

HITECHNOLOGY, INDIVIDUAL COPYRIGHT AND GHANAIAAN MUSIC

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The impact of technology on Ghanaian music, its associated values and aesthetics has two different aspects. Firstly, there are the direct positive and negative effects of hi-technology (videos, computer studios, synthesizers, drum machines) upon Ghanaian popular music.¹ Secondly, there is the indirect effect of technology on music production in Ghana through the introduction of copyright regulations. Copyright itself is a product of western printing and electronic inventions, combined with the Western individualistic ethos applied to the arts. Although the idea of individually owned artistic or intellectual property is fruitful when applied to contemporary commercial Ghanaian music (i.e. it gives the authors royalties), problems arise when this European-derived notion is applied to the collectively created and orally transmitted folkloric music of Ghana. Unlike that of the West, folkloric music in Ghana is very much alive and evolving.

Part I

The Musical Ghost in the Machine

The dualistic schism between mind and matter assumed by the 17th century French philosopher Descartes has been poetically described in this century as the problem of the 'ghost in the machine'. For the modern urbanised world this also characterises the existential state of alienation and anomie often found among those living in an overwhelmingly technological environment. This environment also includes the contemporary soundscape and musical practices that have been transformed by modern recording and mass communication techniques.

I have been running a recording studio in Ghana since 1982 and have noticed a number of technical changes that have dramatically affected local popular music-making. These have resulted in many recording artists and performers becoming lost in the musical machine. The number of tracks in a recording studio has increased to the nearly infinite number available from digital computer systems. This makes overdubbing the order of the day, whereby a single musical technician can provide all of a song's instrumentation. So the musicians on stage interacting with a live audience have been superseded by electronic mediation, mobile discos (spinners), videos, television, and lip-synching i.e. television musicians pantomiming pre-recorded work. Another change that began in the late 1980s is the replacement of drummers by drum machines, horn sections by single keyboard players, guitars by synthesizers. In some cases the entire instrumentation of a band is provided by one electronic instrument such as the Yamaha computerised keyboard.

Before turning to some of the negative aspects of these developments, consider six advantages. Firstly, they make things cheaper for a composer to record since only a few musicians are needed--in some cases only one musician is sufficient. Secondly, the drumulator and other metronomic-like machines impose rhythmic discipline on the recording session. Thirdly, electronic gadgets provide an instrumental background that

has a hi-tech and international flavour. Fourthly, electronics help to democratise music by making it easy for everyone to produce. Even those without musical skills can become budding pop stars.ⁱⁱ Fifthly, given purely analytical motivations, the computer is very useful for studying the minute details of complex rhythms (such as local cross-rhythms) since standard notation is often not precise enough to deal with the tiny spaces between the quavers. Finally, computers are useful for composers making preliminary sketches of their musical works.

Now we turn to some of the main problems for musicians and composers when machines replace performers. Firstly, there is a loss of African content. If one listens to local pop music on the FM radio today, one mostly hears vernacular love lyrics sung over a synthesized background, with no local rhythmic content and with no relation between the song melody and the tonal movement of the language. One result is that although this music is patronised by Ghanaian youth it is unexportable, for no one abroad wants to hear the African variety of World Music without African dance-rhythms. On this point, the famous Ghanaian highlife musician King Bruce told me that when he was the manager of the Elephant Walk studio (located in Accra) a few years back, a tape they had made using a drumulator was returned to them from the United States and the band had to come back to the studio to replace the drum-machine track with a live drummer. A number of music journalists have commented on the unexportable nature of current Ghanaian popular music.ⁱⁱⁱ

Secondly, the introduction of machines interferes with the flow of creative energy that takes place between musicians in a live context--whether in the studio or on stage. Musicians inspire one another and create new ideas during a performance. For instance, many jazz musicians prefer to be recorded in one take. They prefer to avoid overdubbing studio techniques whereby the whole band never plays as a unit but instead records a few musicians at a time over a number of days. And the very vocabulary of jazz musicians shows their antipathy towards the excessive use of drum machines and over-dubbing. For they prefer improvisation and talk of the music having 'swing', 'play' 'looseness', 'feel', 'soul' and 'groove'.^{iv}

The same need for 'feel' applies as well to symphonic orchestras. For despite written scores, the subtle interpretations of the composition are done on the spot by the conductor and virtuoso musicians. This is why Art Music recordings are always made of whole orchestras in one take and not by a series of overdubs. Yet for today's young Ghanaian pop artists, overdubbing is the norm. This is why some bands now cannot reproduce on stage what they have recorded in a multi-track studio. For example, a synthesized trumpet may appear on a studio recording of a band that has no trumpeter. As a result the band has to mime to its own works on television or even on stage.

This brings us to a third major problem arising from modern recording and production methods. Nowadays there is little or no direct contact between the performers and their audience. Many older Ghanaian musicians will tell you that some of their ideas have been drawn from the immediate response of their audiences during performances. For instance, formerly singers used to respond to comments from their audience, or a rhythmic dialog would take place between the percussionists and dancers. These are age-old folk traditions here in Ghana and elsewhere in the world. A fourth negative consequence of machine music in Ghana is that the clear human voice has been compromised by electronic gadgets such as harmonisers, phasers, double-tracking, and by the fact that the sound level of the singers is often very low as compared with the instrumental background. The sound of the human voice is literally getting lost in the ghostly electronic mix.

Last but not least of the problems is the fact that drum machines and synthesizers are putting percussionists and horn players out of work. For all the sounds that these musicians supply can be simulated by one musical technician. All these music production problems that we are now facing in Ghana began to effect music in the West in the early 1980s, when the computer generated disco music became the rage. Groups like Kraftwerk, Munich Machines and Donna Summers were all playing at an exact 154 beats per minute.

However, over the last few years in Europe and North America there has been some reaction against modernistic machine music. One such reaction is a Western back-to-roots movement in which European and American youth have turned partially away from modern sounds towards folk-music, non-western World Music and the recycling of old pop songs from the past. Paradoxically, part of this recycling of the past uses the most advanced techniques. One such trick is the electronic sampling of the sounds of old stars, like James Brown and Jimmy Hendrix, and the grafting of their phrases, shouts and guitar-licks into current works. Incidentally, this creates enormous copyright problems. For example, how many seconds must there be of a sample in order for it to be copyrightable?

A second response of western artists to electronic inputs has been to 'unplug'. Pop stars such as Neil Young and Eric Clapton unplug their electric instruments and play acoustically. Further, when a drum machine is now used in America and Europe, complementary live percussion (such as hi-hats, timbales, congas) are usually added. An instance is the case of Michael Jackson. In the early '80s his songs were backed percussively by drum-machines alone. But his recent recordings use a drum machine on one track and a live drummer on another, carefully blended together to produce a live feel.

A third recent response by Western musicians has been their attempt to humanise electronic music. Ironically, all these effects depend upon the increased sophistication of digital equipment, in particular the increase in 'quantization'. This is the division of a musical measure into incredibly tiny metronomic beats, pulses or kicks. For example Michael Stewart (1987) has devised a 'feel spectrum' for livening up digitally sequenced music. If the drummer plays a few milliseconds ahead of the digital pulse he calls it 'snappy'; if he plays behind, it is called 'groovy'. Likewise David Jaffe (1985) uses 'tempo perturbations' that stagger the attack of the played note in relation to the exact metronomic pulse or kick. Meanwhile Kalle Nemvalts (1988) creates degrees of 'swing' by allowing the duration of the played drum note to fill differing percentages of the spaces between digital pulses. Travis Charoeneau (1989) utilizes 'time-shifting adjustments' to strike the 64th note ahead of the electronic pulse or behind it. All these rhythmic displacement tricks are attempts to simulate human impression, inaccuracies, ambiguity, leeway, and generally to create a more live feel in otherwise mechanically exact electronic rhythms. Another way musical technology is being 'humanised' in the West is through the use of MIDI devices (Musical Digital Interface) that operate between a musical instrument and a computer. These are played in real-time, not the pre-set quantised time of drum-machines. An example is the DRUM KAT which consists of special electronic MIDI pads that are beaten with drumsticks, just like an ordinary drum. The drum-strokes create an electronic signal that triggers off the computer's digitally generated or sampled sound. An extension of this idea is found with the BODYSYNTH. This device is used by the American musician-composer Laurie Anderson. Electronic sensors are stuck all over the artist's body and are triggered by the movement of the musician's or dancer's muscles. Thus the whole human body becomes a musical instrument.

So in spite of the West's fascination with electronic sounds, recent moves have been developed by musicians and composers to reassert themselves in the three ways just described: via the Western back-to-roots trend, the performance of 'unplugged' pop-stars, and the humanising of music software programs.

After an initial fascination with local hi-tech popular music during the 1980s, the electronic music scene is beginning to change in Ghana. In 1992 there were audience protests over the low-cost, locally produced 'lip-synched' music videos broadcast by Ghana Television (GTV) on the nation's only television channel during Saturday evening prime-time. In response, Ghana Television began a programme of live dance-band music called 'For Your Dancing Feet' which is still running. In the early 1990s there was also a slight waning of the 'spinners' craze amongst the youth and the emergence of a new generation of high life bands who play for live dances, including The Golden Nuggets, Western Diamonds, the current Marriots Band, Ankobra, and Nakorex. Old-time style 'highlife' dances have also been organised by the ABC Brewery and the Ghana Television Club-house, specialising in the high life classics of the 1950s and '60s. Cassette releases of old evergreen highlife favourites have recently been coming on the market as well, including those by The Black Beats, Tempos, African Brothers, Kakaiku, Alhaji Frempong and The Kumasi Trio.

Part II

The Problems of Oral Copyright

The idea of copyright first appeared in Europe during the 16th century in connection with book publishing. In the 18th and 19th centuries copyright was extended to a wider technology and to the fine arts. Because of its origin the notion of copyright carries three basic Eurocentric assumptions:

1. A specific art-work or intellectual idea is created by a single or fixed set of particular individuals; its author is therefore easily identifiable.
2. Old artistic forms rooted in pre-industrial peasant society (i.e. folklore) are public property because their authors are unidentifiable, hence anonymous.
3. In accord with English law (upon which much of Ghanaian Law is based) there can be no copyright unless a work has been written down, recorded or otherwise reduced to material form. This is a clear reflection of copyright's origin in book publishing.

The inappropriateness of some of these assumptions for non-technocratic countries

Since the 19th century, when copyright really became effective in Europe, there has been a clear demarcation between anonymous folk music on the one hand and popular or classical works that are composed by identifiable contemporary individuals on the other. The term 'folk music' applies to pre-industrial art forms publicly owned and preserved in museums and archives, in contrast with individually and privately owned artistic and intellectual creative works. Thus in Europe the realms of the folk-music archivist and the copyright official do not overlap. However, in many non-industrial countries (including those in Africa) there is a living folk tradition simultaneously co-existing with privately owned creative works. Outside Europe the realms of folklore and copyright do overlap. Indeed the very (European) concept of 'folklore' has to be re-assessed in the context of 'non-technocratic' nations. Moreover, in Ghana and many other African countries, art and cultural works are often not written down nor materialised in any way; they constitute part of a persistent living oral tradition.

Four specific problems in applying to Ghana and other African countries European assumptions about 'folklore' and 'copyright'

Problem One: The identification of oral works for copyright

There is a widespread misconception that only literary or other materially recorded works (i.e. printed, scored, choreographed, taped artwork) can generate royalties. On this view of African folklore, since it is oral it cannot have a definite author or authors and therefore cannot be copyrighted. This view favours literate and technologically versed artists at the expense of nonliterate and nonindustrialised artists. But often the author(s) of oral works in fact can be pinpointed, as noted by Anyidoho and Tsikata (1988). They and Dekutsey (1988) give the examples of the 'unwritten copyright' of Somali poetry and the oral Ewe funeral poems of Akpalu and other traditional poet-cantors. Anyidoho (1983) also mentions the Ewe Haikotu drum clubs in which the composer of the words and tunes first prepares the performance with the other members of the group in closed session, before presenting it to the public. Similar to this practice is the Eguamala dance-drumming of the Bendel State of Nigeria, where the known composer and group rehearse for two years in secrecy before outdoorising their work, as noted by Okwesa (1990). Subsequently, they can sell the whole work outright since initially it is the private property of the group that created it.^v

Problem Two: The definition of 'Folklore' in the African context

In a speech by Dr. Mohammed Ben Abdullah, Secretary of the National Commission on Culture, at the 1991 Inauguration of the Ghana Folklore Board of Trustees, folklore was defined to be all the "literary, artistic and scientific works belonging to the cultural heritage of Ghana which were created, preserved and developed by ethnic communities of Ghana or by unidentified Ghanaian authors."^{vi}

The distinction between folklore and contemporary artistic idioms is simple enough to draw in the Western situation where the oral folklore tradition is dead or has to be artificially preserved. But it becomes exceedingly complex to apply in the case of a living tradition as exists in Ghana. This problem was documented in the 1989 report of WIPO (World Intellectual Protection Organisation), entitled "The Protection of Expressions of Folklore." There it is mentioned that one of the major obstacles to creating an international agreement for the protection of folklore is the "lack of appropriate sources for the identification of folklore to be protected."^{vii} The following list of nine possible permutations that may occur demonstrates how difficult it is to define folklore, or to separate it from the contemporary composed performing arts of Ghana. Determining who owns what in this context is no easy task.[]

Some varieties of folkloric or folkloric-inspired Ghanaian musical genres

1. Traditional music, dance, drama, poetry that has been created either communally or so long ago that it is beyond the reach of copyright (50 years since the death of the composer(s)). This is 'folklore' in the sense defined by Dr. Abdallah, quoted above.
2. Modern neotraditional genres (such as Kpanlogo, Akpalu, Borborbor, among others) whereby individual or group composers can be identified who fall within the copyright period (i.e. the composer(s) may be still alive or the 50 years since their death has not yet elapsed).

3. Popular dance-music that draws heavily on traditional tunes, forms, and poetry. This includes all contemporary dance-bands, guitar bands, concert-party bands and cultural groups that employ combinations of traditional and modern instrumentalists to play music based on traditional highlife, adowa, agbadza and other folkloric genres, using traditional melodies, poetry, proverbs, lullabies, children's songs, ceremonial songs, work songs, war songs and funeral songs.
4. Popular Ghanaian music of dance and guitar bands that incorporates folkloric or popular music elements from other African countries, with or without a Ghanaian folkloric content. Examples include the local Ghanaian use of 'Congo Jazz', South African Kwela music, and Senegambian griot music.
5. 'Serious' or 'Art' music that draws heavily on the traditional motifs mentioned in (3) above, but which is composed, scored and orchestrated for piano or symphonic orchestras.
6. 'Serious' scored and orchestrated music that includes elements from the folklore of other African countries with or without a Ghanaian component, such as Pan-African compositions.
7. Commercialised folkloric music used for cabarets and the tourist trade.
8. Government/para-statal/university traditionally-oriented dance ensembles that are performed on stage and are professionally choreographed. This is the nearest Ghanaian equivalent to the preserved form of 'folklore' found in Europe and in the United States.
9. European folkloric elements that are incorporated into Ghanaian music. An example is local Ghanaian gospel music that sometimes uses the melodies of old European hymns and folksongs.

Problem Three: Ideology applied to the African musical realm

a) The European division of musical components that accrue copyright composer royalties

In the West composer royalties are divided so that 50% goes to pay for the lyrics and 50% for the music or melody. In African music, rhythm is so important that royalties should be broken down into three components, namely: lyrics (33%), melody (33%), and rhythm (33%). The issue of distributing entitlements becomes even more complex when one takes into consideration the fact that African music is so often polyrhythmic. That is, not just one but multiple rhythms and cross melodies are used simultaneously. This very complexity once created a serious dilemma at the 1981 conference of the International Association for the Study of Popular Music (IASPA) held in Amsterdam. Two officials of an American copyright organisation became very excited about a snippet of the tune "Somewhere Over the Rainbow" that they heard in one of Ebenezer Obey's Nigerian Juju songs. They insisted that the American composer should be compensated by the Nigerian one. I pointed out to them that they had only heard one of several melodies that were going on simultaneously in the music. There was a Juju refrain, a palm-wine music guitar riff, a Hawaiian style of guitar, a touch of Fela Kuti's Afrobeat, not to mention the melody of Obey's own voice. So talking about royalties for snatches of a cross melody in polyrhythmic music becomes very difficult indeed, especially for people not trained to hear multiple rhythms. A final point about musical components is that African music is usually associated with specific dances. So in the African situation royalty-accruing components could be sub-divided even further into four categories, namely: the lyrics, the melody, the rhythm, and the dance-step. African musical components are far more

intricate and subtle in this respect than the simple Western division of components into lyrics and melody.

b) The impact of copyright on existing Ghanaian performing art norms

A very important point brought up in the paper by Anyidoho and Tsikata (1988) on copyright and oral literature is their explication of the differences between the concepts of composer and performer in Africa and in the West. In Europe and the States, these two roles are usually quite distinct; whereas in Africa most often the composer and the performer are the same individual(s). In African oral performing arts there exists what Anyidoho and Tsikata call the "centrality of performance."^{viii} Adding to the confusion for a copyright administrator, in African performing arts the audiences often have a creative role, since they chant, clap and carry out dance-dialogs with the drummers and musicians. This is quite unlike European music (especially the classical variety) where the motionless audience sits quietly and typically claps only after the performance is finished, not throughout.

Another point brought up by Anyidoho and Tsikata is the "great latitude for borrowing, adaptation and improvisation"^{ix} that exists in Ghanaian and other African performances. This contrasts with the typical performance in Europe and the States where musical content is fixed by the score sheet and the conductor's baton. Again a problem is posed for copyright administration concerning the degree of originality in a reworked piece of African music, dance, or drama. The legal implications of these different artistic norms in Africa and in the West cropped up in 1990 during a Ghanaian High Court case between pianist Ray Ellis and producer Kwadwo Donkor.^x The pianist claimed some of the composer's royalties for the already copyrighted highlife tunes he had played instrumentally on the record, since he believed that he was re-interpreting the songs. However, because he had been paid merely as a session-man by the producer, Ellis lost the case. This dispute highlights the grey areas between an 'arrangement' and an 'adaptation' of a song. An arrangement is only a readjustment of a musical work's distinct components, for instance the key or orchestration. According to both the WIPO report and Ghana's PNDC Copyright Law 110, an arrangement can accrue no royalties. An adaptation, on the other hand, is the creation of a fresh derivative of an original work, and so it can gather royalties. An adaptation is what Ellis thought he was creating.

Problem Four: The risks of extending copyright to a living folkloric tradition

Ghana's PNDC 110 Copyright Law of 1985 vests works of Ghanaian anonymous folklore in the state for perpetuity, and prohibits their use without the permission of a government Secretary (i.e. a Minister of Parliament) who may charge a fee. This ministerial function was taken over by the Ghana Folklore Board of Trustees when it was inaugurated in 1991. For instance, in 1991 the Ghana Folklore Board received royalties from the American singer Paul Simon for his use of the folkloric melody "Yaa Amponsah" for the "Spirit Voices" song on his **Rhythms of the Saints** record album of the late 1980s. However, due to an ambiguity in the PNDC Copyright Law 110 there is no distinction as to whether it is a foreigner or a Ghanaian national who has to gain permission and pay a fee before using folklore. In 1996 the Folklore Board decided to revise its initially sensible and just policy of collecting royalties from foreigners for Ghanaian folklore, and extend it to Ghanaian nationals themselves. This extension of the law to Ghanaians will have four negative consequences, listed as follows:

a) Governmental censorship and cultural stunting

The idea of the Ghanaian government owning the copyright on the nation's folklore is a reasonable one in light of the potentials for 'First World' commercial exploitation, mutilation, and distortion of 'Third World' cultural traditions. Yet the extension of this idea to demanding a fee from Ghanaians for permission to use their own folklore poses serious risks. These risks were noted in the 1989 WIPO report itself. The report discusses the need for a "proper balance between protection against abuses of expressions of folklore . . . [vs.] freedom and encouragement . . . of their further development, dissemination and also adaptation."^{xi} This need for 'balance' was mentioned in Dr. Abdallah's speech of 1991. Anyidoho and Tsikata^{xii} also point to the danger of "exaggerated claims of state ownership" that could "fossilize and stunt" the development of local oral traditions. Moreover, since there is so much interaction between Ghanaian folkloric and popular genres (unlike in Europe and the States) this stunting could also affect popular music, dance, and drama as well. The result would lead not only to a cultural tragedy but to an economic disaster. With the current Western interest in folk-oriented 'World Music', Ghanaian popular performance with a strong folkloric content is a potentially renewable source of foreign exchange for the country. Moreover, the WIPO report itself states that the protection of 'Third World' folklore from 'First World' distortion and commercialisation should apply only beyond the country in which it originates.^{xiii}

To apply this ruling within Ghana to nationals will have the negative effect of setting up a government or para-statal 'censor' in the arts. Consider the example of local Kpanlogo. Although today this genre is considered to be a precious part of Ghana's cultural heritage, initially it was frowned upon by some members of the Arts Council at the time of the genre's inception in the 1960s. They thought the dance was indecent and if they had been granted the power to do so, they would have banned it from the outset. A similar non-Ghanaian case is that of the popular music in the United States that evolved out of African-American and indeed African folk music. If at the turn of the century the American government had been entitled to a policy of preventing the distortion of its own folklore, Blues and Jazz would surely never have become that country's national music. For in their infancy these genres were called the 'Devil's Music' and were associated with lowlife, 'Boogie Houses', 'Jook Joints', and the red-light Storyville district of New Orleans.

In short, the imposition of copyright regulations to constrain Ghanaians who use their own folklore will prevent the commercialisation, adaptation and development of Ghana's own indigenous musical heritage. This will wholly discourage the promotion of that heritage. It starkly contrasts with the renaissance of musical traditions that has occurred in Western countries where prohibitive laws are not imposed on nationals using their own folklore, since in Western nations folklore is considered to be a part of the public domain. Ghana will therefore disadvantage itself vis-a-vis these nations by putting an actual disincentive on contemporary Ghanaian musicians who manifestly want to recycle and adapt ancestral works to the modern era of music.

b) The problem of the same folklore existing in two or more African countries

The 1989 WIPO report notes the problem of similar folkloric genres existing in several countries.^{xiv} This is particularly pertinent to Africa where the national borders do not always correspond to ethnic ones. Anyidoho and Tsikata discuss the examples of the Dagarte people and the confusion that could arise from Ghana's 'nationalising' a folklore

that also exists outside its geographical borders. They remark that "Burkina Faso has as much right as does Ghana to claim Dagarte folklore as its national cultural heritage."^{xv} Similar examples are the Agbadza dance music found both in Ghana and in Togo, and the Adowa dance music found both in Ghana and in Eastern Côte D'Ivoire. There are also traditional musical features and rhythms in Ghana (such as the bell pattern of Tigari) that are found dotted all over Africa. The correct classifications arising from these folkloric overlaps will involve copyright organisations from all over the continent.]

c) Possible negative consequences for Ghana's creative cultural development resulting from folkloric fees imposed on Ghanaian nationals

It is worth spelling out how taxation extracted from Ghanaians for their own use of folklore may damage the local contemporary performing arts. Firstly, fee charges for using local resources could lead to an ever increasing adoption of foreign music by Ghanaian artists already heavily under the influence of imported music. Secondly, in order to circumvent such taxes, Ghanaian musicians may resort to utilising African musical styles found outside Ghana that resemble Ghanaian ones (e.g. the Agbadza, Adowa, Tigari and Dagarte folklore).

To illustrate this potential problem we can imagine the 18th century when there was a living folklore in Britain as there is in present day Ghana, and an area of artworks being created by known individuals. Suppose an alien agency had suddenly appeared in Britain at that time and persuaded the King and Parliament to 'nationalise' and tax their folkloric works. This would have been a calamity for subsequent British popular and classical music, particularly that of the 'Romantic' composers of the 19th century since much of their work was based on their own local folklore. As a result, British Romantic composers might have gone to other European countries where the tax law did not apply, and consequently they would have helped to develop those other national cultures instead of their own.]

d) The state versus the locality

There is yet another foreseeable negative consequence of the Ghanaian state collecting royalties and granting permission for Ghanaians to use their own folklore commercially. The future is thereby destined to be full of conflicts between the central government and ethnic regional leaderships over the ownership of folkloric works produced in particular provinces. The state claiming univocal ownership of all Ghana's anonymous folkloric works could create tensions with groups that have communally created and established distinct genres of folklore. In the case of performance, such groups would include musical families, age-sets, asafo (warrior) companies, traditional religious cults, secret societies, musical clubs and guilds, and chiefly courts. For instance the goje of one-stringed fiddle music of the Dagomba people of northern Ghana is in the hands of specialised praise-singing guilds composed of men who hand down their skills and repertoires to their sons. Another case in point is the adowa, kete, and other drum-dances, which belong to the Asante royal court in Kumasi.

So who owns this music? Is it the property of the Dagomba guilds and the Asantehene (the King of Asante)? Or does it belong to the centralised state? A modern state, unless it is totalitarian, can never own a nation's indigenous culture. The state is rather a custodian of that culture. In principle, a country's anonymous traditional culture is the inalienable property of those individuals, groupings and ethnic communities who comprise the sovereign nation. As far as a country's nationals are concerned, the nation's folklore should be a component of their public domain and not the property of the state's bureaucracy. From a practical standpoint, the possibility of legal disputes between the central state vs. ethnic, clan, religious and other provincial groupings over the right of traditional artistic works is too awful to contemplate. Such conflicts do not and never

have transpired in the Western industrially dominated nations; and they are quite as unnecessary in the industrially austere nations such as Ghana.

REFERENCES

Abdallah, Mohammed B. (1991) Speech at the Inauguration of the Folkloric Board of Trustees, September 12, National Commission for Culture Offices, Accra.

Amegatcher, Andrew (1990) "Recent Copyright Cases," **Ghana Copyright News**, Vol.2 December, p. 12.

Anyidoho, Kofi (1983) "The Haikotu Song and Dance Club of Whetta: A Communal Celebration of Individual Poetic Talent." IN **Cross Rhythms**, Anyidoho et al (eds) Bloomington, Indiana: African Folklore Publications.

Anyidoho, Kofi and Tsikata, Fui (1988) "Copyright and Oral Literature," delivered at the **First National Conference on Oral Literature**, August 23, Accra.

Badasu, Ambrose (1988) Tribute to F.C. -- Originator of Borborbor. **Ghanaian Times**, June 3, p. 4.

Berliner, Paul (1994) **Thinking in Jazz: The Infinite Art of Improvisation**, University of Chicago Press.

Charbeneau, Travis (1989) "Rehumanise Your Sequence," Part 5 **Music Technology** June pp. 42-46.

Collins, John (1985) **Music Makers of West Africa**, Washington DC: Three Continents Press.

- (1992a) **West African Pop Roots**, Philadelphia: Temple University Press.
- (1992b) "Folklore: Some Problems of Copyright," **Ghana Copyright News**, January 1991-December 1992.
- (1996) "Highlife Time," **Anansesem Press**, Ghana.

Dekutsey, Wilson (1988) "In Honour of Akpalu," **West Africa**, November 21-27 pp. 2180-2190.

Jaffe, David: "Ensemble Timing in Computer Music," **Computer Music Journal**, vol.9, no.4 pp. 38-48.

Keil, Charles: "The Theory of Participatory Discrepancies: A Progress Report," **Ethnomusicology** forthcoming.

Nemvalts, Kalle (1988) "Sequences the Swings with Performer," **Electronic Musician**, March pp. 60-69, 110.

Okwesa, Fidelma (1990) "The Problems of Collecting Data for Dance in Nigeria," paper delivered at Audio-Visual Archives Conference, Falun, Sweden, July.

Owens, Thomas (1974) "Applying the Melograph to 'Parker's Mood'," **Selected Reports in Ethnomusicology**, vol.2, no.1, pp. 157-175.

Proglor, Joe A: (Forthcoming) "Searching for Swing: Participatory Discrepancies in the Jazz Rhythm Section," **Ethnomusicology**, forthcoming.

Reinholdson, Peter (1987) "Approaching Jazz performances empirically: Some Reflections on Methods and Problems," IN **Action and Perception in Rhythm and Music** (ed) A. Gabrielsson, Royal Swedish Academy of Music No. 55.

Stewart, Michael (1987) "The Feel Factor. Music with Soul." **Electronic Musician**, October, pp. 57-65.

Waterman, Richard (1952) "African Influence in the Americas," IN **Acculturation in the Americas**, (ed) Sol Tax, University of Chicago Press, pp. 207-218.

WIPO (1989) General Introductory Course on **Copyright and Neighbouring Rights: Protection of Expressions of Folklore**, Geneva, Switzerland.

Young, Neil (1992) "Digital is a Huge Rip Off," **Guitar Player**, May p. 14.

ENDNOTES

i. See J.Collins *Highlife Time*, Anansesem Press, Accra 1996

ii... For instance in Holland, with around 50 US dollars one can go to a special instant-music studio for a couple of hours, buy a ready-made rhythm, do a voiceover, and walk out with a record.

iii... Here are some journalistic examples of both foreign and Ghanaian disdain for current hi-tech Ghanaian popular music. The *Sterns African Record Centre Tradewinds* magazine (Vol. 5, No. 5 September/October 1994, London) praised the Ghanaian highlife musician Jewel Ackah for not featuring "that horrible cheap drum machine that seems to be everywhere (in Ghana) recently." Baba Abdullai, writing about the Danish 'Image of Africa '96 Festival' in an article entitled "Why Highlife Wasn't There," (*Ghana Weekly Spectator*, July 13, 1996, p.4) suggests the reason that the festival organizers picked Senegalese and Malian musicians and not Ghanaian ones was that the former "rely heavily on percussion (whereas) our highlife is weak on percussion and heavy on digital sound." Dave Yowell of the Sultan recording-studio in London which often records Ghanaian artists, complained (in a Ghanaian *Statesman* article called "Let's Hear It Live" May 21, 1995, p.10) that "in West Africa now, it seems there is too much emphasis on the use of computers . . . when you only have a singer and a computer you have the personality of the singer and zero personality of the computer." An article in the *West African Journal* (December 18, 1996, p. 1286), called "Singing the Blues," K. Krante bemoaned modern Ghanaian Highlife, saying that "reeling off a string of wise sayings over a computer generated sound-track should not automatically confer hit status on the song or singer . . . it seems that mediocrity has been elevated almost to an art. Technology has contributed more than its fair share to the situation. Twenty years ago real live musicians would have been needed to cut an album."

iv... Many Musicologists refer to this subjective and flexible side of jazz playing. Thomas Owens (1974) observed that the measures of the jazz saxophonist, Charlie Parker, fluctuated throughout his

performances. Richard Waterman (1952) saw these features of improvisation as a result of the musicians' own "internalised metronome sense." Charles Keil (forthcoming) and Joe Proglar (forthcoming) call minute and subtle offbeatings "participatory discrepancies." Peter Reinholdsson (1987) has used a fixed metronome to demonstrate the anticipation('push') and delay ('laidbackness') of the beat by various jazz bassists. Paul Berliner has recently written a full book on this topic, *Thinking Jazz: The Infinite Art of Improvisation*.

v... Two other Ghanaian examples of obscured attribution of oral artistic property are the Kpanlogo and Borborbor neo-traditional dance-music styles. These are often regarded in Ghana as anonymous folkloric works of the Ga and Ewe people respectively. However, Kpanlogo was created around 1962 in Accra's Bukom Square by Otoo Lincoln, together with drummers Okulay Foes and Ayitey Sugar, and dancer Frank Lane. It was Otoo Lincoln and his group who composed the songs 'ABC Kpanlogo', 'Alolodzan' and 'Ayine Mombiye'; cf. Collins (1992) chapter 4; and Collins (1996) chapter 21. Borborbor is an Ewe recreational music that was created in Kpando in the Volta Region around 1950 by the Kpando Konkoma Group. One of its leaders was Francis Cudjoe Nuatro or 'F.C.' who wrote 'Mabia Dzogbe Nye Se', (Badasu, 1988).

vi... speech text, page 2.

vii... WIPO report (1989), p. 11.

viii... Anyidoho and Tsikata (1988) page 5.

ix... Ibid, page 8.

x... Ghana Copyright News, November 1990.

xi... WIPO (1989) page 4.

xii... Op. cit. (1988).

xiii... WIPO (1989) page 10.

xiv... Ibid, p.11.

xv... Anyidoho and Tsikata (1988), page 8.