

WORKSHOP ON THE DEVELOPMENT OF THE MUSIC INDUSTRY IN AFRICA

Sponsored by [The World Bank](#) and The Policy Sciences Center, Inc.
Washington, D.C.
June 20-21, 2001

DAY 1

PREFACE:

AMARTYA SEN

WHAT'S THE USE OF MUSIC? THE ROLE OF THE MUSIC INDUSTRY IN AFRICA

Julius Caesar remarked about Cassius: "He hears no music: seldom he smiles." If the Sub-Saharan Africans, thoroughly challenged as they are with many economic, social, political and health problems, manage nevertheless to smile a little amidst much adversity, some of the credit must go to the capacity of Africans to build some joy in their lives despite plentiful causes of agony. Music has quite a role in this remarkable achievement and certainly makes a major contribution to the quality of life in that afflicted continent (as it does elsewhere in our troubled world). In considering the role of the music industry in African development, this must be the first point to note, for development is all about enhancing the quality of life - and about smiling.

Since the language of cost-benefit analysis is more or less obligatory these days, I should translate that transparent thought into justificatory language by noting that the costs incurred in supporting the music industry can produce high returns in terms of quality of life, even if no account whatever is taken of the other benefits that ensue from commercial, political and social contributions that the music industry makes. The contributions to the richness of human lives made by the creative arts - often available free or at little cost - does not figure much in the gross national product (GNP), or for that matter in the Human Development Index (HDI). But that is a problem for the GNP and the HDI, not a reason for the neglect of the creative arts. In the enriching of human lives that development aims at, the augmentation of inexpensive but effective sources of joy and fulfilment has a particularly promising role. Music and the creative arts will never, of course, replace the need for food and medicine, but nor would food and medicine replace the need for the creative arts.

The first point has to be made first, but after having said that, I must also note that the contributions of the music industry to Africa's development extends far beyond the direct contribution that the development of music makes to the living standards and the quality of life of the people. In the list of contributions, a prominent place must be given to the economic returns from well designed programmes of distribution at home and abroad, with adequate protection of rights and entitlements. I am impressed to see in the "briefing book" ([Developing the Music Industry in Africa](#)) how much attention has been given to the diverse aspects of the task of commercial and economic use of the opportunities offered by the music industry, combining safeguards and fairness with availability and access. This can not only be a significant revenue earner (especially for some of the economically marginalized people), but also the support that this will provide to musicians can be expected to play a constructive role in making the industry and the practitioners more secure and resourceful.

A third contribution that must be noted is the part that music plays in the sustaining of old identities and the creation of new ones. People see themselves as belonging to various different groups, related to their nationality, their community, their work, their profession, their language and literature, their political affiliations, their religions. Music not only helps to strengthen the solidarity that group

identities can generate, but can also help to overcome narrowly divisive groupings that tend to split up a culture into battling groups along the lines of artificially sustained "separations." Music is not only a great harmonious influence in general, it can also assist in sustaining broad cultural solidarity and to some extent even help to resist the inter-group rivalries that cause so much bloodshed in Africa (and elsewhere). Music has played a uniting role in the lives of African Americans, both in the north and in the south of America (including the Caribbeans), and the integrative contribution of culture in general and music in particular must not be neglected for Africa itself.

Fourth, music is not just entertainment, but also dialogue. It is not surprising that music has often been at the vanguard of protest movements and in general has tended to give some voice to the voiceless. The destituted and the marginalized can use music as a vehicle of communication and expression, and a well-developed music industry, with firm channels of transmission, can give eloquence to voices that are otherwise muted and muffled.

The development of the music industry in Africa can, thus, make many distinct but interrelated contributions to economic development, social change, political cohesion, and cultural progress in that struggling continent. I am pleased to see that much thought has gone into making this promising and critically important project a success, and I very much hope that there will be a triumph here. Certainly, a triumph would be much deserved. It is also greatly needed.

THE RATIONALE

PAUL COLLIER

DIRECTOR OF THE DEVELOPMENT RESEARCH DEPARTMENT
THE WORLD BANK.



The economies of most African states are desperately small. Moreover primary commodities dominate their economic structure. This has not changed in the last 40 years. Forty years ago, about 80% of these countries export earnings came from a handful of primary commodities; it still does.

This is a desperately dysfunctional structure of export earnings. It is massively shock-prone. Even the best-managed economies have real difficulty handling short, sharp shocks, booms and crashes. These aren't the best-managed economies in the world and so they are faced with the most difficult problems, and they typically mismanage them. This has long-term consequences.

Secondly, primary commodity dependence makes a country much more prone to civil war. If primary commodities loom very large in an economy, then, rebel organizations batten onto that as a source of income, and the government hasn't any alternative to offer, and so you have a very high risk of civil conflict.

At the practical level, the music industry has the potential to have a big impact on economic structure precisely because these economies are so small. You only need one or two real successes--you only need a Nashville--and you have transformed the export structure of an economy away from primary commodity dependence, and that will have major effects.

There is also a psychological level. This is really important. Africa has to be seen to be succeeding in activities that have some glamour about them if it is to retain its own bright young people. At the moment, bright young Africans are leaving the continent. They are all over America. A vision that will retain bright youth in productive activities within Africa is essential. Another important psychological dimension is that until now, Africa has really not participated in global economic institutions. We need to be able to show how the new international economic architecture is relevant to Africa and that Africa can benefit from being part of it.

The music industry has a potential for that. It has the potential to be a very visual practical image in turning a poor society around. The Nashville example is potent here in showing how a poor locality can be turned around. That is the sort of thing that can capture the politicians' imagination. If we can help create that momentum we will also be showing that engagement with the international institutions is worthwhile for African governments, and they should pay attention and get involved. So, for both economic and psychological reason this project is really important.

INTRODUCTIONS**J. MICHAEL FINGER**

LEAD ECONOMIST TRADE DEVELOPMENT RESEARCH GROUP
THE WORLD BANK

Poor countries have taken on obligations under the World Trade Organization and the Uruguay Round agreements that at first glance have limited relevance to what they are doing. There is no sense of ownership. There is no identity with these new regulations and instruments being important for bringing out and advancing the interests of these countries.

For this reason, the Netherlands-Bank Partnership has approved a small project to begin to find real development examples in which we can, on the ground, put something together that has obvious value to poor people. The aim is first to enhance their well being, and then begin to accumulate the on-the-ground, trial-and-error experience. This could give these people some understanding of how, in our case here, intellectual property relates to their own economic interest and provides the base eventually for them to advance within the World Trade Organization. In this way the World Trade Organization will become an instrument not just for sharing the experiences of the advanced countries but a complete organization, which also provides the basis for bringing out and sharing the interests, the problems and the challenges of the poor countries. This means that they can come to the World Trade Organization as armed with experience and expertise and to represent their interests as well as anyone.



TIA DUER

NEW BUSINESS DEVELOPMENT LEADER
SOCIAL DEVELOPMENT DEPARTMENT
THE WORLD BANK



My group coordinates the work across the whole Bank Group on culture and sustainable development, in effect the mobilization of cultural assets for poverty reduction. Part of the work is to support the development of cultural industries in developing countries.

The purpose of our group, really, is not to do work ourselves so much as to stimulate the work across the Bank Group and work with all the different task team leaders, putting expertise to bear, organizing consultative meetings to move the agenda ahead. Over the last two years The Policy Sciences Center has been operating as an R and D wing to the Culture and Development Program of the Bank, so we are particularly delighted to have the chance to move into this new area with their help and leadership.

FRANK PENNA

MANAGING DIRECTOR OF THE POLICY SCIENCES, INC AND THE

DEVELOPMENT GRANT FACILITY FOR CULTURE, NEW HAVEN, CT

- The Policy Sciences Center and its origins at the Yale Law School; the Development Grant Facility for Culture and its twin purposes of piloting activities that can become World Bank loans and then disseminating those lessons to Bank staff.
- Three Cultural, industries sectors that have emerged in the DGF that can enhance culture and alleviate poverty. The community-based tourism industry (\$100 billion per year), the crafts and design industry (\$30 billion per year), and the music industry (\$40 billion per year).
- The Nashville Experience as a model of a music industry moving from poverty to billions of dollars a year in income.. The contract with the lack of a reggae industry in Kingston, Jamaica. Commentary by David Sanjek, Director of Music Archives, BMI, Nashville, Tennessee (guest).
- The uncertainty surrounding the whole subject of music industry development in the developed world as well. The clash between intellectual property legislation and cyber space.
- An overview of the day's agenda.
- The need to use laymen's language and not technical jargon in order to communicate with our audience of Bank loan officers and managers.
- This is a closed meeting, with no press coverage not under our control.



Michael J Finger noted that the developing countries have agreed to certain intellectual property provisions of the Uruguay Round, and that unless they see some benefit in them for themselves, this law will not be authoritative. Two of the founders of The Policy Sciences Center, Harold Laswell and Myres McDougal, once wrote: "Law is a matter of authoritative and controlling prescriptions." In other words, "controlling" means that the ruler has power over the ruled; but "authoritative" means that those who are ruled believe that the law is worth following. And as a political philosopher said: "Even the King must sleep."

This is where the Nashville experience could be useful. Nashville went from being dirt-poor before 1940, to an affluent center. This followed the development of the country music industry there. Nashville now literally produces billions of dollars a year in State and local income.

PARTICIPANTS:

DAVID SANJEK,
DIRECTOR, BMI ARCHIVES, THE NASHVILLE EXPERIENCE

One of the notable features of the music industry in Nashville is its physical integration. Recording studios, publishing companies and performance rights agencies are literally within eyeshot and in some cases virtually earshot of one another. This is a physically integrated landscape. BMI (Broadcast Music Inc) and ASCAP (The American Society of Composers, Authors and Publishers) collect performance royalties from broadcasters, concert promoters and the like on behalf of composers and publishers. When BMI was founded in 1940, the members of ASCAP were principally urban-based songwriters writing songs for the sheet music community, the theatrical stage and then the film industry. What is generally called America's "national vernacular music"--blues, jazz, country music, later rhythm and blues, and for a period of time, rock 'n' roll--was not represented. Through an accident of fate – a broadcasting dispute– when BMI was created it came to represent those interests. It, as it were, grew in parallel with Nashville, as Nashville became an increasingly important country music performing, recording and publishing center. That several related things happened in Nashville has been crucial to its development. In tandem with cultural activity, and activity generated by industrial forces, there was also a variety of institutions that helped make Nashville, as the sign at Nashville airport puts it, "The Home of Country Music." It is the existence of these other institutions, such as BMI, which are as important as the economic structures

that allowed the cultural activity to flourish initially. It was these that make Nashville a global enterprise, and also to allow the creators to be rightfully compensated. If we are to help in creating a Nashville in Africa we must also help create a music industry infrastructure.

GERARD SELIGMAN

SENIOR DIRECTOR OF HEMISPHERE AND SPECIAL PROJECTS (world music) FOR EMI RECORDS, LONDON, ENGLAND

- How record companies make money: profit on manufacturing and distribution; disk sales; re-compilation rights; air play; synchronization on ads; films and television.
- How artists make money: royalties on disks sold; royalties on air play; synchronization and performance.
- How publishers make money: royalties on disks sold, royalties on air play, synchronization, and performance.
- The high risk nature of the business: the ratio of success to failure; long term investment; high profit from a success and the value of back catalog.
- For each of the six countries: the market trends and potentials per type of music. The market for the Congo for a later stage



THE MARKET FOR AFRICAN MUSIC

Record companies (who are usually music publishers as well) are essentially copyright producers and owners. They own the rights in the actual recording and make money by creating, manufacturing, distributing and marketing these copyrights. Later, record companies make money through recompilation rights. A successful song has a life beyond the actual record that it was first issued on. So of course, a single can sell, but not only that, if something crosses over, it often appears on its compilations. Youssou N'Dour from Senegal had a very big hit with a song called *Seven Seconds* and that song made far more money for him and for the record company on compilation albums than it did on the album from which it came. Record companies also earn significant revenues from back catalog sales, because when something is successful once and finds its audience, it tends to have an extraordinarily long life through reissues. Finally, as copyright owners record companies license that recording to other companies which pay them a royalty.

Artists make money from soundcarrier sales. They receive a royalty on each sale. Composers and authors (who are often artists as well) receive royalties for the various uses made of their compositions. These include recordings (for which they receive a mechanical royalty) and the live performance and broadcasting of the compositions, for which they receive performance royalties. Generally music publishers to whom authors/composers license their compositions represent them. It is the publisher who seeks commercial opportunities for the work. Some little known areas of the music business can be very productive for authors/composers, artists and copyright owners. When the Rolling Stones licensed the synchronization rights of *Start Me Up* to Microsoft, they were paid over \$1 million just to use that song on an ad campaign. The same, albeit not quite at that commercial level, has happened with African music. In the UK, almost surreally, a Heinz commercial was broadcast showing a very white English family sitting around the table having a meal to the sound of a Ladysmith Black Mambazo song. As result of that, Ladysmith Black Mambazo sold 800,000 units of the *Best of* album in the UK.

The world music phenomenon, in which people from the West embrace (generally ethnic) musics from outside their own culture, is something that has been growing exponentially. Several African artists have experienced sales of up to 1million and more still in the 100,000 to 200,000 range. However, there is little hard information on the size of the market for African music, either inside or outside Africa.

In broad terms a compilation album of African material generally sells between 15,000 and 25,000 units globally, with a little more in France. France is the best market in the world for African music, largely because it has the benefit of a huge expatriate community of West Africans and Central

Africans. As is the case anywhere, any type of music sells most to people whose cultural experience it represents. The size of the market, what artists and types of music sell is described in great detail in the paper.

The great limiting factor on the sales of music within Africa is piracy. There are some markets that, at a conservative estimate, are 50% pirate. Almost no country in Africa has a piracy level of less than 25%. And some estimates for West Africa suggest the piracy level is as much as 85% to 90%. A further problem for artists and composers is that they often sign away their rights to the music. They do this because there is not a good, strong system of collection societies which ensure that royalties are collected and paid. Thus, whereas in the West artists seek an both an initial advance and royalties on subsequent record sales, in Africa because artists have no expectation of receiving any royalties from record sales –because of piracy and the inadequate collections of royalties -- they expect a bigger single up-front payment. This one-off payment system creates problems for international companies. They have the expectation of a lower initial advance, and then, of course, the expectation to pay the royalties. Thus, they expect the artist to work together with them to sell the album. However, for an artist who is just getting a one-off payment, the only way to make money is by recording the absolute maximum number of albums and doing as many of these deals as possible. This makes it very difficult to build a career with a record company. To market an album a record company will want to work on it for at least a year. But often the artist will have made more than 10 albums a year for different record companies, taking one-off payments rather than the promise of royalties that historically have only rarely been paid.

What makes this situation even worse is the plethora of dishonest producers and corrupt or incompetent managers. Because there is no professional music business in most of Africa there are few professional managers. This can have an impact on an artist's career. Since artists don't make very much money from record sales they make most of their money from touring. And to tour, you have to have good artist managers and good tour managers.

The challenge is, working with local producers, local labels and local artists in Africa to try to establish a structure in which everyone, from record companies to artists, composers and authors receive due payment without stifling this enormously dynamic and very creative scene.

(paper available: [click here](#))

JOHN COLLINS

PROFESSOR OF MUSICOLOGY, UNIVERSITY OF GHANA, ACURA, GHANA

- Current structure and function of the music industry sector in the six countries, in terms of copyright legislation, collection society institutions, music unions, and technology.
- The potentials for music performances for tourists and domestic sales.
- The case of Ghana as an illustration.
- Piracy of music in Africa, its pros and cons, and policy options.

THE GHANAIAI EXPERIENCE

The cultural differences between the French-speaking West African countries, such as Mali and Senegal, and the English-speaking African countries are a partly a result of the colonial policies of the British and the French. The French attached their colonies much closer to the metropolis than the British who followed a policy of indirect rule. This meant ruling through chiefs, emirates and other traditional authority figures, while the French had a system of direct rule, ruling the colonies directly from Paris. This has had a double consequence on the development of African music in the two areas. After liberation the English-speaking countries went their own way and tried to create their own industries, whereas in the French-speaking countries, remained tied to Paris. Thus, a lot of musicians from the Congo, Senegal, Mali etc, for instance, go to France to record.

This has created a situation where the amount of music of French speaking Africa in the world soundcarrier market is far greater than that from English-speaking Africa. Moreover, whereas both Ghana and Nigeria tried (and largely failed) to create their own record industries after independence, the former French colonies didn't seek to establish local record industries. Musicians from the colonies simply went to France to record. One further result of this is that the music of artists from these territories, because they record in France, is often more sophisticated, more cosmopolitan and more accessible to western audiences.

In Ghana the youth have moved away from live performance to high technology music. They are convinced that high-tech rap in the local vernacular is the thing at the moment. For young musicians in Accra (or Lagos or anywhere), do not need to have bands anymore, they can simply go into a recording studio, buy a pre-programmed rhythm, chant over it and make a rap single. Unfortunately, although this music sells on the local home African market is very difficult to export this music. This means that they are missing the huge world market outside the country. The reason for this is that part of the appeal of World Music in the West is as a reaction against techno-pop itself, that is music created largely by drum machines, synthesisers and computers. World Music fans prefer various forms of global folk, live feel and unplugged music to the canned variety. Thus, just as the youth of America and Europe are becoming interested in African popular and traditional music, that same music is falling out of favour in Ghana itself. In Ghana live drummers and horns-men are being put out of work. Synthesisers are replacing them.

The high level of political corruption in the 1970s led to the collapse of the economy so that the major international record companies pulled out of Ghana and there was an exodus of Ghanaian musicians abroad. In the 1980s the curfew ended the live music scene for almost three years and then when the beginnings of economic recovery came in 1985-1986 the government overtaxed musical activities. They put 160% import duty on musical instruments and dis-allowed tax waivers for private companies for sponsoring artistic or cultural event. This means there is no encouragement for private businesses to sponsor artistic events and it had become almost impossible to run live band or clubs that cater for them.

As a result, music in Ghanaian popular music has moved away from the live recording and performing format of earlier local popular music styles (such as highlife) and into two directions. One strand was cheap to run and perform techno-pop (and mobile discos) which, as described above, does away with the need to run a full band or employ musicians. The other is the local churches, which coincidentally have recognised popular dance as a legitimate way of worshipping God. Moreover they pay no import duty, entertainment tax or income tax - so that around 50 percent of Ghana's popular music output has gravitated into the church (as local gospel).

Thus basically the live commercial (cf. sacred gospel) popular music scene has been wiped out and it is difficult now in the big cities to find live performance venues. The only commercial groups that ever make it in Ghana now are the techno-pop bands groups that due not have the expense of buying instruments or paying large groups of musicians. Furthermore they can make foreign money by going abroad to play to Ghanaian expatriates in Toronto, Washington or wherever (2m Ghanaians live abroad). However, they are playing the computerised forms of techno-pop, which, although popular with overseas Ghanaians, are not popular with foreigners' abroad or those coming to Ghana as tourists. As already mentioned foreigners interested in World Music want to hear an African content, real drums instead of drumemulators, real horns instead of synthesisers. So despite of young Ghanaians having convinced themselves that they have created an international genre – that uses foreign gadgets and is taken abroad (but only to Ghanaians) , Ghana's current crop of computerised popular music (Burgher Highlife and more recent Hip-Life) is not reaching the booming world market for African music which is now around 1.25 billion dollars a year.

Furthermore, there is currently a very low Government priority for the music sector and little appreciation that the current international interest in African and World Music makes Ghanaian popular music (of the non-computerised variety) a potential export and foreign exchange earner for Ghana. As it is, and in addition to the lack of tax incentives/waivers for the music industry already referred to , music has been removed as a core subject from the school syllabus, there is no full Ministry of Culture (just a Commission that is not represented at cabinet level) and the performing arts do not feature at all in the *Vision 20/20*, programme which promotes the idea of Ghana becoming a middle-grade income country in 20 years' time. There is, however, one positive sign of government interest which is that over the last three years Vice President Mills has set up several probes into certain area of the music industry concerning copyright.

The administration of copyright itself in Ghana is erratic and has been plagued with various disputes. One is between the contesting functions of the musicians union and the government Copyright Administration. Another (described in detail in the full presentation of John Collins) is the creation of Folklore Board linked to the Copyright Administration that in 1996 began insisting that Ghanaian who commercially use their own folklore, should be charged and obtain permission from the Government (i.e via the Board itself). Besides adding yet another tax to the internal music industry this will act as

a dis-incentive to those Ghanaians who want to creatively develop and re-cycle their own culture. They should rather be encouraged for both internal cultural reasons and because, as noted, there is an enormous world market for African 'cultural dance music.

A further problem in Ghana is that although numerous FM radio stations have sprung up in the last five years or so these rarely pay for the use of copyrighted material and several FM stations do not even carry announcements about the songs that they play. They rather play the whole record, thus encouraging people to tape them. As a consequence cassette sales have slumped.

During the later 1980s, there was an attempt in deal with this whole problem of cassette duplication piracy by legalising piracy through the Tape Recorders Association, which comprised some 1,000 cassette duplicating kiosks-owners who wanted to become legitimate. They briefly made a deal with the Copyright Administration and one of the local record producers' unions and actually paid a considerable amount of money to the Copyright Administration as royalties for composers, artists and producers. However that attempt to turn pirates into legitimate businessmen and so create a local cottage music production industry based on an appropriate (ie cassette) technology was not successful because of the opposition of entrenched interests. And the local Ghanaian music industry lost these innovative business entrepreneurs to the second hand car parts and other less contentious trades.

(paper available: [click here](#))

COENRAAD VISSER

PROFESSOR OF LAW, UNIVERSITY OF SOUTH AFRICA, PRETORIA, SOUTH AFRICA

- Explanation of copyright and performance rights legislation.
- The TRIPS Agreements and the two WIPO Treaties of 1996.
- Alternatives for copyright legislation under the TRIPS Agreement and WIPO Treaties for the developing countries as of January 1, 2000.
- Alternatives for copyright legislation for the least developed countries under the TRIPS Agreement and WIPO Treaties as of January 1, 2005.
- Protecting the rights of performers as well as composers.



THE LEGAL FRAMEWORK.

There are at least five rights-holders who can make money out of a sound recording: the composer of the musical score, the author of the lyrics, the publisher of the score, the performers of the work and finally the producer of the sound recording. Composers, authors and publishers are all protected by technical copyright. Neighboring rights protect performers and producers of sound recordings. The copyright regime is based on the Bern Convention and the neighboring rights regime on the Rome Convention.

The Bern Convention grants both economic and moral rights to the authors of artistic works, including musical works. Economic rights of exploitation include the rights to the production, public performance and broadcasting of a work. The Bern Convention also protects two moral rights, the author's right of paternity or attribution, and the right to maintaining the integrity of the work. The Rome Convention grants economic rights of exploitation to producers of sound recordings, so they also have rights to authorize the production and public performance right. However, it does not make any provision for moral rights for either producers or performers. Moreover under Rome, performers do not have exploitation rights; they only have rights to prevent certain actions.

The Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement of 1994 marks the first step in strengthening these rights. The TRIPS agreement basically preserves the distinction between copyright and neighboring rights. It incorporates the substantive provisions of the Bern Convention but not its moral rights provisions. Thus, while TRIPS requires countries to grant authors economic rights of exploitation, it does not require them to implement moral rights. This means that there are

still problems with regard to an author's rights of attribution and integrity. In the neighboring rights section, TRIPS follows The Rome Convention in providing exclusive rights for producers of sound recordings, but has only weak protection for performers.

If one looks at TRIPS and the TRIPS negotiating process from the perspective of a developing country in Africa a number of things stand out. TRIPS was driven by a group of developed countries, mainly three interested parties--the United States, Europe and Japan--acting again on a drive by certain multinational rights-holders. And the drive was to strengthen and to raise the level of protection of intellectual property in general. The drive behind TRIPS came from developed countries and not from the developing world. Secondly, the TRIPS agreement and the model of intellectual property protection in the TRIPS agreement is completely foreign to the model of intellectual property protection in developing countries, especially in the African countries. The TRIPS agreement and the moral protection at its center form part of a Western model of individual rights. The traditional protection of intellectual property in African countries is based on collective rights. It is vitally important to show to African countries that there is something in TRIPS for them, otherwise they will have no reason to move toward a new paradigm for intellectual property protection.

During the TRIPS negotiating process, developing countries and the least-developed countries were persuaded to buy into the process with promises that there would be a payoff. That payoff would be transfer of technology, which is an obligation in terms of the TRIPS agreement, Article 66.2, which has not happened, and that there would be increased foreign investment in developing countries, which also has not happened. There has to be some way to make these countries more amenable to TRIPS implementation and to what TRIPS means, and they have to be shown that there is some benefit in that for them. If one was to do a "foreign exchange" economic study of the effects of TRIPS implementation in developing countries the net economic effect is an outflow of foreign exchange. Under TRIPS developing countries will have to pay, for example, royalties to overseas copyright holders for use of patents and such things. This means that at present it is an economic cost to developing countries in Africa to implement TRIPS. That has to be turned around. It is not only a culture change that has to flow from TRIPS implementation. There also has to be some kind of economic benefit to underdeveloped (African) countries.

TRIPS also represents the realization that it is not enough to have the rights on the statute books. There must be a way to enforce these rights effectively. Accordingly, TRIPS sets certain performance standards--that the enforcement of intellectual property rights has to be efficient, that there have to be adequate remedies, and so forth. This has an economic impact on the developing countries. In a legal system with scarce resources it requires some of those resources to be directed towards intellectual property disputes. TRIPS also requires criminal sanctions to prevent copyright piracy. This requires developing countries to invest economic resources in investigating cases of copyright piracy and prosecuting those cases in the courts. In countries where the protection of life and property is the prime concern of the criminal justice system, TRIPS adds both an additional burden to the criminal justice system and an additional economic cost to the general administration of justice. Two treaties were concluded at the end of the December 1996 conference convened by the World Intellectual Property Organization (WIPO), the WIPO Copyright Treaty (WCT) and the WIPO Performers and Performances Treaty (WPPT). WCT, like the TRIPS agreement, incorporates the Bern Convention, but this time includes the moral rights provisions. So the new copyright regime, then, provides not only for economic rights of exploitation but also for moral rights for authors. WPPT similarly grants exclusive rights to performers and producers of sound recordings. So with regard to sound recordings, performers' rights have now been upgraded to be economic rights. Since the producers of sound recordings retain the strong rights already enjoyed in terms of Bern, there is now a convergence of these rights on the level of exclusive rights. In the case of performers now, the WPPT adds moral rights. Performers now also have the right of attribution and the right to the protection of the integrity of performances.

Both treaties recognize the reality of the Internet environment. The moment the work is made available on the Internet, it can easily be cloned. Since it is virtually impossible to police copying on that scale or of that nature, probably the most important right that any right-holder can have is the right to control the making of a work available on the Internet. That is now a special, exclusive right, which is granted to authors and to holders of neighboring rights. An author has to consent to making his work available on the Internet, in the same way that a performer or the producer of the sound recording has to consent to making the performance or the sound recording available on the Internet.

WCT and WPPT also protect the technological measures, such as encryption processes, designed to prevent unauthorized copying of works on the Internet. The treaties say that countries must also enact legislation that makes it unlawful to bypass encryption procedures.

WPPT also offers limited protection of expressions of folklore. The definition of the term "performer" in WPPT includes performers of expressions of folklore. One of the rights given to a performer in terms of the treaty is the right to consent to the recording of a live performance. This means that when the treaty enters into force and is adopted in member states, it would no longer be possible to go into a country and make recordings of performances of expressions of folklore and then commercially exploit them without the consent of the actual performer. This would also apply to the modification of these performances, which is one of the objections often heard from performers of folklore. Thus recordings made, for example, of ceremonies of religious consequence to the performers could not be later used in a completely different context, which might be sacrilegious from the perspective of the performer. This is an important start toward protecting expressions of folklore. Nonetheless, folklore doesn't really fit into the copyright paradigm. There often is no identifiable author. Moreover, the limited duration of copyright protection--life plus 50, or life plus 70 years—means that usually most folkloric works have already passed into the public domain anyway. A second problem is the issue of enforcement. These are individual rights which have to be enforced individually, which means that there is almost an assumption being made that authors or other rights-holders have the economic means to enforce these rights, which is a fallacious assumption. With regard to this one might look at the collective enforcement and/or administration of rights as one option. The third problem is the inequality of bargaining power when performers and authors enter into agreements in terms of which they basically sell their rights, exploitation rights, to others. Again the solution here seems to be some kind of collective bargaining, through a musicians' union or an authors' society.

JEROME REICHMAN

PROFESSOR OF LAW, DUKE UNIVERSITY, DURHAM, NORTH CAROLINA



- Problems of protecting folklore including ownership and distribution.
- Alternative regimes: paying public domain and compensatory liability regimes for non-copyrightable elements of music.
- Problems of enforcement in relation to TRIPS.
- Problems of fair use exceptions.

Professor Reichman offered a highly theoretical account of the concept of compensatory liability legislation, which he presented as a possible alternative to copyright law. This summary only includes reference to his comments on folklore and "The paying public domain principle", which is of particular relevance to Africa.

THE IMPORTANCE OF PUBLIC DOMAIN MUSIC

Folklore can be protected. The question is how. Although from a European point of view, there is no individual author of folklore, copyright law can cover most commercial applications of folklore through the principle of broad protection for derivative works. That doesn't solve the problem for pure folklore, but there is a very narrow market for pure folklore. The commercial market wants applications or arrangements or adaptations of folklore that modify and personalize it into some sort of derivative work that builds on an underlying work that has recognizable folklore elements. It is the arrangement not the underlying folklore that can be copyrighted. This means that a competitor has to create or commission an adaptation of his or her own. That takes time and money.

Moreover this model also creates problems of remuneration, control, and cultural degradation. The remuneration problem is that the personal elements added to the underlying work would attract 100 percent of the revenues, and nothing returns to the community, whose contribution might be the dominant element of the work. The control problem is that the community that generated the folklore loses control over its uses and application, even when these are sacred or secret or a part of their

value system, and that leads to cultural degradation.

Pure folklore must be protected in some way. There is such a way in Europe, "the paying public domain principle." In Europe a performer has to supply the national authors' society with a list of songs he or she performs at a concert, so that the author/composer/publisher can be recompensed for their works being performed in public. Thus in Italy the collection society SIAE compares the works performed to its master list of works and each match produces a small amount of money that is eventually sent to the relevant party. A public domain song is treated exactly the same as a work that is in copyright -- the difference is that because it is not in copyright that money cannot be allocated to a holder and thus it goes into a different box. Unfortunately that public domain money is too often mis-used. However, it is collected and requirements could be made upon authors' societies to use public domain money, or a set proportion of it, for the benefit of the public domain/folkloric community. This would require a detailed registry of folkloric elements and probably some special section within the collection society to represent the interests of the folkloric communities that are involved.

PHIL HARDY

FOUNDING EDITOR OF MUSIC & COPYRIGHT, LONDON, ENGLAND

- What a collection society does; how it works with record companies and individuals
- Should collection societies collect royalties for performing artists, such as The Association of United Recording Artists in the UK?
- The options for collecting society organizations as private organizations (for-profits and not-for-profits as in the U.S.) or governmental organizations (as in Europe).
- The best organizational options of collection societies for Africa. Should there be a regional hub in South Africa? Should there be a police power as there is in Italy?
- The technical options for collection societies such as BOT technology (search engine for musical performances with unpaid royalties).



THE COLLECTION SOCIETIES AND AFRICA

Composers and lyricists (and the publishers to whom they license their works for commercial exploitation and share their revenues with) receive two sets of royalties. Mechanical royalties are due on the sales of a soundcarrier containing the work, and performance royalties are due on the public performance of a work, either in live performance or via broadcasting. If they are also artists they will also receive royalties from their record company. The collection of mechanical royalties is easy and relatively cheap. It comes from one source, the record company, which sees itself as a copyright creator (rather than a mere user) and, accordingly is far more copyright friendly.

Historically, record companies paid publishers their share of the mechanical royalty direct. The collection societies (which evolved around the performance right) only became involved with mechanical rights later. This was generally for reasons of administrative ease and to give greater leverage to copyright holders through the representation of their rights by a single body. An even newer system was created recently in South East Asia. There was no infrastructure in place for the collection of mechanicals and copyright provisions were inadequate. In response, publishers and record companies created a Memorandum of Understanding (MOU) to deal with the issue in 1994. The MOU set a uniform rate for mechanical collections at 5.4% of published price to the dealer in Korea, Taiwan, Indonesia, Thailand and the Philippines, with discounts in some territories for the first years of the agreement. The system works. However, the rate agreed is lower than that where it is achieved through collective bargaining, as in Europe, and is set to remain so. Performance royalties are more costly to collect: performances have to be monitored and tariffs have to be negotiated with broadcasters, who as copyright users – but not producers – see such royalties as a cost they want to keep down. One way of doing this is not to pay.

The total value of music publishing revenues collected in Africa in 1997 (the last year for which

figures are available) was \$30.3 million. This accounted for 0.43% of the global value of music publishing revenues in 1997 (\$6299.58 million). Of that \$30.31 million, \$29.663 million (98%) was collected in South Africa. However, there is no detailed information available on several African countries (such as Ghana, Mozambique, Senegal, Mali, Nigeria and Angola) is wholly understandable. This underlines the paramount importance of collecting more and better information about the situation in Africa. Without this it is difficult to make educated decisions. Mechanical income accounted for 35% of the total of \$30.31 million for the whole of Africa and for the same percentage, 35%, of the music publishing income in South Africa. Generally, across the world as a whole, 40% of music publishing revenue is mechanical, and about 40% is performance. The reason why the ratios are lower in Africa is piracy.

In 1997 the retail value of soundcarrier sales in Africa, according to international record industry association, IFPI was \$260.7 million. This represented 0.68% of the global value of soundcarrier sales (\$38,616.3 million). Of that figure, \$222.1 million (85%) was collected in South Africa. In 1999, the retail value of soundcarrier sales in Africa had fallen to \$193.8 million. This represented 0.5% of the global value of soundcarrier sales (\$38,509.5 million). Of that figure, \$181.4 million (95%) was collected in South Africa. The ratio of the size of the African music publishing industry in 1997 compared to the global publishing industry (0.43%) is more or less the same as that of the African soundcarrier market relative to the global soundcarrier market (0.68%). In both the music publishing and soundcarrier markets the relative size of the South Africa, as a percentage of the rest of Africa is more or less the same (98% and 85%).

One significant factor affecting soundcarrier sales within Africa has been widespread piracy. Throughout the 1990s poor or non-existent copyright laws and weak and non-existent enforcement, coupled with weakened economies, made it almost impossible to implement effective anti-piracy measures in Africa. As a result several major international record companies have pulled out of Africa and as a result of that IFPI now has far less detailed knowledge of the African soundcarrier markets than before. According to its survey of soundcarrier piracy in 1998, IFPI reported that the level of domestic soundcarrier piracy expressed as a percentage of the legitimate market was over 50% in Kenya and Nigeria, between 25% and 50% in South Africa and Zimbabwe and between 10% and 25% in Ghana. Most observers suggest that the levels of piracy are in fact far higher. The rising levels of piracy within Africa confirm that unless an organisation or company is present within a market, it cannot take significant action against piracy.

A pan-regional initiative could help fight piracy and give greater strength to individual societies. There have been moves recently in the area of co-operation between societies. Four Scandinavian societies have created NCB as a hub society that collects the mechanical rights on behalf of all the individual Scandinavian societies. The Scandinavians also set up NORDOC, which is a similar hub database for the performing right. Similarly in May four Caribbean performing rights societies created the Caribbean Copyright League (CCL), which will operate as a back office and database for the various societies. CISAC, the international trade association of authors' societies and organizations, currently runs training and assistance programs in Africa. However, it is unlikely ever to have the funds or time to transform the various African authors' societies into modern professional ones. A related problem is that in Africa there are a number of societies where corruption is a significant issue. Historically corrupt authors' societies have tended to be those run as government monopolies, rather than as member-owned societies, as were authors' societies of the former Soviet Bloc.

Within Africa, South Africa is a more important music publishing territory than it might seem. Traditionally when a publisher assigns his rights to a South African representative, he assigns the rights for what has been called "historic South Africa". This includes Namibia, Zambia, Swaziland and Botswana. In Central and Northern Africa very little mechanical revenues are collected. In the Francophone territories, where the authors' societies collect the mechanical and performance right, the societies are generally quasi- governmental organisations. There are two important issues specific to the music industry in Africa. Firstly, large numbers of musicians have died from AIDS. One thing that African societies do, bearing in mind the poverty levels of their members, is to offer funeral grants. That is considered by European societies to be a social deduction made from revenues that should be remitted to members. Since they are under threat about such deductions in Europe, they find it difficult to license their material to societies that make such social deductions. One result of this is that a lot of international repertoire is unrepresented in some African territories. As a result broadcasters often don't pay for the use of international repertoire. It is important to find some way

for these funeral grants to be accepted as a legitimate expense by European societies. One way might be to see the grants as a cultural rather than social deduction. Secondly there is the matter of how the South African collection society, SAMRO, is viewed in Africa. In Africa, some countries hold South Africa in suspicion. However, within the music community, this is not true of SAMRO, which is well liked and respected throughout Africa. This is for two reasons. In the worst years of apartheid, it always had black members, despite being under considerable pressure not to do so. During that time SAMRO also held royalties for exiles, such as Hugh Masakela, in escrow, rather than confiscate them as, again, there was pressure upon SAMRO to do. In addition, all the evidence suggests that SAMRO is a society that has a good deal of expertise in it. It has already been involved in running training programs for other African societies. However, it does have very limited technical resources in terms of numbers of computers and so forth. While SAMRO clearly needs technical assistance itself, once that was in place it could be a source of technical assistance for other African societies.

NCB shows that co-operation between societies on a regional basis is both possible and can be efficient, particularly with regard to the mechanical right. It would be possible to create a region-wide infrastructure in Africa that would collect more in royalties than at present, if only because once underway it would have greater influence on copyright users than the existing small societies. Such a hub society, or societies if it was decided to administer the two rights separately, could be "grown" from the South African societies.

(paper available: [click here](#))
(IFPI report available: [click here](#))

SCOTT BURNETT
MARKETING EXECUTIVE FOR CONTENT DISTRIBUTION FOR GLOBAL
MEDIA AND ENTERTAINMENT INDUSTRY, THE IBM CORPORATION<
SANTA MONICA, CALIFORNIA

- The U.S. digital copyright Millennium Act of 1997.
- The MP3 software and the Napster types of systems explained (distributed and centralized information sharing).
- MP3 software for marketing African music to increase market share.
- Pay-per-performance technology and digital technology for internet sales of music by African countries such as "super distribution" technology.
- BOT technology for collection societies.
- Direct Internet sales by musicians and composers through self-publishing in contrast to the option of a collection society forgoing and internet sales agreement with a record company. The model of Arts Pages.
- The potential for recording studios (possibly mobile to assist performers in providing secure web access and payment directly to them).

THE DIGITAL SOLUTION

Forrester Research recently forecast that nearly 25% of the media products that are going to be sold online by the year 2004 will be sold and delivered digitally. That includes electronic books, video on demand, and music. We're not going to get grapes but products that lend themselves to be compressed for phone lines. In the U.S. \$1 million in revenue was generated last year through music downloads. Research suggests that will be \$1billion in 2004.

At present a lot of digital downloads are of unauthorized tracks, usually in the MP3 format, from the likes of Napster, Gnutella and the 1,500 web sites that carry MP3 files -- files which are compressed tenfold but still of superior sound quality. The Record Industry Association of America, which is the trade organization for the US record industry, has been fighting these pirates. But at the same time it has been preparing for legitimate digital distribution through the Secure Digital Music Initiative. There are also a number of companies that are seeking to develop a legitimate digital business in a variety of ways. These include AOL, InterTrust, Liquid Audio, EMusic and MP3.com, while Microsoft with its Windows Media Player is competing with RealNetwork to create the standard media player for the personal computer (PC). There are also infrastructure companies that are starting to build out, then host servers and retail websites to enable commerce as we all look forward to a legitimate way of distributing content. Finally electronics companies are bringing to the market any number of portable

devices, including cellular phones, that can play these digital files. At the same time consumer adoption is changing the market. By 2002, over 50 percent of Internet transactions will come from pervasive computing devices as opposed to the 60% that now use a desktop PC to connect with Internet. There are also different approaches and business models to the Internet. In some MP3 files are offered for sale in an unencrypted state. Another emerging model is that of a subscription services, where there are nominal fees and access charges to perhaps unlimited wealth of content, or perhaps just a subscription service for African music per se. Digital distribution is close to becoming a reality.

IBM's Electronic Music Management System (EMMS) features five modules of the secure distribution software. There are content mastery tools, which could reside in an artist's home, a recording studio or in some central location, for example, at a record label's manufacturing plant. There is content hosting software, a web commerce enabler, a clearinghouse in the middle that is a trusted third party, and finally there is the application that the consumer uses, which could be embedded inside these portable devices. The system was trailed successfully earlier this year in the Album Direct Trial. A thousand households in the San Diego market and 100 households in Maine were given digital access to more than 1,000 albums and 200 singles from the catalogues of the major international record companies. Consumers could either create their own custom CDs or download individual tracks or albums which they could burn onto CD-Rs and print jewel case inserts and such, mimicking exactly what you can get in the store.

EMMS technology could allow African countries to leapfrog the traditional, staid, physical, bricks-and-mortar way of distributing content and distribute it in a more efficient and a better-enabling manner to consumers. At the same time it could enable artists, composers and authors to be compensated through digital rights management for those sales, either directly or through their chosen agents.

KEITH MASKUS

PROFESSOR OF ECONOMICS, UNIVERSITY OF COLORADO, BOULDER, COLORADO

- What appear to be the best policy package alternatives for African countries on copyright legislation, compensatory liability legislation, collection society institutions, and technological options, their benefits and costs.
- The economic methodologies for assessing benefits and costs for a particular country in terms of music industry development.



THE ECONOMIC MODEL

Despite the huge growth in international trade in recorded media, sound recording media in the 1990s, African countries reported low exports of sound recordings throughout the period. These very low export levels suggest there is considerable room for growth in sales of African music, if recorded in Africa, abroad.

At present many African musicians earn royalties by recording and performing abroad and having their recordings made abroad sold abroad. Bringing the performers home could return some of that income to Africa. But that requires the establishing of a music industry in Africa.

Building such a sector requires recognizing the most important basic economic characteristic of the music business: that music is a business, as opposed to simply a cultural activity. Moreover, the music business is not a simple business. There are multiple actors in all stages of this business, all of which have both complementary and competing interests. There are composers and songwriters at one end, the creative assets around which the entire industry has to be built. However, a mere abundance of creative talent--songwriting and performance artists--is nowhere near sufficient for having a vibrant music industry. It may be a necessary condition but not a sufficient condition. Indeed, several Sub-Saharan African countries have a lot of creative talent and creative potential, but they face severe institutional restraints in assembling those talents into a viable music business. The issue is as much one of institutional capabilities as of talent.

The institutions include music publishers who put together studio performance musicians and acquire song rights, record companies who make the master recording, and then manufacture and distribute it locally and, possibly, globally. All these activities carry high fixed costs. Coordinating such a complex set of players and incentives is beyond the reach of unsupported private markets. You need public policies in place, for example, to protect copyright. The third characteristic of the music business is that there are very significant transaction costs in organizing all of these players into a coherent industry, in securing rights to play the music, to listen to the music and so on.

There are two types of demand for music: the primary market, which is for the recordings themselves. This is a relatively easy market to regulate. It is, however, much more difficult to establish rights in the secondary market, which is the market for performances, uses on the radio, in films, in restaurants and so on. These rights are an important source of revenue but are quite difficult to organize. That is the root reason for the existence of collection societies, to economize on these transaction costs. Collection societies are clearly necessary, but they must be carefully regulated to ensure they do not favor one element of their membership over another and that they are subject to competition enforcement to ensure they do not abuse their monopolistic position. Since, artists would clearly like to see the reach of those collection societies be as wide as possible, it seems valid to establish a regional Sub-Saharan African society and, of course, to establish agreements with foreign agencies to ensure that royalties are collected appropriately.

A final characteristic critical to success in the music business is the emphasis that always has to be placed on the dynamics of creation and dissemination. One cannot erect barriers to effective music creation, which is overwhelmingly incremental in nature. Moreover, music is, like other entertainment sectors, subject to considerable agglomeration economies. This is because specialized assets, such as composers and performers, need to be together in order to share ideas and build on each other's songs and so on. That encourages the founding of new businesses, recording and so on, and also limits the search of recording companies for talent. One also needs this agglomeration because this sharing of rights to creative activity requires considerable amounts of trust and confidence among the actors. When these are in close proximity, this seems to be easier. Examples include Nashville (country music), Hollywood (for films), Silicon Valley (for software), Mexico City (for textiles and apparel) and Dalton, Georgia (for carpets). In all these places there are intellectual property or design-intensive industries where close proximity generates agglomeration.

How many African Nashvilles can there be? Specialization of that kind is limited by the size of the potential market. Finally, if we want to build a regional African music market, one must reduce the barriers to trade in music and in music trading assets, like composers and musicians and so on. The African countries, if they are to develop a regional market, should be reducing barriers to migration, reducing taxes on instruments and trying to regularize activities that way. If one can establish such a regional free trade area in music, agglomeration will result, somewhere.

However, one cannot build a music business in a vacuum. Establishing better economic environments, macro stability, creating vibrant financial markets, better education, and so on are not just specific to music, but they are ultimately the determining factors in building almost any industry in Sub-Saharan African countries.

DAY 2

THE CREATION OF AN AFRICAN MUSIC INDUSTRY: A PRACTICAL PLAN OF ACTION.

After the debate of June 20, there followed a practical discussion on the morning of June 21 to determine how to put in place the necessary elements to create an eventually self-sustaining music industry in Africa. The discussion, which was led by Frank Penna of the Policy Sciences Center, was wide-ranging and ended with the writing of an agreed preliminary shopping list of "project components" considered central to the immediate task at hand. The starting point of the discussion was that country in which the plan should be launched should be unspecified and that the project's potential for the whole of the African continent should be stressed. Subsequently, after detailed talks with the World Bank's country directors Senegal was chosen as the probable starting country for the project (assuming that the government of Senegal agrees).

Yesterday's discussion indicated a clear need for region-wide rather than merely nation-wide action if

a commercially viable African music industry is to be created. Examples of this are the regional hub collection society, and the digital distribution of music from Africa, which offers the possibility of direct contact and sales to fans of African music outside the African continent. Accordingly, the country we start from must be seen from the beginning as the starting place of a *regional* plan, not merely the first in a series of unrelated *national* plans.

Frank Penna explained the stages of raising the necessary money to put the project components, the hub society, the Internet connected recording studio and the whole array of things – professional training for managers, a CD factory and so forth – in place. To fund this there needs to be a shopping list and a pledging conference. First we need a preliminary shopping list, which would be evaluated over a period of between six to nine months. Then that considered and revised shopping list would be presented to a pledging conference hosted by the World Bank. At this there would be experts, to explain each item on the list, and bilateral donors, such as intergovernmental organizations and private foundations, that would be invited to bid to fund specific items on the list. Finally, the donors, who could be the Bank, bilateral donors, private foundations, and the recipients, which could be the Government of South Africa, the Government of Senegal, the collection society for South Africa, a music school that has been identified as needing instruments, and so forth, would negotiate between themselves. The result of that would be deals and agreements, which would, when acted upon, put the project components in place.

1. *The first set of components would be legal and regulatory matters.* These would include:
 - A rationalization of the situation of folklore in Africa and the creation of a system created in which musicians can generate their own copyrights from folk compositions, but which also protects folklore and folk performers from simple exploitation.
 - The high taxes on musical instrument, if they are in place elsewhere in Africa as in Ghana, need to be reduced so as to allow musicians access to instruments
 - It will also be necessary to harmonize the copyright laws in the subject country (and subsequently those joining the hub society) with those of South Africa
 - To help generate local income for musicians it is imperative to have local content mandated on the radio stations, as in South Africa and many places in the world (for example, France, Canada)
 - Integral to this is ensuring that broadcasters pay for the use of local music
 - The issue of piracy needs to be confronted
 - Examine the possibility of creating a (national or regional) fund to pay for lawyers working on behalf of artists whose rights have been infringed, so as to encourage by example music as a career.

2. *The next set of components would concern the improvement of the collection societies and the creation of a hub society for electronic commerce.* These would include:
 - Ensuring that collection societies were transparent and that their distributions were equitable. In short improving and professionalizing the collection societies that would eventually own the hub society.

3. *Related to this would be the issues of training and music policy to create the necessary conditions to assist the generation of a music industry on the ground.* These would include:
 - The professional training on the managers of performers
 - Support for the Musicians union enabling it to become more professional, be a lobbying force on behalf of performers' rights and a source of advice and guidance for individual performers. One thing such an organisation could do is to create clear (standard) contracts for artists, with managers, publisher, record companies, and so forth so as to make the workings of the music business more transparent.

- The funding of a CD factory and possibly also of a cassette manufacturing facility
- Funding of a digital recording studio
- Examine the possibility of co-funding an African music trade fair (or supporting an existing one) and establishing a set of awards for African music, possibly in conjunction of an existing showcase for African music such as the KORA awards
- Creating a pan-African radio station or a syndicated radio program that could be sold around the world and so act as a showcase for African music. That would mirror that on the website.
- Examining the funding of tours by African musicians both within and outside of Africa
- The creation of an African Music Archive, or giving support to an existing one.

4. *Three study visits are envisaged as part of the project. These would be:*

- To Nashville to see how the industry works and how the various parts of it feed of each other
- To the South African Collections society SAMRO to see how it could form the basis of the planned society and assess its technical and general needs.
- To see a demonstration of digital distribution. There is a possibility that this could be done in conjunction with the study visit of South Africa or Nashville.

5. *A further set of components would concern the digital delivery of music with specific reference to the "hub" society, which probably would be in South Africa, assuming that the Government and South African collections societies agree :* These would include:

- Costing the system
- Assessing its feasibility
- Determining what surrounding infrastructure would be needed and how the digital delivery company should be established
- The creation of a website devoted to African music.