Book Review I: Intellectual Property Rights and Sustainable Development Goals in Africa - The Strengths and Gaps in the Book: “Intellectual Property Rights and Sustainable Development Goals in Africa”

By:

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This volume weaves through an analysis of Intellectual Property Rights as integrated with sustainable development. The contribution of IP in the achievement of sustainable development goals is brought out through nineteen chapters. This review is not a chapter-by-chapter exploration. However, it starts with a general outlook of the work presented in this book as summarized in the first chapter, highlighting key points of significance. The review follows up with

a few other positive pointers to be appreciated in the general context of the work, before picking out on underlying gaps that generally stand out in all the chapters.

In the first chapter, titled: The Intricate Nexus between Intellectual Property and Sustainable Development in Africa, the authors, who are also the volume editors, present us with the foundation of the book by providing a general picture as to what the book has to offer. They launch the reader into an understanding of the interface between intellectual property and sustainable development. The chapter naturally starts with a generalized understanding of sustainable development and connects it to the Africa Union's objectives of achieving high standard of living, quality of life and well-being for all citizens, among others.

The chapter then delves into the global perspective of the linkage between IP and Sustainable Development goals. A critical point is highlighted wherein it is noted that IP is viewed as "a catalyst, tool or barrier to achieving sustainable development", hence regarding this linkage as quite complex. This thus provokes a question in the reader as to whether this is a general mindset at the global or continental level that can be subjected to re-evaluation or re-interpretation in the future. The authors therefore set a good tone for the reader to anticipate answers to this question from the subsequent chapters. The authors further take note of the fact that IP is not directly mentioned as a goal and is largely absent in the Sustainable Development Agenda, save for the small context of SDG3 with a focus on Public Health.

But the blame (if I may call it that) for this oversight, does not rest entirely on the framers of the SDG but also cuts across into the IP Community. For instance, the authors cite the scholarly work of Abdel-Latif and Roffe in showing that even IP Institutions and norms have struggled to embrace the relevance of sustainable development, hence viewing this as at parallels with IP. This comes across as absurd where, in our appreciation of sustainable development as serving present needs without compromising future needs, naturally creativity and innovation come into play and cannot be ignored. This is the basis as to why many IP scholars, including yours truly hold on to the argument that IPRs cut across all SDGs and not only SDG9 (Industry, Innovation and Infrastructure). The global picture, as presented by the authors, also brings in a thin light at the

end of the grey tunnel, showing IP relevance in sustainable development, as depicted in discussions surrounding environmental sustainability and climate change.

The authors also throw more light on the African experience which appears brighter than the global position. This is seen through the context of the 2018 Agreement Establishing the African Continental Free Trade Area (AfCFTA Agreement) as well as the adoption of the 2023 Protocol on IP Rights to the Agreement. The concept of sustainable development is a central objective under the AfCFTA Agreement.

In the remaining parts of this chapter, the authors aptly explain the book's research objective and scope, which is premised on a volume of chapters (19 in total) with various case and thematic analysis drawn from specific African countries and regional organizations.

The parameters through which the IP and SDG linkage is presented throughout the book, are within the context of agriculture and food security (chapters 2 and 3 on Geographical Indications, as well as chapter 4 on Plant Variety Protection), access to medicines and public health (chapter 5 on the South African experience with COVID-19), gender empowerment (chapter 16 on promoting small business growth through IP Commercialization), small business development (chapter 9 on IP Securitization by SMEs in Nigeria and chapter 17 on promoting small businesses in Africa through IP rights commercialization), innovation and patent quality (chapters six and seven), financing (chapter 10 on financing Tanzania's creative industries), innovation (chapter 12 on applying IP to the development of agriculture, health, technology and biodiversity preservation, and chapter 14 on the utilization of specific IP rights in achieving SDGs)), entrepreneurship and commercialization (chapter eight on commercialization of research), data protection (chapter 11 on the synergy between data protection and IP rights), traditional knowledge (chapter 13 which reviews the legal framework governing traditional knowledge in Nigeria) and artificial intelligence (AI) (chapter 15 on AI and copyright).

In reading through the various chapters, one cannot fail to come to terms with the fact that intellectual property rights are not detachable from any of the SDGs. Nonetheless, the authors understandably prioritize specific SDGs within

the scope of their respective studies. In this respect, I can highlight a few matters of interest that stand out for me in some of these chapters. Chapter 2, for instance, which explores the potential for GIs through the Chipinge coffee of Zimbabwe, focuses on SDGs 2 and 8, that is Zero Hunger and Decent work and Economic Growth, respectively. However, considering that the goals for agricultural productivity among the small-scale farmers in Zimbabwe, include doubling of their incomes or generally economic empowerment, this speaks into SDG 1 as well (No Poverty). It is therefore no wonder that Chapter 3, which also covers GIs, with highlights from Morocco and South Africa, relates the GI position to SDGs 1 and 8, though the chapter goes on to also align its study to SDG 5 (Gender Equality), SDG 12 (Responsible consumption and production) and SDG 16 (Peace, Justice and effective Institutions). These are just a few out of the 17 SDGs which all feed into one another in terms of relevance to IPRs.

Chapter 4 is especially noteworthy in this review. This Chapter explores the importance of plant variety protection (PVP), with insights from Kenya. The chapter points out global efforts in PVPs through the establishment of the International Union for the Protection of New Varieties of Plants (UPOV). Kenya is a signatory to the UPOV 1991 Act and was one of the first African Nations to join UPOV. However, what is glaringly missing in this chapter, is a highlight of the key SDGs that are addressed by PVPs. One would have expected the author to directly mention, in the mere least of all, SDG 2(Zero Hunger), SDG 12 (Responsible consumption and production), SDG 13 (Measures to combat climate change) and SDG 15 (Life on Earth). Although the chapter puts up a good argument on PVPs and food security, the direct relation to these SDGs would have made it more enriching. It is also surprising that although Kenya is a member of the African Regional Intellectual Property Organization (ARIPO), the Arusha Protocol for the Protection of New Varieties of Plants, is not mentioned anywhere in the chapter (perhaps because Kenya is not yet a signatory neither has it acceded/ratified the protocol). By mentioning UPOV, TRIPS Agreement and the Convention on Biological Diversity, the author shows an appreciation of international treaties and the role they play in influencing the direction of domestic legislation towards SDGs. As such, the role of the Arusha Protocol in Kenya is also worth mentioning.

Another matter of concern in the book relates to the apparent imbalance in the presentation of interests of IPRs holders and IPRs users. We should remain

cognizant to the fact that the SDGs are a global call to action in addressing poverty, environmental concerns, and the promotion of peace and prosperity by 2030. In the context of Intellectual Property rights, however, such rights – by virtue of their commercial nature - are more inclined to individual or in personam interests as opposed to the common interests of the community. It therefore becomes necessary to explore how IPRs within SDG goals can be skewed towards the latter interests, which are best explored through IPRs exceptions and limitations.

Ideally, as such, this should be an essential test in the review of this book: Whether the exploration of IPRs and SDGs in Africa presents a balance between the interests of IP rights holders on the one hand, and the broader societal needs on the other hand, such as education, health and environmental protection, which are broadly covered under the SDGs. From a reviewer's perspective, there is a total imbalance in the sense that the volume of chapters in this book is focused more on the interests of IPRs holders and how their IPRs contribute to the SDGs as opposed to how the same SDGs can be attained through a utilization of the underlying exceptions and limitations in IPRs in Africa or – a balance of both IPR holder and user interests.

Nonetheless, the case studies and thematic analysis presented in this book, are a very insightful addition to the scholarship on African Intellectual Property Rights. The underlying gaps as highlighted in this review make the case for a good follow up on a subsequent volume of the study compilations. This is a book worth reading in the general understanding as to where IPRs fall in the agenda of SDGs in Africa.

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