Book Review Symposium: ‘The Right to Research in Africa: Exploring the Copyright and Human Rights Interface’

By:

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1 July 2024

In many African countries, the protection and promotion of human rights is enshrined in national laws including domestic constitutions, policies, and guidelines. Many African countries are signatories to a plethora of conventions on human rights including the African Charter on Human and People’s Rights. However, in several African countries, ordinarily, socio-economic rights are not enforceable because socio-economic rights are not explicitly provided in many national constitutions. Furthermore, right to research as an evolutive and burgeoning framework in the African copyright system adds to this mix.

Scholars including Okorie have advocated for the development of the right to research as a complete or explicit defence to copyright infractions or as user rights. However, the development of an explicit right to research in the African

copyright context is afflicted with a plethora of obstacles. For example, the COVID-19 pandemic has further restricted access to information and academic materials especially in digital formats and furthermore, many African libraries and institutions are ill-equipped to perform their role of enabling access to information. Hence, this recent book – The Right to Research in Africa: Exploring the Copyright and Human Rights Interface by Desmond Oriakhogba is an important and innovative addition to this debate. Oriakhogba argues for a reconceptualization of the African copyright system from explicit human rights law perspectives as means of localising the right to research in the African context.

This book by Dr Oriakhogba is divided into five chapters. Chapter 1 provides the roadmap of the book. This chapter also alludes to the writings of Appadurai. Appadurai writing on the right to research highlights the importance of globalisation, technology, and informed citizenry in the actualisation of the right to research. However, the actualisation of the right to research is a herculean task in many countries in the Global South and as Oriakhogba (page 1) states in this chapter, 'there is a need for Global South countries especially those in Africa, to develop legal mechanisms that promote access to information for research and education and develop their knowledge stock.' Oriakhogba suggests a case for the recalibration of the copyright system in Africa in the public interest by conceptualising the right to research as an explicit right fashioned-out of the right to access to information, rights to freedom of expression, rights to science and education, right to property and right to education. Thus, a key crux of Oriakhogba's argument (page 5) is that 'an explicit right too research is needed to specifically address the copyright challenges to access to information in the African context'.

Chapter 2 focuses on the state of research and obstacles that copyright creates with respect to research and access to information in African countries. This chapter also analyses the relationship between the copyright regime and human rights frameworks in Africa. This relationship is germane to the debate and background for conceptualising the right to research in the African context. According to Oriakhogba (page 17), this relationship 'underscores the inadequacy of the copyright limitations and exceptions in national copyright laws in Africa to support and promote the right to research.' Hence, reliance on an explicit right to research is the way forward.

Chapter 3 focuses on the international and regional regimes on human rights in the African context. This chapter examines a plethora of rights including the rights to science and culture, education, property, and freedom of expression as enshrined in international and regional human rights treaties to underpin the conceptualisation of the right to research in the African context. Examples of the international human rights treaties and mechanisms in focus in chapter 3 include the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). In this chapter, the African Charter on Human and Peoples' Rights is used as an exemplar of a regional human rights treaty in Africa that can be relied upon in ventilating and conceptualizing the right to research in the African context.

Chapter 4 focuses on domestic or national constitutions in Africa and whether the right to research can be also premised on national constitutions in Africa. Chapter 4 (page 69) 'surveys and samples national constitutions and bills of rights of selected African countries to determine whether they provide protection for the rights to science and culture, property, freedom of expression and education which contain ingredients for the formulation of the right to research.'

Chapter 5 is the concluding chapter. This chapter concludes convincingly (based on the analysis in previous chapters) that, arguably, there is a need for an explicit or specific right to research in the African context. Also, the right research is implicit in the rights to science and culture, freedom of expression, property, and education in the African context. Chapter 5 also alludes to the normative scope, content, and obligations of the right to research in the African context. This book by Dr Oriakhogba makes an innovative and important contribution to the burgeoning discourse on the right to research in the African context. Furthermore, recommendations are also made on how an explicit right to research can be developed and localised in the African context.

This book is a wake-up call to African scholars, government officials, policymakers, NGOs, and scientists on the role they must play in improving access to information and enhancing the right to research in Africa. Even though, this book is primarily based on analysis of selected countries in Africa, centralizing lessons from Africa, the book can be useful to other African

countries and countries in the Global South. Thus, in the words of Oriakhogba (page 21), ‘research will enable Africa to develop home-grown, tailor-made sustainable solutions to Africa’s challenges, which includes barriers to access to information for quality education, poverty and hunger, underdevelopment and technology deficit, among others.’

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