

**INFORMATION SHARING IN AFRICA:
RECONCILING COPYRIGHT PROTECTION AND
ACCESS TO INFORMATION IN GREY LITERATURE**

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ABSTRACT: Information sharing is vital for both authors and patrons. Some of the notable advantages for authors are the social recognition and economic benefits that are crucial components of copyright protection. Unfortunately, copyright laws are often regarded as major hindrances by users. Furthermore, many authors, especially authors of grey literature, hesitate to share for fear that their information will be misused or stolen. Many people in Africa today have the misconception that copyright protection is synonymous with published works, and that unpublished works are not protected by copyright. But copyright is meant to protect authors from unfair use of their literary and artistic works whether published or not, as long as they are expressed in written or recorded form. Sharing of grey literature is beneficial not only to the author but to nations as whole. Therefore African governments should educate their citizens about the importance of seeking copyright protection and enforcing laws to protect authors' works from unscrupulous or malicious users. Promoting copyright protection will enhance the availability and sharing of information in an informed society.

Keywords: Grey literature, copyright, Africa, indigenous knowledge

Introduction

According to the World Intellectual Property Organization (WIPO 2011), copyright protection is the legal protection extended to creators of original literary and artistic works, regardless of whether the works are intended to be published or not. Any original literary expression of ideas from the human intellect is liable to copyright protection. These expressions may also contain indigenous knowledge.

Davenport and Prusak (2000) define indigenous knowledge as a fluid mix of framed experience, values, contextual information, and expert insight that provides a framework for evaluating and incorporating new experiences and information strongly synonymous with a specific society. Furthermore, Mchombu in El Halaby (2006) defines information as it refers to the poverty reduction ideas disseminated by agencies, the mass media, posters, video, interpersonal sources, social networks, etc., but such information is not yet knowledge.

Knowledge, on the other hand, is information coming from different sources that has been consolidated, processed and internalized by individuals, a community or society in the context of what they know already, and can either add it to their knowledge base or reject it. Thus knowledge is filtered and contextualized information that can be used to take action against poverty.

Besides the fact that many authors of grey literature in Africa are those whose works dwell so much on rich indigenous information or knowledge, and are often rich in culture, humanism and spirituality, there is little urge and interest by many to share their knowledge. Some authors do believe that sharing of such vital information is a taboo and degradation to their own cultures; therefore it is only conserved for the use within the secretive cults or circles of their cultures. An example of such cases is that of vital information of proceedings of Nyau initiation ceremony for adolescent boys and girls among the Chewa and Mang'anja people of Central and Southern Malawi, respectively (Van Breugel, 2001). Another example could be that of cultural information about proceedings of Jando and Unyago initiation ceremonies of boys and girls among the Yao people of Central Eastern and Southern Malawi, Southeastern Tanzania as well as Northeastern Mozambique (Fiedler, 1996). There is still a lot of authorship about such initiation ceremonies, information about which is secretly guarded on grounds of not wanting to unleash taboos.

However, there are a lot other literatures of unpublished information or indeed indigenous knowledge about the physical environment, subsistence farming, fishing and ecological survival that are easily shared within and among cultures of Africa for numerous reasons and intentions. This is information important not only to human survival but also to academic research or action, and it can be shared and disseminated for the benefit of all (Mchombu in El Halaby 2000). Perhaps of greater importance are those works containing vital indigenous knowledge that are hidden or withheld because their unpublished authors anticipate that sharing their information will not benefit them in any way; or they may simply feel that their information will be stolen and be re-used for academic and economic gain. This is a clear indication of lack of security in as far as copyright is concerned.

Copyright is a very fundamental component of intellectual property in sharing and preservation of indigenous knowledge. Authors of unpublished works feel more prone to ill-practices of information theft since there have been numerous cases in many parts of Africa where information was innocently taken away by scientists or researchers but was then re-used to greater benefits without compensating the originators (Brush and Stabinsky, 1996). Copyright is meant to financially and morally benefit owners of works. Compensating indigenous people for sharing their knowledge and resources might both validate and be an equitable reward for indigenous knowledge of all available resources (Brush and Stabinsky, 1996).

The State of Copyright in Africa

The biggest challenge in Africa in as far as intellectual property is concerned is that most countries have restrictions to access to knowledge that revolve around restrictive copyright practices and regulations (Nicholson, 2006). The problem with such regulations is that they use copyright law against access to and availability of knowledge and not for setting boundaries, as copyright protection is intended to, to how access to knowledge should be exercised and how availability of such knowledge should fairly benefit both the owner and the user. In other words, such restrictions are basically set to politically benefit the governments and not necessarily to strike a balance of benefits between owners of information and information seekers and/or users.

And worse still, proper enforcement and preservation of intellectual property laws, let alone copyright laws, might not be a priority area to many of these African countries that might focus on other developmental areas. Public resources that might be needed for enforcement of such laws are so meager that such things as primary healthcare; Anti-Retroviral (ARV) drugs distribution and access; HIV/AIDS home-based care projects; safe water projects; safe motherhood projects; free primary education; and food security are regarded as more important than investment in the enforcement and preservation of copyright laws (Wei, 2007).

Another critical challenge that poses a threat to copyright protection in Africa is lack of knowledge among indigenous people about the availability of copyright protection. This might further be aggravated by illiteracy among these people. Such people normally have vital knowledge about the essentials of their cultures but might not be able to articulate it, for example, for academic or research purposes. As a result, academic researchers might 'snatch' such knowledge from the people with little compensation or nothing at all. Since over the years many African indigenous people have known about such practices by some researchers, they tend to hide the knowledge, a move that benefits neither them nor the researchers (Brush and Stabinsky, 1996).

Creating a Marriage Between Copyright Protection and Access To Indigenous Knowledge

The first step in the creation of such a marriage should involve dedication by African governments to the promotion of the publishing industries and the book trade. This is one of the easier ways through which authors can benefit from their works. Unpublished authors should be encouraged or assisted to publish. Such a bold move will promote availability of knowledge by widening access to it. Although various studies, including those whose findings were presented at the 2005 African Copyright Forum in Kampala, Uganda, have shown that not many people in African can access information due to copyright and economic reasons (Nicholson, 2006), it is imperative that African governments take initiatives in the form of information subsidies. This should entail strong copyright protection for authors but with heavily subsidized prices for information. In this way, both the authors and users will benefit from their own capacities as owner and user. Consequently, not only will this promote literacy among people of the African nations, it will also help create knowledgeable societies that will stand strong for and in both individual and national developmental activities.

Secondly, those authors of indigenous information who cannot publish their works for whatever reasons should have

their information collected and deposited into national repositories for easy public access. These national repositories should be augmented and complemented by urban as well as rural public information centers, making it easier for people to access and share information. This should be done in conjunction with an economic benefit for the authors. These information subsidies should also benefit public and academic libraries that will acquire materials for their clientele at reasonable prices, provided the materials are being used for information needs and not for economic gain. As soon as authors realize that they are protected, they will be far more likely to release information for public access and sharing.

Finally, the World Intellectual Property Organization should extend its mandate to helping African governments not only to create, promote and instill stronger but non-repressive copyright laws, and also to ensure that the information user is regarded as standing parallel to the information creator as a receiver of whatever is created.

As opined by Mchombu in El Halaby (2000), the key issue in information and knowledge sharing in Africa is to overcome poverty. Therefore, information sharing is a means to poverty alleviation and such alleviation should begin right with the information itself, as a benefit to a creator of information as well as a user of that information as a recipient.

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