



UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANIZATION



WORLD INTELLECTUAL  
PROPERTY ORGANIZATION

## WIPO-UNESCO AFRICAN REGIONAL CONSULTATION ON THE PROTECTION OF EXPRESSIONS OF FOLKLORE

organized by  
the World Intellectual Property Organization (WIPO)  
in cooperation with the United Nations Educational, Scientific and Cultural  
Organization (UNESCO)  
with the assistance of  
the Government of the Republic of South Africa

**Pretoria, March 23 to 25, 1999**

### RESOLUTIONS

#### INTRODUCTION

The African Regional Consultation on the Protection of Expressions of Folklore, organized by WIPO and UNESCO in cooperation with the Department of Trade and Industry of the Republic of South Africa, was held in Pretoria from March 23 to 25, 1999. The opening ceremony was addressed by Mr. MacDonald Netshitenzhe, Registrar of Patents, Trademarks, Designs and Copyright; Mr. Richard Owens, Director, Global Intellectual Property Issues Division, WIPO; and Mr. Salah Abada, Head, Copyright and Creativity Section, UNESCO.

Participants at the Consultation were drawn from the Republic of South Africa, Benin, Botswana, Burkina Faso, Côte d'Ivoire, Ghana, Kenya, Malawi, Mali, Mauritius, Mozambique, Namibia, Nigeria, Senegal, Tanzania, Togo, Uganda, Zambia, and from the intergovernmental organizations ARIPO, OAPI, and SADC.

Resource persons were from Ghana, Kenya, South Africa and Tunisia. Delegates presented country reports on the experiences in their countries concerning the protection of expressions of folklore.

## PREAMBLE

Having listened to the introductory remarks which detailed the work on protection of expressions of folklore already undertaken by UNESCO and WIPO, the presentations of the resource persons, the country reports and ensuing discussions,

Considering that folklore as a manifestation of intellectual creativity deserves to be accorded legal protection as is provided to other forms of intellectual property,

Aware of the fact that protection of folklore is indispensable for the development, perpetuation and dissemination of cultural heritage,

Noting the serious damage to the integrity of folklore in Africa occasioned by technology and the forces of modernization,

Recognizing the important potential role that expressions of folklore play in the socio-economic and cultural development of the African continent,

Considering that this potential is not being realized,

Noting that legal protection of expressions of folklore is provided under national copyright laws of several African countries,

Recognizing that UNESCO and WIPO have made significant efforts to promote the adequate and effective protection of expressions of folklore,

Noting that at present there is no regional or international regime for the legal protection of expressions of folklore,

Noting that adequate and effective protection of expressions of folklore at national level may require a *sui generis* form of legal protection, and that the model provisions developed by UNESCO and WIPO in 1982 provide an appropriate framework for further work,

Considering that the lack of legal protection of expressions of folklore at regional level and beyond is detrimental to the preservation and maintenance of the integrity of expressions of folklore,

Noting that current efforts at national, regional and international levels should be strengthened to achieve positive results for the protection and preservation of folklore,

Considering the urgent need for identification, documentation and conservation of expressions of folklore,

Considering that WIPO and UNESCO stand ready to assist developing countries in the protection of expressions of folklore in the framework of their respective programs,

RECOMMEND AS FOLLOWS:

To African States:

That as a matter of urgency expressions of folklore should receive appropriate protection at national level, in order that African peoples derive the maximum socio-economic benefits from such protection.

That appropriate national structures should be put in place to ensure the regulation, coordination and protection of expressions of folklore, as a strategy for cultural development.

That African Governments devote more attention and resources to folklore issues and to intellectual property generally, and involve relevant communities and civil society in raising awareness of the value of expressions of folklore and the importance of protecting them.

That all African States evaluate measures for the protection of traditional culture and expressions of folklore in their respective national legislation, for adaptation or amendment where necessary.

That the adaptation of existing legislation and adoption of specific legislative texts for the protection of expressions of folklore should take into account the model provisions developed by UNESCO and WIPO.

That the attention of African States be drawn to the urgency of creating an African regional framework for the preservation, protection and maintenance of the integrity of folklore, including the establishment of national and regional documentation centers.

To WIPO and UNESCO:

That WIPO, UNESCO, and other relevant intergovernmental organizations intensify their collaboration and offer increased assistance to developing countries in the form of:

- legal and technical assistance,
- specialized training in identification, documentation and conservation of folklore,
- provision of necessary equipment and other financial resources.

That WIPO and UNESCO increase budgetary resources for African countries in order to ensure the effective protection of expressions of folklore.

That WIPO and UNESCO assist African States in initiating appropriate measures to intensify intra-and inter-regional cooperation in respect of protection of expressions of folklore (for example, SADC countries, ECOWAS).

That work towards the protection of expressions of folklore and of traditional knowledge should be undertaken in parallel, taking into account the common elements, as well as the distinct characteristics and social functions of each.

That WIPO and UNESCO increase their efforts to develop, in the shortest possible time, a broad consensus among States in favor of an adequate and effective international regime for protection of expressions of folklore.

#### APPRECIATION

Participants express their gratitude to the Government of the Republic of South Africa, to the World Intellectual Property Organization, and to the United Nations Educational, Scientific and Cultural Organization, for organizing the Consultation, and further expressed their appreciation to WIPO and UNESCO for their continued assistance to African countries in particular, and to developing countries in general.

[End of document]