoption.

In Nigeria, the cultural policy is designed to benefit the people of Nigeria (Anyanwu, 2019). The policy structure has three parts. Part one deals with the cultural policy and implementation methods; part two focuses on implementation, in which the scope covers education, the arts, tourism, and mobility of the people, as well as mass media and general focus. Part three entails the administration and financing of culture (Anywanwu, 2019). Of significant relevance to this study are the main objectives espoused in the Nigerian cultural policy, which are stated as follows:

1. The state shall conserve and present Nigerian music, dance, and drama in film, video, audio tape, slides, and written form.
2. The state shall establish a Nigerian national troupe whose repertoire shall draw their materials from drama, dance, and music.
3. The national troupe of Nigeria shall be part of the national arts theatre, which covers areas such as fine arts, crafts, tourism, and mobility of people within Nigeria, as well as national parks and sites, monuments, museums, and halls of fame.

The Nigerian cultural policy's focus is explicit. The items of focus are clear, and the implementation strategies are also espoused. This document forms a basis upon which recommendations for the Kenyan cultural policy and Bungoma County may be drawn.

As alluded to in the background of this study, a government Policy on culture, heritage and its practice is an essential tool that provides a regulatory framework within which the performing arts practice, funding, analysis and sustainability are anchored (Singh, 2010). Governments use cultural policy to appraise heritage as a resource and determine how it is used in economic growth, employment, and social cohesion (Yúdice, 2003). In Kenya, the national government does not yet have a cultural policy in force. There is a proposal for a national policy at the draft stage, and it has remained in this position for a couple of years. In this draft document, the clause that relates to dance practice in the National Policy on Culture and Heritage (2009) states: "The government shall create and sustain an enabling environment in which performing arts will thrive and, in particular, shall support creative expression as an effort to revive and revitalise dying languages, traditions and practices". The current draft policy, as it stands, does not provide for how all these aspects will be implemented. Therefore, through research, this study seeks to explore and recommend to the government of Kenya the policy framework and relevant details that can aid the government in achieving the goals as espoused in the draft policy, such as the funding, regulation of the

cultural practices and sustainability of music and dance which are currently lacking in the present draft policy.

3.0 METHODOLOGY

This study is qualitative and adopted a Phenomenological research design. The design is concerned with people's lived experiences. The approach also focuses on the phenomena that impact people's experiences. This design articulates the particulars that identify a happening as experienced by an individual in a particular situation. This design was suitable in that the data collection process was based on people's experiences against the provisions of Kenya's prevailing cultural policy. The target population comprised *Kamabeka* music and dance practitioners as well as custodians of *Kamabeka* music and dance cultural knowledge. Sampling procedures involved purposive (homogenous) and snowball sampling techniques. Through these techniques, a total of 20 respondents were obtained as a sample size. During the interview, the saturation point was reached at the fifteenth (15) respondent. As such, *Kamabeka* music and dance practitioners served as the main respondents, 15, and the remaining 5 were custodians of *Kamabeka* music and dance cultural or indigenous knowledge. The custodians gave information that grounded the findings in the cultural philosophy from a historical perspective. Primary data collection methods comprised participant and non-participant observations, live interviews and focus group discussions. Secondary data was gathered from documents such as books and journals. Data collection instruments included both structured and unstructured interviews, observation schedules, and a smartphone for audio-visual recording. Both Primary and secondary data obtained were subjected to the content analysis method. The findings of the study were organised into topics of discussion, analysed descriptively and presented in prose.

Theoretical Framework

This study adopts the cultural appropriation theory propounded by Rogers (2006). The theory states that appropriation is a process through which a person or a group takes an aspect or aspects that belong to another person, group or culture and makes use of it or them for certain purposes and intentions, especially when cultures come into contact with one another either virtually or physically. These aspects include but are not limited to symbols, artefacts, genres, rituals, dance movements, costumes, musical instruments and technological elements.

4.0 RESULTS AND DISCUSSION

Efficacy of Cultural Policy in the Appropriation of *Kamabeka* Music and Dance Idioms

The main question that guided the interviews in this subsection was: *In what ways does the Kenyan cultural policy address the appropriation underpinning Kamabeka music and dance idioms?* Participants offered varied perspectives. For instance, according to Moses Masafu (personal communication, August 5, 2023), "Indeed, *Kamabeka* music and dance idioms have undergone appropriation. Foreign instruments such as electronic keyboards and Western drum sets, among other Western musical instruments, have been adopted and now form an integral part of the *Kamabeka* instrumental ensemble. This represents a significant departure from the traditional composition of instruments that characterised the genre in the past." The respondent further explained that the current variant of *Kamabeka* music and dance largely fails to embody the cultural philosophy and values of the Bukusu people due to the cultural fusions and hybridity that now characterise the genre.

As a consequence, the respondent argues that it is increasingly difficult to attribute the current form of *Kamabeka* music and dance to the traditional cultural system of the Bukusu people. From the respondent's submissions, it is evident that appropriation has significantly influenced *Kamabeka* music and dance. Notably, these transformations are occurring in full view of the existing cultural policy, which remains largely silent on the implications of such appropriation. This means that little interest and attention has been paid to the aspect of cultural preservation from the policy enforcement perspective. The views of the respondent in the foregoing paragraph resonate with earlier scholars' findings on the effect of appropriation on cultural identity, who argue that cultural appropriation can have complex, often negative effects on social and cultural revitalisation, especially when elements of a marginalised culture are used by more dominant groups in ways that strip them of their meaning, history, or significance (Comaroff & Comaroff, 2009). They opine that when cultural symbols, practices, or items are appropriated without understanding or respecting their meaning, their significance and cultural identity risk being diluted, making it increasingly difficult for members of the originating community to revitalise these elements in ways that meaningfully resonate with their cultural heritage. Similar views are echoed by Nwangwu and Agbo (2021), who observe that revitalisation efforts rely on deep connections to traditional knowledge and practices, but appropriation can erode these connections. For example, when languages, music, or religious practices are commodified, they risk losing their original meaning, context, and purpose. As appropriation devalues these elements, younger generations might feel less compelled to engage in authentic cultural practices.

According to Matayo Wachie (Personal communication, September 10th, 2023), "*Kamabeka* music and dance have significantly undergone appropriation in the idiom of singing, instrumentation and dance activities". However, the respondent puts a disclaimer that he doesn't know that the policy is supposed to speak to this appropriation. The respondent, however, introduces a policy dimension, arguing that "*Kamabeka* music and dance artists continue to suffer from a lack of recognition by the government." This arises from the discriminatory culture existing in the field when it comes to hiring artists to perform in events. As a remedy to this situation, the respondent observes that it should be put in the policy that every artist, regardless of his/her standing in practice, should be recognised and given a fair chance as a way of making him popular, hence increasing and enhancing his chances for performance in events. He contends that the most popular artists are often given preference over their lesser-known counterparts. Consequently, emerging or less popular artists feel perpetually marginalised by event organisers within the performance landscape, a situation that exposes them to social, cultural, and economic discrimination. This would go a long way in improving the social, cultural, and economic situation of the artists. The respondent concludes by explaining that the social and economic standing of artists, in general, can only be improved through policy provisions which are currently lacking.

According to Denmark Simiyu (personal communication, October 28, 2023), "the *Kamabeka* dance of today is very different from that of the past; many elements have changed due to the influence of the digital age." He further contends that "policy enforcers have remained silent on these transformations. It is only the *wazee* (elders) who voice concern in the background, lamenting that *Kamabeka* musicians have lost direction by distorting the genre with new elements." This perspective aligns with Comaroff and Comaroff's (2009) observation on the transformative effects of modernity on traditional cultural expressions.

Absollom Masafu (Personal Communication, November 24th, 2023) argues that " *Kamabeka* music and dance have undergone a lot of changes, though I did not know that there is a policy that is supposed to regulate this". The respondent instead brings in his dimension about the expectations from the policy. He argues that the policy would be more relevant to the industry, especially the artists, if there was a provision to start a music school in Bungoma specifically designed to train *Kamabeka* music and dance practitioners. He adds, "I know of many artists here who do not know music, yet they have also joined the field. Their work is to steal other people's songs and impersonate other artists". The respondent opines that it is only through the training of artists that capacity can be increased for each one of them to compete healthily and favourably in the performance landscape. This will reduce the chances of some of them finding themselves on the wrong side of the law due to ignorance. To actualise this perspective, a policy should be developed to establish a dedicated music school for training artists. Such an initiative would enhance the economic well-being of artists by equipping them with the necessary skills and competencies to thrive within diverse performance landscapes.

According to Wycliffe Barasa (Personal communication, December 28th 2023), " *Kamabeka* music and dance have undergone appropriation because of the attitude of the musicians themselves towards African musical instruments. They perceive African musical instruments as being of lower quality compared to their Western counterparts. It is on this basis that the artists decide to adapt Western musical instruments in their practice. Asked whether he has an idea about the cultural policy and how it would address this attitude, the respondent said, "I am not sure, but I think it will be a big challenge to enforce such an idea because artists are mainly freelance. It is not easy to confine them in one place and educate them". He adds that there is also a big discrepancy among artists when it comes to formal levels of education. Some have adequate formal education, and others do not.

Education

Having the correct working knowledge of a certain area saves one from certain dangers and risks. In this paper, it has been established that artists are largely disadvantaged because of a lack of knowledge. For instance, individuals with limited or no formal education often resist attending sensitisation workshops because such sessions may require note-taking, which they find challenging due to low literacy levels. Additionally, language barriers further discourage participation, as most facilitators use English—a language that many of these musicians struggle to understand. These kinds of dynamics undermine efforts that are geared towards social, cultural, and economic empowerment.

Joseph Kundu (Personal communication, January 24th, 2024) explains that "appropriation has affected *Kamabeka* music and dance. This has largely been influenced by Congolese music and dance. The old generation feels it is wrong while the young generation still embraces appropriation."

Social, Cultural, and Economic Revitalisation

The effect of appropriation on *Kamabeka* music and dance idioms has suddenly spurred renewed interest in the genre. Most artists have come up in the performance landscape with the new appropriated *Kamabeka* music and dance idioms. Besides this, Moses Masafu (Personal communication, August 5th, 2023) argues that *Kamabeka* music and dance in the appropriated idioms are more commercial-oriented than cultural. He

contends that most artists perform for commercial purposes with a view to raising income to improve their economic well-being for their daily lives. However, this objective has never been achieved due to the lack of a well-structured policy of compensation for their performance. As a result, artists feel exploited by cartels and other middlemen in the process. The foregoing perspectives are reinforced by Enwezor et al. (2003), who observe that when cultural symbols or traditions are appropriated and commodified by external groups for profit without benefiting the originating communities, economic support is diverted from those striving to revitalise their traditions and invest in cultural preservation. This diversion often limits access to funding and other resources that could promote authentic cultural expression. Furthermore, Enwezor et al. argue that the commercialisation of sacred symbols or rituals erodes their intrinsic meaning within the source culture, rendering them less authentic and spiritually significant to those seeking to reclaim them. As a possible remedy, the respondent proposes the formulation of a policy outlining a clear framework for financial compensation to artists based on their performances. Such a structured remuneration system would ensure fair compensation, thereby contributing positively to the artists' economic empowerment and the broader social and cultural revitalisation of their traditions.

The respondent goes ahead and indicates that not many artists are aware of the issues of cultural policy and how important such knowledge is to the artist. This means that there is a handicap on both sides – policy and artist. This then calls for community sensitisation on matters of cultural policy to create awareness among the artists so that they get to know why and how relevant it is in their practice. While sensitisation on policy matters is important, David Barasa (personal communication, August 12, 2023) argues that the gaps existing in the current policy would still make it impossible for the artists to benefit from it until it is reviewed to accommodate their sentiments, which perhaps would be beneficial.

Funding

Many of the artists are not economically secure; they desire to have credit facilities to give them a head start to acquire modern music equipment, which they believe, once they get it, they will be able to perform for commercial purposes and improve their social and economic situations through the proceeds from their performances. Unfortunately, the cultural policy does not provide for ways in which credit facilities can be accessed by the *Kamabeka* music and dance artists in this respect. By the same token, the appropriation of musical instruments from exotic cultures has propelled *Kamabeka* music and dance to popularity. This has triggered a spirit of healthy competition among artists who endeavour to acquire modern instruments to gain popularity as well as compete favorably with established artists. It is, therefore, worth noting that competition, supremacy battles and power recognition among artists are contributing to the appropriation process.

Copyright Issues

Kenyan copyright law guarantees certain rights to Kenyan artists. Unfortunately, the majority of the artists appear not to be aware of these rights. They, therefore, suffer some losses out of ignorance. For instance, according to James Wakhungu (personal communication, January 28th, 2024), "Investing in art is very expensive, yet the returns are meager, even in some instances we obtain nothing". Asked why the case is so, the respondent explained that "a lot of challenges are associated with copyright enforcement in the sense that the procedures of copyrighting the works have been made long and expensive, yet many artists often don't have the money required to pay before they are registered under copyright". He observes that "if the government makes copyrighting free of charge, it will go a long way in encouraging more artists to affiliate

with the Copyright Board of Kenya and enjoy the protection thereof". The artist further observed that many artists are still ignorant of copyright and related laws. Some of the issues viewed as challenges are informed by the artist's ignorance of the law and the policy. As a result, it is difficult to measure the relevance or the contributions of the policy towards social, cultural and economic development of the *Kamabeka* music and dance artists under these kinds of dynamics.

Commercialisation

The issue of remuneration is one of the key areas of focus in this paper; for instance, Amos Khisa (personal communication, October 29th 2023) observes that "I think the lives of the artists would be better now by far if there was a clear formula for paying artists". The respondent opines that there should be a formula that determines the amount of money payable to the artist when performing in a public function, such as national public holidays, corporate functions, and private domestic functions. The respondent emphasises the fact that it is only through such initiatives with proper enforcement mechanisms that one will be able to realise the fruits of investing in art, and may now talk about economic empowerment. Otherwise, as the situation is now, the role of the policy is not felt in anything. The artist concluded.

According to Lazaro Masika (personal communication, December 31st 2023), "Appropriation is as permanent as change. Whenever it happens, it should be welcome." The respondent extrapolates this statement by observing that the appropriation that has taken place within *Kamabeka* music and dance is a welcome idea. The new elements that have been incorporated give the genre the "digital" image as opposed to the traditional instruments, which give the genre an "analogue" image. The respondent continues to posit that, in fact, it is because of the appropriation of *Kamabeka* music and dance idioms that the genre has now been given the publicity it has. "Appropriation has, in some ways, been beneficial because it has increased the visibility of *Kamabeka* music and dance compared to the past. However, the major challenges facing artists within this genre include discrimination among performers, brokerage, corruption, and exploitation by politicians who engage them only during election campaigns. If these issues were effectively addressed through policy interventions, our artists would be socially and economically empowered, enabling them to lead more fulfilling lives," the respondent concluded.

The views of the foregoing respondent resonate well with the views of scholars such as Androutsopoulos and Scholz (2003), who argue that appropriation is a process of gainful utilisation of originally borrowed cultural material or patterns of globally available cultural form. Additionally, appropriation can also be seen as a way of celebrating or appreciating other cultures or ideas, particularly when it involves respectful engagement and collaboration. As such, the ethical implications of appropriation depend on the specific context and the intentions and actions of the appropriator. For instance, when appropriation is done respectfully and with an understanding of the cultural context, it can lead to cultural fusion and innovation (Susan, 2005; Ash Sarkar, 2019). This means that when two or more different cultures interact and exchange their elements, new forms of expression, art, music, and dance can emerge, hence enriching the cultural landscape in terms of cultural hybridity and encouraging creativity (Susan, 2005).

5.0 CONCLUSION AND RECOMMENDATIONS

Conclusion: Having considered and analysed the views of all the respondents, the following conclusion was made: The Kenyan Cultural policy does not speak to matters of appropriation in *Kamabeka* music and

dance as it would be expected in an ideal situation. Furthermore, the concept of a cultural policy appears to be strange in the knowledge and experiences of many artists. Pursuant to this position, artists are disadvantaged by policy weakness as well as a lack of knowledge of copyright laws, which would safeguard them against some kind of exploitation. The process of appropriation is still ongoing and affects *Kamabeka* music and dance. The pace at which this is happening is worrying. If the situation continues, there is potential for the cultural *Kamabeka* music and dance to come to an end. On the other hand, the appropriation of *Kamabeka* music and dance idioms is the main catalyst for the popularity of *Kamabeka* music and dance. Modern artists appear to be resonating with this development more, while the custodians of cultural knowledge are opposed to it. The dilemma is to find a balance between the two factions since both exist within the same cultural ecosystem.

Recommendations: A deliberate effort should be made by the Kenyan government to effect cultural policies so that they are relevant to the purpose for which they are developed. The situation arising from this study is that the policy is only on paper and not on the ground. This study recommends more research in the area of cultural policy, education, and commercialisation as strategies to equip artists with relevant awareness to give them the capacity to engage with the dynamics of the industry, such as appropriation, without suffering undue exploitation. There is an ambivalent position taken by two opposing factions. Those who are for and those who are against appropriation. For this reason, this study recommends that the government develop a policy framework that works towards preservation while encouraging positive appropriation, as has been argued by the respondents.

6.0 REFERENCES

1. Androustopoulos, J., & Scholz, A. (2003). Spaghetti funk: Appropriations of hip-hop culture and rap music in Europe. *Popular music and society*, 26(4), 463-479. <https://doi.org/10.1080/0300776032000144922>
2. Anyanwu, C. (2019). Nigeria's Cultural Policy and the Needs of the Performing Arts. *International Review of Humanities Studies*, 4(2). <https://doi.org/10.7454/irhs.v4i2.177>
3. Asante, M. K. (2002). *African Culture: The Rhythms of Unity*. Rowman & Littlefield Publishers.
4. Ash Sarkar. (2019, April 29). Why we need to pause before claiming cultural appropriation | Ash Sarkar. The Guardian; The Guardian. <https://www.theguardian.com/commentisfree/2019/apr/29/cultural-appropriation-racial-oppression-exploitation-colonialism>
5. Beckett, F. (2019). *Cultural Policy: A Comprehensive Introduction*. Palgrave Macmillan.
6. Belfiore, E., & Hadley, S. (2018). *Cultural democracy and cultural policy*. *Cultural Trends*, 27(3), 218–223. <https://doi.org/10.1080/09548963.2018.1474009>
7. Bennett, T., & Savage, M. (Eds.). (2017). *Cultural Policy and Place*. Routledge.
8. Central Bureau of Statistics. (1996). *Statistical Abstract*. Government Printer, Nairobi.
9. Chang, H. -J. (2005). *Bad Samaritans: The Myth of Free Trade and the Secret History of Capitalism*. Bloomsbury Publishing.
10. Comaroff, J. L., & Comaroff, J. (2009). *Ethnicity, inc*, 236. University of Chicago Press.
11. Dils, A., & Crosby, J. F. (2001). Dialogue in Dance Studies Research. *Dance Research Journal*, 33(1), 62. <https://doi.org/10.2307/1478857>

12. Enwezor, O., Basualdo, C., Bauer, U. M., Ghez, S., & Obrist, H. U. (Eds.). (2003). *Under siege: Four African cities – Freetown, Johannesburg, Kinshasa, Lagos*. Hatje Cantz. https://www.documenta-platform6.de/wp-content/uploads/enwezor_platform_4_under-siege_four-african-cities.pdf
13. Girard A (1983). *Cultural development: experiences and policies*, Paris: UNESCO.
14. Kenya Cultural Policy. (2009). *Fostering a National Heritage*. Government Printer, Nairobi.
15. Miller, T., & Yudice, G. (2002). *Cultural Policy (Core Cultural Theorists, 39)* (First ed.). SAGE Publications Ltd.
16. Naregal, V. (2008). Marginality, Regional Forms and State Patronage. *Seminar*, 588 (Talking Theatre). https://www.india-seminar.com/2008/588/588_veena_naregal.htm
17. Nittle, N. (2021). *Intersectionality in Practice: Understanding Identity and Power in Everyday Life*. Publisher: Rowman & Littlefield Publishers.
18. Rentschler, R. (2002). Museum and Performing Arts Marketing: The Age of Discovery. *The Journal of Arts Management, Law, and Society*, 32(1), 7–14. <https://doi.org/10.1080/10632920209597330>
19. Rogers, A. R. (2006). From Cultural Exchange to Transculturation: A Review and Reconceptualization of Cultural Appropriation. *In Communication Theory*, 16(4), 474– 403. <https://doi.org/10.1111/j.1468-2885.2006.00277.x>
20. Shinji Yamashita, & Eades, J. S. (2003). Globalization in Southeast Asia: local, national, and transnational perspectives. Berghahn.
21. Simiyu, R. N. (2018). *Socio-Cultural Significance of Circumcision Songs within a Changing Babukusu Community*. MA. Thesis. Kenyatta University. <https://ir-library.ku.ac.ke/items/a47e27d9-26c9-4aa2-8f1f-8c809751f6aa>
22. Singh, J. P. (2010). *International Cultural Policies and Power (International Political Economy Series)* (2010th ed.). Palgrave Macmillan.
23. Susan, S. (2005). *Who Owns Culture? Appropriation and Authenticity in American Law*. Rutgers University Press.
24. Throsby, D. (2010). *Economics and Culture*. Cambridge University Press. <https://doi.org/10.1007/s10824-011-9138-2>
25. UNESCO. (2013). *World Heritage List: Africa*. UNESCO World Heritage Centre. <https://whc.unesco.org/en/news/1041>
26. Wanyama, M. N. (2008). Dance as a means of cultural identity: A case of the Bukusu *Kamabeka* dance. *Muziki*, 5(2), 213–222. <https://doi.org/10.1080/18125980902797013>
27. Young, J. O. (2010). *Cultural Appropriation and the Arts*. John Wiley & Sons. <https://doi.org/10.5860/choice.46-1293>
28. Yudhishtir, I. R (2000). Cultural policies for development: Tilting against Windmills? In Culture Link, special issue: Culture and Development vs. Cultural Development, K. Epskamp and H. Gould, (eds), Zagreb: *IRMO. Culture Unbound*, 1(2009), 65.
29. Yúdice, G. (2003). *The Expediency of Culture: Uses of Culture in the Global Era (Post-Contemporary Interventions)* (Illustrated ed.). Duke University Press Books.

Personal Interviews

30. Barasa, D. (2023, August 12). Personal communication.
31. Barasa, W. (2023, December 28). Personal Communication.
32. Kundu, J. (2024, January 24th). Personal Communication.
33. Masafu, M. (2023, August 5). Personal communication.

- 34.** Masafu, A. (2023, November 24). Personal communication.
- 35.** Masika, L. (2023, December 31). Personal Communication.
- 36.** Simiyu, D. (2023, October 10). Personal Communication.
- 37.** Wachie, M. (2023, September 10). Personal Communication.