The Eleventh General Assembly of

The Council for the Development of Social Science Research in Africa

Maputo, Mozambique, 6-10 December, 2005

Rethinking African Development: Beyond Impasse, Towards Alternatives

JUSTICE BE OUR SHIELD AND DEFENDER:

An Intellectual Property Rights Regime for Africa

Mshaï S. Mwangola

Department of Performance Studies

Northwestern University

s-mwangola@northwestern.edu

Introduction

Protecting intellectual property rights (IPR) is an essential part of encouraging cutting-edge scholarship that pushes the frontiers of knowledge. However, this issue has not yet received the attention it deserves within the African continent, and continues to be overlooked in many educational institutions. However, it is becoming increasingly clear that these IPR can neither be ignored nor dismissed with perfunctory attention. In this paper, I argue for a prioritisation of IP discourse within African societies, with intellectual forums of all kinds and in all disciplines acting as catalysts in this process.[1]

A number of studies have exposed, challenged, documented and theorised the exploitative nature of the global academy. These studies emphasise the disadvantaged position from which African intellectuals enter into international discourses even when local societies, environments, innovation, expertise, issues and resources are at the centre of such conversations. In many cases, this exploitation is facilitated by infrastructure, resources and frameworks that legally, if not legitimately, position the global North favourably in academic relationships. In other cases, it degenerates into downright intellectual abuse, where the global South is forced into grudging compromises and even, at the most extreme, resigned acceptance of open theft of IPR.

Apart from the unequal power relations that often skew the balance in favour of the global North however, situations also arise within local intellectual contexts that disadvantage a significant proportion of African intellectuals with regard to IPR. For example, those working in the academy are often, although not always, better placed than those working independently or in informal or alternative institutions to benefit from loopholes in the system. Senior faculty and recipients of 'godparent' favour can similarly, if they so choose, take advantage of the system to profit from the labour of others. In most cases where such intellectual exploitation occurs, such incidents go unreported. In other cases where they are brought to the notice of the authorities, they are ignored, dismissed or quietly "lost" to the vagaries of bureaucracy. Certain constituencies that have historically been marginalized within the academy on grounds such as age, gender, religion or socio-cultural identity, continue to remain at high risk for exploitation. In some cases, IPR abuses are so common that they are taken for granted.

It is important that African intellectuals continue to speak out and find ways of countering the kind of IPR abuses associated with the unequal power relations between the global North and the continent. This has to go hand in hand with the creation of a domestic environment whose intolerance of IPR abuse makes all infraction illegitimate whenever and wherever it occurs, including when this is perpetuated within local contexts.

DEFINITIONS

The term "intellectual property" (IP) is generally associated with the protection of intangible ideas that have acquired some kind of transferable value. The concept was articulated in Europe in the eighteenth century as the result of a conversation between commercial interests, academic discourse and political expediency. It was to first have impact in the publishing industry with the enactment of the first modern Copyright Law in England in 1710. In 1886, the first International Copyright Convention was signed in Switzerland, demonstrating the growing legitimacy within the global North of the concept of knowledge as property that could be owned

[1] I would like to thank those who contributed to this paper, especially the witnesses whose experiences inspired this research; Mkawasi Mcharo and the other two whose names are withheld. I also want to thank all those who shared their own experiences and thoughts on this subject, Godwin Murunga for challenging me to channel the emotional energy that this topic generated in me productively, and CODESRIA for providing the ideal forum for the exploration of the issues presented here.

either by individuals or by entities including those comprising groups of individuals. Initial focus was placed on the area of copyright with individuals, institutions and states scrambling to own and control knowledge in the pursuit of profit, political expediency, privilege or policy. Later, the area of patent rights would also become important, laying the ground work for the prevailing emphasis on these two areas in current IPR discourse.

The World Intellectual Property Organisation (WIPO) defines IP as "creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce" and goes on to identify this as comprising of:

> Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programs.

This standard definition which governs international discourse on this important area is however being rapidly overhauled by newer understandings. A Dictionary of Computing, for example, defines IP as

> [a] term that is increasingly difficult to define. It combines the traditional core of rights covered by patent, trademark, and copyright law coupled with more recent additions such as the protection of registered designs, design right, plant-breeders' rights, semiconductor topography rights, performing rights, and lending rights. A working definition is that it is the species of legally enforceable right associated with intangible aspects of physical items.

This evolving understanding makes this field an exciting arena for academics of all disciplinary areas. I cannot think of any area of knowledge that has no stake in exploring and understanding the legally enforceable rights associated with intangible aspects of its content and methodologies.

Currently, IPR that have received the most attention on the African continent are copyrights, trademarks, patents, trade secrets, utility models and industrial designs. Copyrights concentrate on restricting the use of original expressive information while trademarks focus on the protection of symbolic information. Patents safeguard against the circulation of processes or product designs. Commercially valuable and confidential information are defined as trade secrets; together with utility models (novel innovations that may not constitute an inventive step) and industrial designs (which cater to innovation in the area of visual appeal or appearance) are also legally protected in several African countries ("Constitution" 2). The most significant impetus to protecting IPR has been provided by commercial interests, particularly with regard to industrial property rights, such as patents. The administration of copyrights has also become increasingly important in many African countries in the last two decades, with the growing music industry providing for a significant investment in this area. A survey of African national offices affiliated with the WIPO, most of which are housed by state institutions reveals a concentration of patent and copyright issuing / enforcing offices.[2]

[2] In Kenya for example, there are three national offices dealing with IP issues: the Kenya Industrial Property Institute, the Copyright Office and the Plant breeders Rights Office. Most countries have two offices looking after industrial property and copyright issues.

FRAMING THE DISCUSSION

It is only recently that the creation and enforcement of IPR has begun to attract attention in Africa. In most countries, IP did not even receive any mention in the negotiation of independence constitutions where the focus was on more tangible assets such as land; those countries that paid any attention to IP imported more or less wholesale existing provisions from their former colonial rulers. Two factors have been influential however in encouraging the development of alternative conceptualisations. These are: a new understanding of the potential of benefits, both financial and otherwise, that IP may afford individuals and nations; and the growing realisation of the complexities of tailoring specific IP regimes to cater for the diversity of contexts in which IP must be protected. Some countries are therefore beginning to re-think existing IP regimes. Regionally, there is greater co-operation in creating networks that not only facilitate cross-border enforcement of IPR but also respond to challenges in ways that individual countries are not able to. On a larger scale, there has been the unprecedented co-operation among member-countries of the global South with regard to international agreements. The World Trade Organisation's treaty on Trade Related Aspects of Intellectual Property Rights (TRIPS) is more responsive as a result to the needs of countries that have been historically advantaged in this area.

Much of the impetus for this attention has come from recognition of the ways in which the global South has been short-changed in international partnerships involving IP, particularly in transactions that have financial and policy consequences. It is perhaps not surprising therefore that the greatest impetus towards the development of IP regimes on the continent has not come from the academy, but rather from those who wield economic and political power. Given evidence of the potential of such rights in ensuring financial gain, or enabling policy breakthroughs in areas such as health or wealth creation, politicians and entrepreneurs have led the way in initiating conversations with lawyers on the important aspects of IP regulation. Emanating discourse has tended to favour political and economic angles and focused on the protection of vested interests.

This has meant that with few exceptions, discourse on IPR has tended to by-pass scholars who are not specifically engaged in teaching or researching this issue. Issues of profit, privilege, power and policy have tended to obscure epistemological principles. Little exploration is undertaken of the epistemological foundations of Western models that provide the basis for most African IPR regimes, or of the socio-economic and political contexts that were historically instrumental in mapping out the contours of ensuing discussions.[3] Nor is much attention paid to the consequences of the unquestioning wholesale importation of these concepts. Kouliga Nikiema reminds us that:

> L'état des lieux montre bien que la propriété intellectuelle n'est pas apparue dans notre droit positif par les mêmes voies qu'en europe. Le droit d'auteur n'est pas fait petit à petit comme l'oiseau a fait son nid, à l'instar de ce qui s'est passé en occident où le privilège libraire a pris le temps de muer en droit de l'auteur. En Afrique, le droit d'auteur est né adulte, a l'âge de cinquante ans, et avec toutes ses capacités de se faire respecter "*usque ad sideros et ad infernos*".

[3]Western IP regimes began in eighteenth-century philosophical discourses exploring new understandings of knowledge as property, and property that could be owned by individuals as opposed to general society. Writers such as Daniel Defoe (England), Denis Diderot (France) and Gottheld Lessing (Germany) and academics such as John Locke**,** Edward Young (England) and Johann Gottleib Fichte (Germany) were instrumental in arguing first for the right of an author / writer to be credited as creator of his work and therefore to profit financially from it and secondly for exploring the philosophical dimensions of this question. Thus began a robust conversation among intellectuals of the European Enlightenment period that had important impact on the shaping of public policy. For a discussion of this, see Hesse.

> J'ignore si c'est une chance ou une malchance qu'il en fut ainsi; mais la conséquence est que la propriété intellectuelle plus que d'autres domaines du droit apparaît encore aux yeux des populations africaines comme une curiosité (6). [4]

Thus, despite the integration of IP protection into the legal codes of practically every African country, the level of public awareness of IP remains woefully inadequate. In his survey of IP awareness in Kenya for example, a country which, "in terms of legal framework and policies on IPR is ahead of most African countries", Tom Ogada notes, "most people in government, industries, universities and R & D institutions can not differentiate between patent, copyright, industrial design and utility models", the best known manifestations of IPR in that country (3,4).

If it is true that the basis for IPR is epistemological, then one must ask why IP related issues have attracted such little in-depth academic attention in Africa outside the specific disciplinary areas that consider IPR regulation a focus of study. There is relatively little discussion within the African knowledge networks and institutions on the fundamental questions under-girding the development of legal frameworks governing these issues.[5] Instead of examining the philosophical bases of IPR within our own contexts, we are generally left behind playing catch-up to the rest of the world, using international agreements like TRIPS to drive our own domestic discussions instead of the other way around.[6]

It is not surprising then IP discourses are so driven by the priorities of the global North, that even frameworks that are designed to protect local interests are more likely to benefit outsiders. Intellectual property is often understood in the narrow sense of industrial property, and when it comes to industrial property, the balance sheets do not look good for Africa. WIPO found in a study of the patents issued in 1999, the overwhelming majority that were granted within Africa benefited non-residents of the respective granting countries. Out of 80,516 patent applications filed in Kenya for example, only 28 were by Kenyan residents, who were successful in acquiring only 3 out of the 91 granted. In the Gambia and Uganda respectively, out of the 79, 703 and 80,421 filed respectively, none was by a resident of that country. Only one resident of Malawi and Zimbabwe filed for a patent in the same year out of 80,430 and 80,167 respectively, and these were both not granted. Egypt reported the highest number of patent applications by residents (536 out of 1146), of which 38 out of the 372 granted were successful. The only other African country whose residents came even close to filing this number of applications (116 out of 26,354), South Africa, did not however report the number of patents granted. In other words, only one African country according to the WIPO statistics reported a situation where more 0.1% of the patents applications filed locally were by residents (not citizens) of the said country. Even the African Regional Industrial Property Organisation (ARIPO) seemed to have not fared much

[4] "This state of affairs demonstrates that intellectual property does not appear in our positive law in the same way as in Europe. Copyright was not forged step by step the way a bird weaves its nest, following the example of what happened in the West where publishing / bookselling rights took time to transform into copyright. In Africa, copyright was born as an adult of 50 years, with all its provisions enacted "*usque ad sideros et ad infernos*".
I am not sure whether this is a good thing or not; but the consequence is that intellectual property more than any other area of law seems in the eyes of African populations an idiosyncrasy." (Own translation).

[5] This has indeed been cited as one of the premier challenges facing those working on the conceptualisation and implementation of programmes specifically concerned with the needs, priorities and potential of diverse African contexts. See Nikiema and Ogada.

[6] "Many countries have used [TRIPS] merely as a basis from which to draw domestic intellectual property regulations. … Some developing countries have been able to use the TRIPS treaty as a basis for the crafting of domestic laws and institutions that are responsive to the circumstances of developing countries ("Considering" 5).

better; of the 40,720 patent applications that it reported filing, only 7 were by residents of the 15 countries represented in the organisation. Only 2 of these were granted.[7]

It is tempting, given these statistics, to wonder if critics who argue against the establishment of IPR regimes in Africa do not have a valid point to make, as these frameworks only seem to legitimise and legalise the exploitation of the continent by outsiders. Numerous stories abound with regard to textbook cases where African innovators have been short-changed, deceived or betrayed when it came to the protection of their IPR. In 2000 for example, senior researchers from the University of Nairobi's department of Microbiology (Kenya) were caught off guard when they learnt from the media that their colleagues from the Human Immunology Unit of Oxford University (UK) had sidelined them in a patent application filed in the UK with regard to a joint study they were undertaking in Nairobi. Four years later, another case surfaced in the media, this time reports of a civil suit involving another team of Oxford researchers and the head of virology at the Institute of Primate Research (Kenya). The allegations this time involved not only the carrying out of unauthorised research, but also the theft of research samples and research data, leading to the publication of research papers.

Such cases are only the tip of the iceberg, and it is especially frustrating when even high profile cases seem to reinforce public perceptions that IPR violations are not taken seriously by the justice system.[8] Countless others remain invisible and unresolved. In particular, little attention is paid to IPR violations involving scholarship in the social sciences, humanities and arts that do not generally translate into immediate political, policy or economic benefits for national power brokers. However, given the reality of globalisation, it would be futile to simply refuse to engage in IP discourses and the practicalities of enforcing IPR. The solution instead lies in first setting up IP regimes that are appropriate for African countries and secondly in ensuring that IPR protection becomes a positive reality for the citizens of the countries in which it is enacted. Nonetheless, unless African intellectuals first make IP a continental discourse whose benefits and consequences matter to 'the common *mwananchi'*, little is destined to change in encouraging the embrace of IP in concept or practice.

The Heart of the Matter

My interest in this issue was first prompted by a series of conversations in which I was confronted with the consequences of IPR abuses. Up until then, like many others, while I was aware of IPR infractions, I had always distanced myself from their consequences, preferring not to dwell on the fact of their being lived experiences happening to real people. I had heard stories and rumours during my undergraduate studies warning me "to be careful of what work you did for *Mwalimu* so-and-so" because it would end up in a book or paper somewhere – in her or his name with no credit given. The whispers were rarely substantiated. No one bothered to pursue

[7] (qtd. in "Considering, 6). It should be noted that this is by no means a phenomenon peculiar to Africa. With the exceptions of very few such as Japan and the USA, most countries reported a higher number of patent applications by non-residents; in the UK and Singapore for instance 31, 326 and 374 out of the total of 161, 549 and 51121 respectively were filed by residents of those countries. What is remarkable in the case of African countries, however, is the discrepancy in numbers.

[8] While the case was filed in 2004, the incidents under investigation actually took place just about a year after the high profile outcry in 2000. It is difficult to believe that the Oxford University investigators in question could have been as naively ignorant as they purported to be of appropriate scientific protocol; not only did they flaunt Kenyan regulations governing scientific research, they also went ahead to publish their results in internationally recognised scientific journals. While the first case was "amicably" settled out of court, there has been little public information with regard to the outcome of the second one. Worse, just a month after the case hit the headlines, another team of British researchers, this time from Cambridge University, publicly admitted to flaunting the same state regulations in similar on-going research carried out at the same site (an orphanage) of the controversial Oxford University research. Whatever action might have been taken with regard to these two cases, public confidence in IP regulation has certainly taken a beating in Kenya.

allegations further because "it did not really matter". I never got to understand whether this referred to the fact that such cases never got investigated, leave alone prosecuted (at least in the public realm), or to the fact that what we thought was improper was really legitimate. It seems incredible to me now that IP issues seemed so far removed from courses of study.[9] This happy state of ignorance characterised my undergraduate and early stages of graduate school. I do not recall any formal occasions during the ten formative years as a student in three different universities on three different continents when I was invited to think about IP in any in-depth way, apart from the usual injunctions against plagiarism when writing papers.

Beginning 2004, through a succession of conversations with intellectuals working in different environments, I came face to face with the consequences of IPR ignorance or abuse. These cases triggered off a series of other conversations, in which I began to approach colleagues, peers, teachers, and mentors for their experiences with IP. I talked specifically to scholars who had no research interest in this area, focusing in particular on those working in the social sciences, the arts and the humanities, asking what they thought about it, what they knew about it, and what training they had received dealing with IP-related issues.[10] Almost without exception, I found that those I spoke to felt inadequately prepared to engage with IP related situations or discourses. Most people understood IPR to cover two issues – patents and copyrights, and many could not think of how these were relevant to them, or in what ways they were appropriate to their situation. One person, a university lecturer working in a literature department summed it up thus:

> "I am unlikely to ever come up with anything that will need a patent; I don't work in the fields that have to worry about such things. As far as copyright goes, it would be miracle enough for me to get published without worrying about copyright issues. Worrying about copyright for those of us here [on the continent] is a luxury. Most times, the students cannot afford to buy all the books we would like them to, so we have to get them to make photocopies. If they can get the material, that is all I am interested in, how they get it is their affair." [11]

At this point, I want to introduce the three case studies that were instrumental in provoking me to thinking about these issues. Indeed, my primary purpose in this paper is not to give an exhaustive survey of the state of IPR on this continent, nor to theorise on the epistemological or other foundations of African IP regimes. Instead, I want to use case studies to displace statistics with faces, to argue in the most compelling way I know how for a more comprehensive conversation on this issue.

I tell these stories because I want to dispel the fantasy that IPR does not affect the majority of us, or that these are issues that can be safely left to a small handful working in a limited number of fields. I tell these stories because I want to invite intellectuals working in diverse environments with multiple agendas to join in the conversation. And I tell these stories

[9] I undertook a Bachelor of Education with minors in French and Literature in English, followed by a Masters in the Creative Arts with a focus on Theatre.

[10] These conversations took place in 2004 and 2003, and involved mainly scholars in Kenya, although I also talked to people from / working in at least five other African countries.

[11] Private interview, Sept, 2004. Name withheld on request. When I sought permission to use this quotation in this paper, it was granted on the proviso that the speaker would remain anonymous. Although s/he had been perfectly frank when I first held this conversation, s/he was concerned of the possible consequences of naming, adding, "I could get into trouble for saying we do that, you know, the telling students to make photo-copies thing… no, maybe you better not use my name. I'll deny it you identify me, you know. But it's true."

because it is important to make the point that not only do these experiences matter, but that the cost of not talking about them is greater than can be calculated in simple figures.

In the three stories that I pass on below, African intellectuals working in different knowledge contexts found themselves at significant change-points in their careers as creators / transmitters / custodians of knowledge. In each of the cases, as a direct consequence of what happened, these witnesses emerged with a changed perspective on members of the academy, with at last one of the witnesses developing an instinctive mistrust of those of us who have opted to work from within. I have selected these particular stories to share, not because they are the only ones I heard, but because each of them addresses in one way or the other those of us present at this forum.

I also tell these stories as an act of witnessing. These stories are true in themselves, but they also stand in for others that are lost to us, stories that have been silenced, ignored, suppressed or dismissed. Over and over again, in the course of talking to people about experiences such as I present below, I was confronted by real emotions, sometimes so searing in their pain that I wanted to turn away, to turn off the recorder, or to change the subject. One witness told me that s/he felt s/he had been "violated", and I remember thinking at the time, "surely that is too strong a word to use". And when s/he repeated it, I found myself wanting to censor her/him, to question her /his interpretation of events, to suggest, ever so gently, that maybe s/he was over-reacting, that this was not such a big deal after all. I wanted to explain that I was looking for material I could use in an academic paper, that this term was so emotionally charged with so many other images that I hesitated to use it. It was only later on that I realised that in even contemplating stripping these accounts of the "messiness" that the academy often associates with subjectivity, I was implicating myself in the very silencing that I seeking to challenge. So I am telling these stories, because, "I have come to believe over and over again that what is most important to [us] must be shared, made verbal and shared, even at the risk of having it bruised or misunderstood. That the speaking benefits [us] beyond any other effect" (Lorde, 40).

Testimony One[12]

She is a well-known writer with a reputation that transcends geographical boundaries. This part of her story begins two decades ago, when she was just about to publish a book that has become the work that she is most associated with.

At the time that this happened to her, she had just received the proofs for correction from her publisher. At the time as far as local publishers were concerned, the fastest way to get work through the system was to do the actual typing of the manuscript yourself after the publisher had finished marking up original proofs with whatever changes were needed. One day, she was introduced to a scholar from the global North, who she was told was very interested in her work. In the course of the conversation that ensued, she told this scholar about this new work which was already in manuscript. The scholar was so eager to have a look at it that the writer finally agreed to give her a copy of the proofs although the work was still not really ready for the public. A few days later, the scholar contacted her, eager to talk about the book. She praised the book highly, saying she was so impressed by it, that she offered to write the introduction to the book; pointing out that such an introduction would probably give the book the attention it deserved within international academic circles. The writer agreed, well aware of the difficulties that she had faced earlier with marketing her work. Even though she was already enjoying some success locally, she figured out that additional exposure, and especially by a member of the academy,

[12] Private interview, Name withheld, 2004. The writer is currently in the final stages of publishing her autobiography, which will contain the full story summarised here.

could only do her book good. And so, they agreed that the scholar would go on to write the introduction and get back to her when she was done, by which time the rest of the book would be about ready to go to press.

When the introduction came, the writer was somewhat taken aback at its length. It seemed to her that the scholar was using her book to get a platform for her own work, and not the other way around. Apart from the fact that she knew that her publisher would never stand for this, she herself was sure that her book did not need such an extensive introduction to make sense. So she made the decision that she would only agree to publish a severely edited version. The scholar resisted, the writer stood her ground. And that was how things rested.

A couple of years later, the writer was travelling outside her own country on a non-related business trip, when she found out, somewhat accidentally, of a new edition of her book that she had no knowledge of. Mystified as how this could be, when she, the author of the work in question had no business with the publisher and was certainly not receiving any benefits from this, she set out to investigate if this could be indeed so. Armed with an address, she made her way to the publisher's office where she proceeded to pass herself off as a graduate student in need of the book in question. Yes, they had copies, sure they could sell them to her, and so buy them she did, all the copies she could afford. And this is where the mystery was solved for her. For when she examined the books, she found to her surprise that not only did this version include the rejected essay in its entirety, it was appended to the book title ("with an introductory essay by…") and its author prominently acknowledged in the list of acknowledgements, ahead of anybody else, as the one who had made this edition possible.

Her initial reaction was to sue. However, in a foreign country, with little money for such a venture, unsure if her copyrights extended to this country, and how to enforce them from her home, she gave up.

Incidentally, the book in question is under distribution by this publisher, twenty years after initial publication. She has received no royalties to date.

Testimony Two[13]

For her final year as an undergraduate student, she chose to do an honours thesis, writing up a practical project that she had participated in. She felt that she was very lucky to have, as the supervisor for her thesis, a scholar who himself had undertaken similar projects in the past and who was extremely enthusiastic about her work. Because this was a project that meant so much more to her than mere marks, she poured her heart and soul into it. When it was complete, it was more than just an honours thesis; it was the most significant research project she had undertaken to date. Even more importantly, writing up the project and thinking through the larger implications of it had awakened something inside her; a desire to continue to do the kind of work she had researched for the thesis. She was proud of the "A" that rewarded her effort, thrilled that her thesis would remain for posterity in the department library.

A couple of years after graduation, she happened one day to pick up a new book edited by a faculty member in her former department. This was someone she had come to know after leaving school as he had been on study leave, pursuing his PhD studies, during her time there. Words are probably inadequate to describe how stunned she was when she found, as part of a chapter by this scholar, with no word of acknowledgement, a significant part of her thesis. Word for word, idea for idea, with no changes, and very little additional comment, parts of her analysis of the project had been merged into the work. She could scarcely believe her eyes; hardly wait to

[13] Mkawasi Mcharo, Private interviews, March, September, 2005.

look for a copy of her thesis so that she could compare the two. No, she was not hallucinating; it was the same work. But how? She knew she had deposited a copy of her thesis with the department, but was it truly possible that this person could have used her work in his research, and gone as far as using it in a book without any acknowledgement?

Her first reaction was to confront him, to ask him why he had stolen her ideas, used her work without citing her. She thought too of telling someone else about it – but who? And for what? She was confused – she felt she had been wronged, but she did not know how to articulate the wrong or to whom. This person was someone who was well known within both academic and professional circles – was she really ready for the consequences of her revelation? What if she made a big deal of it and it turned out that this was standard practice? She had, after all, heard rumours before of faculty plagiarising the work of their students, but they had never seemed more than stories and certainly nothing ever seemed to result from the circulated gossip. Since her work had never been published, what exactly would she accuse him of? Was plagiarism a crime? Besides, this was Dr. X, someone who was becoming the one of the best-known names in this discipline within the country, someone she herself had come to respect and even work with; could she really be the one to shame him before his colleagues? What would people think of her?

For days she agonised. She knew she needed to deal with it if only to enable herself to move on, but she did not know what to do. Then a solution presented itself. At an international conference she decided to speak to a scholar in the same area of study but from another country reasoning that he would be objective in the situation and who would not be likely to know who she was talking about. At least, he could answer her questions as to what to do. Well, this person listened to what she had to say carefully and then asked, "What is your problem? Your work is now out there as it should be; it is now being read by other people. Surely it does not matter who gets the credit, the important thing is that your ideas are out there."

Testimony Three[14]

It was the most significant project of his experience as an actor. There had been other projects in which he had played a bigger role, productions in which he had signalled his potential as one of the most versatile performers in this country of his generation. But there was something about this project that had changed him irrevocably, something that still, even today, over many years after it was over, made him pause and reflect on the lessons he had learnt, as both a performer and a human being.

This production "grew him up", not only as an actor but as a human being, as a citizen of his country, and as a performer who understood the process of performance as an act of creating, sharing and processing knowledge within a community. It was different from other productions put on by the company he worked with. Until then, they had mostly worked with published scripts; this one slowly evolved from fragments of folklore woven around a concept, into a fully-fledged production.

Years later, they would sit around and try to remember who first provided the seed for its genesis; they never could pinpoint that with certainty. Some people would remember it one way, others another, and the rest, well they mis-remembered the whole beginning, some imagining new beginnings, others filling in gaps in their memory, others simply forgetting what they once knew. At the time it did not seem important; they had just gathered in all manner of spaces and laboured the production into being. One person would supply an idea here, another tell a story there, a third share a song, a fourth a movement, another find yet another way of encapsulating a

[14] Private interview. Name withheld. November, 2004.

concept. Later on they would realise that the process was as engrossing and fulfilling as the product they created. When they were done – or at least when they paused to let audiences in to see it for the first time, it was a joint effort of which they were justifiably proud.

It became the kind of production that refused to die easily. It survived political censorship, lack of resources, several productions and the coming and going of several company members over several years before it finally was put to rest. Along the way, after the first memorable production, a member of the company, in his "day job" a lecturer at the university, offered to set the script down in writing. It would indeed be a couple of years in between productions. The rest were pleasantly surprised to find that the writer had done a good job of not only recording what they had devised together, but also in supplementing it. Those who were still members of the company at this time were eager to work together with new people in revising the script through the rehearsal process. For him, this seemed to be more than a "story on stage"; it was a significant intellectual intervention carefully crafted to present research findings and to suggest a possible solution to the nation's problems.[15] Judging from the audience response to this and yet another subsequent production, it did get people talking and thinking together about particular societal issues.

A couple of years later, he heard on the grapevine that a book publisher was seeking to publish the play and had been talking to the writer who had set down the script after the collective devising process. Initially flattered to hear of this initiative, he however became bothered when he further was told that the play would be credited solely to the writer of the piece, effectively ignoring, or at least minimising, the contributions of all the others who had participated in the devising of the project. He talked to a couple of others from the original cast, those who like him had played a significant role in the devising of the piece. Although it had not seemed a big deal before to them who was credited with the writing of the show, now that it came to legal ownership, they were all agreed that it would not be fair for the writer to own the sole rights to the script. This writer argued in turn that since he had penned the words, even though they had been collectively devised, he had the right to claim ownership of the script, if not of the actual play. They disagreed. It got ugly. People took sides; some made the case for group ownership, but that got complicated. The work had seen several productions with different casts by the time it got to its final reincarnation. Each company had left its mark; which version should be used to determine who got how much of what credit? In any case, the original theatre company which was the legal entity that had first devised the show had long since been dissolved, and its members were so scattered it would be difficult to bring them together purely for this. Some argued that the work was in the public domain because of the liberal use of well-known folklore. In the end, it turned out that most people just did not know enough to make a case or where to go to find out what the legal status was; the publishers hesitated to proceed with the publication, and quietly, just like that, the matter was dropped.

Towards an intellectual property rights regime for Africa

Each of the stories above present a human face to the challenges presented by IPR today. The first of these involves the unequal power dynamics between intellectuals working in different kinds of institutions, in this particular case complicated by the global South / North divide. The

[15] Comparison was made in this interview of the process and work of Augusto Boal, who discovered alongside other members of the Arena Theatre company of Brazil, theatre as a practical way of conceptualising and rehearsing for revolution in what has become known globally as "Theatre of the Oppressed." These techniques translate the work of educator Paulo Freire. Boal described the process of discovery in Theatre of the Oppressed.

second explores the potential hazards faced by junior scholars working in knowledge-based institutions where seniority can become a license for exploitation. The third deals with the challenges emanating from the development and use of epistemologies challenging modes of scholarship traditionally privileged in the westernised academy.

What is strikingly similar about each of these cases is that the individuals concerned were paralysed by a lack of knowledge, not of the existence of IP legislation, but of its applicability to their situations. Even though they thought they were potential or actual victims of IPR abuse, none of them knew what to do about it, and consequently, in two cases out of the three, were unable to confront the alleged perpetrator. In the third case, the resolution was far from satisfactory; in the end, the work was never published or recorded in any transmittable form, and remains difficult to access for academic or other purposes.[16]

These stories are not fictional accounts. They are testimonies of what is happening away from the headline cases that deal with patent and copyrights, from the high stakes that make policy makers sit straighter when people talk about possible HIV vaccines and the potential of bio-medicine. They happen in the spaces where you and I live. In fact, they are chosen for their ordinariness, for the fact that they could happen to almost anyone who embraces the identity of an intellectual, in the sense defined by Ngugi wa Thiong'o as "a worker of ideas". These are cases that I came across during the process of my own research on an unrelated issue, a reminder to me of how easy it is to find IP related situations when one begins to recognise them as such. They demonstrate the importance of raising the public profile of IP matters in every African country, and in diverse sites, in and outside the courts and the academy. This is the first step towards transforming current IP discourse in Africa: the stakes need to be raised and people's understanding of IP in relation to the everyday realities of life needs to change. We ought to begin to think about how IP relates to different disciplines and profession, the local contexts within which these rights have to make sense, and the challenges that they have to address. We need to broaden the discussion so that it is no longer confined to professionals and academics working in narrow areas of law and business / commerce, but is also associated with other spaces outside high – tech labs and courtrooms.

If this is to happen, there is a need to re-visit the fundamental premises of IP, tracing the origins of concepts, processes and practices in relation to their application to historical and contemporary African contexts. "[J]e pense que le défi de la recherche dans ce domaine serait de permettre à l'Afrique de 's'approprier' la propriété intellectuelle" (Nikiema).[17]

We must go back to "where the rain began to beat us", starting with a historical understanding of what IP has meant to different African communities over time. We should compare this with what is now being implemented across the continent. In what circumstances were these new concepts first applied to different African contexts?[18] What existing understandings did they challenge, adopt, alter, accept, or reject? Which ones have been easily absorbed by which communities, in which contexts and how? Which ones have not? In what ways and situations have they successfully changed or affirmed behaviour? How do they relate to present

[16] This particular production was the subject of heated exchange at a series of discussions on theatre in 2004, after a well known scholar dismissed it as "inconsequential" citing as evidence the fact that it had never been published.
[17] "I think that the challenge of research in this area would be to allow Africa to adapt intellectual property to its own context" (Own translation).
[18] French laws, which passed into law in 1791 and 1793 with regard to literary and artistic copyright began to be applied in French African colonies in 1857 and 1858 without specific changes accommodating the social contexts, processes and realities of these new spaces.

philosophical discourses that seek to engage the contemporary realities? What intra- and inter-African networks do they facilitate or impede, and what are the consequences of this?[19]

We ought to explore our own understandings of IPR through lived experiences such as the ones above, not simply to so that we may understand these particular situations better but to enable us to use them to help us in creating theory, developing policy and strengthening our knowledge institutions and networks. I found that in seeking to elicit people's opinions about IPR, stories like these never failed to get a vibrant conversation going, a conversation that invariably went beyond the specific case studies into other issues of concern to my interlocutors. For example, the first example invites discussions into the possibilities of redress offered by international networks and protocols to African citizens and residents. To most people, they still seem impractical and unworkable to all but corporate clients. The questions must be asked therefore: Could this indeed happen today to African scholars interested in extending their reach outside their own countries? In what places of the world are rights that are issued in African countries respected and enforced? What possibilities for redress exist for people in similar positions today? In what ways are we ourselves complicit in allowing or enabling the violation of our IPR?[20] The second case allows explorations of the institutional and societal frameworks within which this and similar dilemmas arose. Which unwritten social codes do we respect with regard to "naming and shaming" colleagues, mentors, our seniors and juniors, people we know or whom we have some kind of relationship to, albeit a distant one? In what circumstances is it "OK" to bring in legal advice? What alternatives exist, not only for redress but also for objective advice? When do social consequences or possible career ramifications outweigh our legal rights? What endogenous / indigenous solutions are in force in competition to the legal alternatives, and how do these compare in addressing these issues?[21] What are the regulations governing student work in our institutions of learning? What mechanisms exist to provide information or redress in similar situations? What kind of advice might one give in a similar situation? The third case brings up competing understandings of IP with regard to knowledge processes and concepts. What does 'public domain' mean when dealing with traditional knowledge? Who decides who

[19] Two major IP – related organisations on Africa have retained the colonial division between France and Britain. L'office Africain et Malgache de la Propriété Industrielle (OAPI), formed in 1962 specifically targeted former French colonies which had until then had used French patent laws. Its membership today is made up of 16 Francophone countries. The African Regional Industrial Property Organisation (ARIPO), its Anglophone counterpart resulted from the 1973 draft Agreement on the Creation of the Industrial Property Organisation for English-speaking Africa (ESARIPO), which was adopted in 1976. The organisation evolved into ARIPO in 1985, and while its membership (15 countries) and observers (10 countries) now include non Anglophone states such as Mozambique and Mauritius, English remains as the sole official language of the organisation.

[20] This question is prompted by a recent discussion on the (US based) H-Africa discussion listserv precipitated by a query seeking the names of African novels/authors that members of the listserv thought "deserve[d] to be brought back into print" for the benefit of "a US publisher" interested in publishing such works (Nfah-Abbenyi, August 21, 2005). After a robust discussion which elicited an extensive list, the thread came to a somewhat abrupt end when questions were raised in one post with regard the identity of the mysterious publisher and the consequences of even undertaking such a discussion without evidence of prior, on-going, or future consultation with even a tentative group of authors or copyright holders (Murunga, September 1, 2005). It was pointed out that by remaining silent on these issues, members of the listserv risked participating in the marginalisation of the identified writers since no evidence was given or assurance offered that their involvement (or that of any heir or copyright holder) would be sought should the project be viable. I found it interesting that no one responded to these issues. Incidentally, works that were identified included some that are not out of print (such as Ayi Kwei Armah's The Healers recently re-issued by the Senegal-based Per Ankh) or whose authors / copyright owners (such as Armah) have deliberately chosen to avoid working with publishers from the global North because of their negative experiences in protecting or benefiting from their IPR. This is not to say that African work must not be published outside the continent, or to imply that there are not many happy endings out there; however there is more than enough evidence, here and elsewhere – remember Bessie Head – that it is safe to make no such assumptions, especially when no one seems willing to respond when tough questions are asked.

[21] Pamela Andande suggests the need to move beyond the usual way that such disputes are settled, which is what she terms as the 'traditional Kenyan way' of "naming and shaming" of the perpetrator, thus pressuring her or him into reaching "an [out-of-court] amicable settlement". The problem seems to be that most people do not trust the legal alternative either.

'owns' material or processes emerging from collective reflection? How does one reconcile into one legal position diverse perspectives emerging from different traditions, especially where the law is not clear on which one is pre-eminent? I should note that in this case, many of the principal actors in this particular dispute had graduated from higher education institutions, several with some specialisation in theatre / drama in their undergraduate studies, with a couple pursuing this to a masters level. This therefore brings the curricula question to the fore with regard to profession-related issues. I find it particularly interesting that most of those who claimed knowledge of particular legal provision in their national contexts however felt that in this particular case the applicable IP provisions seemed to ignore indigenous perspectives and creative processes in their formulation. Dissatisfaction with the status quo led me to appreciate another potential benefit of using case studies such as these in IP discourse. Where existing provisions do not satisfactorily answer questions, then such examples enable us to ask questions that move us beyond the past ("what-went-wrong / what-should-have-been-done) through the present (could-this-happen-today /why) to the future (what-do-we-need-to-do / what-have-we-not-yet-thought-about). This in turn moves us from the frustration and disillusionment that are the usual legacy of the kind of IP disputes featured in the press where the "little guys" rarely seem to win. Instead such cases can be used to create awareness, sensitise people as to their rights, build confidence in the system and above all, elicit investment from different sectors of society in creating an IP regime that works for the continent.

The Role of African Knowledge Institutions

In arguing for the establishment of epistemological bases of IPR within historical and contemporary African understandings of knowledge and property, I do not suggest that we cannot apply present conceptualisations imported from elsewhere. However, it is important that we start with what we have developed within our own contexts, complementing it with only what we are confident is relevant and applicable to our own situation, resisting the pressure to legislate for the benefit of others.[22] This is especially important when we enter into global discourse leading to international agreements and treaties. Instead of using these solely to develop national IP regimes, we need to be pro-active in making the world responsive to our own needs and understandings, so that such protocol also reflects out positions, ensuring that that we are protected not only from IPR abuse within our own borders, but, everywhere else as well. This can only happen if our knowledge institutions begin to play an active and leading role in stimulating IP discourse both at home and abroad.

I am convinced of the need to extend IP discourse beyond its traditional spheres of influence such as the courts and select sectors of the academy. African scholars must play a more central role in conceptualising, extending, disseminating and influencing IP policy so that it emerges out of and reflects the realities of the contexts within which it is to be applied. Most teaching and research on these issues currently takes place in faculties of law and associated institutions. The handful of workshops that are conducted outside universities and specialised institutions are usually tailored to benefit those professionals working primarily on IP issues such as lawyers or

[22]Speaking of the applicability of model transfer, J.H. Reichman observes, "The importance of university research in the United States system of technological innovation has been much admired, and it is often cited as a model that other countries should emulate, particularly developing countries." However, pointing out the importance of unique socio-historical circumstances contributing to the specific provisions of all important Bayh-Dole Act of 1980, he warns, "I personally believe that the American experience with regard to the collaboration between universities and industry is worthy of emulation by developing countries, but only if we clarify the context that made Bayh-Dole work in the U.S. and if we take pains to identify the conditions in developing countries that are needed to transplant such a model to those countries.

investors and tend to concentrate on industrial property or copyright issues. It is clear from the case studies and examples above that this is far from adequate. That approach plays into the weakness of defensive reaction after the fact as relatively few people with the exception of corporate clients and business entrepreneurs dealing with big sums of money bother to seek protection against possible infringement or even understand what their rights and responsibilities may be with regard to IP. There is urgent need to change this by promoting growth in all areas of pedagogy and research undertaken in our institutions of higher education in two important ways.

First, IP needs to be included in core curricula across the disciplines, making it mandatory at some level for all students in institutions of higher learning. This will mean the development of curricula and syllabi that reflect on and reflect the peculiarities of disciplinary areas and national contexts. The major challenge in this regard is that of resources; the continent currently suffers from dire lack of human and material resources to accomplish this successfully. Most scholars who work in this area are found in faculties of law; however, only a handful of universities have faculties of law that prioritise IP in teaching and research. There must be an increase in the number of faculty qualified to teach IP, and these must be distributed across various disciplines.[23] These in turn need to be supported in the development of appropriate and adequate resources and methodology tailored to cater for the needs of different disciplinary areas, bearing in mind that many institutions may be unable to provide much more than minimal investment with regard to technology. Thus, pedagogical methods ought to be reviewed, to provide not only for ICT and multi-media tools as per the recommendations of international partner organisations and institutions, but also endogenous methodologies such as those utilising embodied and material performance. I am especially interested in under-researched and under-theorised areas of IP such as traditional knowledge whose products and processes have recently attracted attention in forums such as WIPO.[24]

The inclusion of academic protocol with a specific focus on IPR protection in all introductory courses at all levels of teaching and research in African universities would facilitate the resolution, if not the elimination, of a significant number of plagiarism incidents. This would be especially true if these are supported by easily accessible, transparent and effective regulatory systems. The benefits of such courses should also spill over into different professional fields as graduates move into their professional lives equipped to both exploit the full benefits of IP regimes their areas of influence and interest, as well as to protect themselves from IPR abuses. This should ultimately raise the profile of IP discourse within the public sphere, benefiting many more than graduates of higher education institutions, including people like the witnesses above who are often invisible in discourses of this nature.

In light of the emphasis placed in most African universities on teaching at the expense of research and the development of supporting theory, it is essential that attention be paid to these areas. Research offers wonderful opportunities for inter-disciplinary, inter-institutional and inter-

[23] Many of these courses can and should be taught by faculty from the disciplinary areas in which hey are being offered. This will stimulate interest within different fields into IP related issues.

[24] I am using the term 'traditional knowledge' as defined here by WIPO. "There is to date no universally recognized definitions for traditional knowledge as such. 'Traditional knowledge' itself has a number of different subsets, some of them designated by expressions such as 'indigenous knowledge,' 'folklore', 'traditional medicinal knowledge' and others. Contrary to a common perception, traditional knowledge is not necessarily ancient. It is evolving all the time, a process of periodic, even daily creation as individuals and communities take up the challenges presented by their social and physical environment. In many ways therefore, traditional knowledge is actually contemporary knowledge. Traditional knowledge is embedded in traditional knowledge systems, which each community has developed and maintained in its local context. The commercial and other advantages deriving from that use could give rise to intellectual property questions that could in turn be multiplied by international trade, communications and cultural exchange" ("Intellectual").

national networking, and provides the best foundation for the development of a collective approach to common issues. The number of researchers working on IP related issues is tiny, leading to the problem of isolation and a lack of resources. The development of regional / continental research networks is a priority as this would help ameliorate these problems, facilitating the pursuit of research questions that currently receive little or no funding from traditional donor agencies. This is particularly important in cases where such research challenges are of no potential interest to the global North, or where they have the potential to tip the balance in the favour of regions of the world that have been historically disadvantaged in global IP discourse. The rich potential of traditional knowledge has long suffered from neglect because of such realities; a situation that is now only beginning to be reversed due to the concerted efforts by members of the global South.

Finally, I would like to suggest three levels of practical action that are imperative in centring the African academy in IP discourse. Each level can be translated into relevant policy on the ground, with the specificities of each national context or insitution being taken into consideration.

To begin with, individual disciplines and fields of study must take seriously the challenge of teaching, researching, theorising and practising different aspects of IP. Peer review and mentoring mechanisms should be set up within university departments and faculties emphasising collegial partnerships that facilitate the propagation and protection of IPR. Institutional frameworks that promote innovation, enhance protection and provide redress sans favouritism or prejudice should be developed and maintained.

This would extend to the second level of action, which takes place on national platforms. If IP discourse is to be productively revolutionised on the continent, scholars must energise and influence relevant discussions in the public sphere bringing together those already involved in working on different aspects of IPR and new constituencies. Beyond high profile issues such as those involving genetic / biological research, industrial property and copyright issues, emerging IP issues must be widely cerebrated before any form of legislation, including the ratification of international agreements or treaties, is enacted.

Finally, intra- and inter- continental networks extending beyond linguistic, economic, political or other socio-cultural blocs should provide the basis for continuing and far-ranging continental and global conversations.

Conclusion

The development of a robust IPR regime ranks as one of the most important challenges facing the African continent. Current practices leave a lot to be desired; with discourse centring on models that have not integrated well into most African societies. African intellectuals need to take the lead in revolutionising innovative practices, through an integrated multi-faceted approach to increasing the practicality, visibility and scope of IP discourse on the continent.

WORKS CITED

Andanda, Pamela. "A Golden Chance for Medical Ethics in Kenya." SciDev.Net: Science and Development Network. 15 June 2004. 25 Sept. 2005. http:/www.scidev.net/opinions/index.cfm?fuseaction=readopinion&itemid=283&language=1

Barnett, Anthony. "Oxford Scientists Accused of Stealing AIDS Orphans' Blood for Illicit Research." The Observer 30 May, 2004. 30 September, 2005

http://www.guardian.co.uk/aids/story/0,7369,1227897,00.html

Boustani, Maroun. "Défis que les pays en développement doivent relever dans les domains de l'enseignment et de la recherché en matière de propriété intellectuelle. Colloque Internationale de l"OMPI sur l'Enseignement et la Recherché en Matière Propriété Intellectuelle. Juin, Juillet 2005. 28 Sept. 2005.
http://www.wipo.int/academy/en/meetings/iped_sym_05/program_detailed.html

"Considering Kenya's Intellectual Property After TRIPS." The Point: Bulletin of the Institute of Economic Affairs 48 (2001)

"The Constitution and Intellectual Property." Katiba Notes. 1.2. ed. Institute of Economic Affairs (Kenya). (2002)

Gopalakrishnan, N.S. "Challenges faced by Academic institutions in the Teaching of IP and Carrying Out IP Research. Confeence proceedings of the Interantional Symposium on Intellectual Property Education and Research, Geneva, 2005. 28 Sept. 2005.
http://www.wipo.int/academy/en/meetings/iped_sym_05/program_detailed.html

Hesse, Carla. "Literary and Intellectual Property." Encyclopaedia of the Enlightenment. Ed. Alan Charles Kors. Oxford University Press 2003. Northwestern University. 29 Sept. 2005
http://www.oxfordreference.com.turing.library.northwestern.edu/views/ENTRY.html?subview=Main&entry=t173.e406

"Intellectual property." A Dictionary of Computing. Oxford University Press, 2004. Oxford Reference Online. Oxford University Press. Northwestern University. 20 September 2005
http://www.oxfordreference.com.turing.library.northwestern.edu/views/ENTRY.html?subview=Main&entry=t11.e2631

"Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore. 25 Sept. 2005.
http://www.wipo.int/about-ip/en/studies/publications/genetic_resources.htm.

"Intellectual property." World Intellectual Property Organisation. 20 September, 2005.
http://www.wipo.int/about-ip/en/

Lorde, Audre. "The Transformation of Silence into Language and Action." Sister Outsider: Essays by Audre Lorde. Freedom: The Crossing Press, 1984. 40 – 44.

Mkandawire. Thandika. "The Social Sciences in Africa. Breaking Local Barriers and Negotiating International Presence." African Studies Review, Vol 40 Issue 2. 1997.

Nikiema, Kouliga Daniel. "Defies que les établissement d'enseignement doivent relever dans les domnaines de l'enseignement et de rechercheen matiède propriété intellectuelle." Colloque Internationale de l'OMPI sur l'Enseignement et la Recherché en Matiere de Propriete Intellectuelle. Juin, Juillet 2005. 28 Sept. 2005.

http://www.wipo.int/academy/en/meetings/iped_sym_05/program_detailed.html

Njubi, Nesbitt, "African Intellectuals in the Belly of the Beast: Migration, Identity, and the Politics of Exile,"African Issues 1 (2003): 70-75

Ogada, Tom P.M. "Challenges Faced by Developing Countries in Teaching and Conducting Research on Intellectual Property." Conference proceedings of the International Symposium on Intellectual Property Education and Research, Geneva, 2005. 28 Sept. 2005.
http://www.wipo.int/academy/en/meetings/iped_sym_05/program_detailed.html

Okwembah David, Victor Bwiire and Patrick Nzioka. :Shame on Children used in Experiments on AIDS." Daily Nation. 23 may, 2004. 30 Sept. 2005.
http://www.nationmedia.com/dailynation/nmgcontententry.asp?category_id=1&newsid=8433

"Out of Print African Novels / African Novels Reply" H-net Africa Discussion log, August 2005./ Sept 2005.
http://www.h-net.org/~africa/. 30 Sept. 2005

Reichman, J. H. "University-Industry collaboration: The United States experience." Conference proceedings of the International Symposium on Intellectual Property Education and Research, Geneva, 2005. 28 Sept. 2005.
http://www.wipo.int/academy/en/meetings/iped_sym_05/program_detailed.html

Soetendorp, Ruth. "Collaboration in Intellectual Property Education and Research." Conference proceedings of the International Symposium on Intellectual Property Education and Research, Geneva, 2005. 28 Sept. 2005.
http://www.wipo.int/academy/en/meetings/iped_sym_05/program_detailed.html

Zeleza, Paul Tiyambe. Manufacturing African Studies and Crises. Dakar: CODESRIA, 1997.