Book Review: Enyinna Nwauche *The Protection of Indigenous Knowledge in Africa* 2nd ed (Springer 2025) ISBN 978-3-031-71263-0; ISBN 978-3-031-71264-7 (eBook)

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Online ISSN
1727-3781

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Date Submitted

25 February 2026

Date Revised

17 April 2026

Date Accepted

17 April 2026

Date Published

27 July 2026

Editor

Prof Wian Erlank

Journal Editor

Prof Wian Erlank

How to cite this contribution

Gcumeni FGA "Book Review: Enyinna Nwauche *The Protection of Indigenous Knowledge in Africa* 2nd ed (Springer 2025) ISBN 978-3-031-71263-0;ISBN 978-3-031-71264-7 (eBook)" *PER / PELJ* 2026(29)
DOI
http://dx.doi.org/10.17159/1727-3781/2026/v29i0a25987

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Abstract

The book is a compilation of 13 selected articles that articulate different aspects of African indigenous knowledge protection systems. It is extensive in its coverage as it attempts to exhaust a large proportion of protections that are provided to indigenous knowledge specialities such as heritage protection, Africa's Scientific Technical Indigenous Knowledge (STIK) protections, indigenous designs, indigenous literary knowledge, sign terms and expressions and various cultural expressions in the African audiovisual industry and indigenous African music.

Keywords

African indigenous knowledge; indigenous knowledge specialities; Scientific Technical Indigenous Knowledge protections; indigenous cultural expressions; protections of indigenous knowledge in Africa.

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Review

Professor Enyinna Nwauche's book*, The Protection of Indigenous Knowledge Systems in Africa,* is timely and relevant given the diverse and plural legal systems of Africa that recognise the existence of its indigenous legal orders. The intersection of these systems has been a point of dissonance since time immemorial. The book adopts a comparative legal analysis of four African nations, South Africa, Kenya, Nigeria and Ghana. The book draws further on countries with similar legal backgrounds that have a common law foundation, recognising African customary law, in determining their legal frameworks and policy approaches to the protection of Traditional Cultural Expressions (TCEs).

The aptness of the book title and its detailed introductory chapter assist readers in understanding the book's purpose, which insightfully examines African states' protection of their indigenous knowledge systems and cultural productions. It assesses the impact of the developmental strides made in different aspects of African indigenous knowledge and its diverse cultural creative productions and expressions.

The author contextualised the protection of African indigenous knowledge and cultural production from an intellectual property perspective by considering these knowledge systems as indigenous property in African communities that sustains the state and African communities. Various protection approaches and frameworks are adopted, including *sui generis*, intellectual property, and human rights, using empirical studies from across Africa. In adopting these protection frameworks, Nwauche points out the timely and often controversial issues that remain in this fraternity despite decades of developing protection measures.

As an incursion into intellectual property rights in Africa, the aim of the book is to expose the legislative and policy developments that pertain to traditional cultural expressions. The book following the 2017 edition, *The Protection of Traditional Cultural Expression in Africa,* takes pride in addressing African indigenous protections by diverging from the orthodoxy of considering TCES distinctly from STIK. Nwauche articulates the intersection of intangible cultural heritage, human rights and the constantly evolving intellectual property system in Africa. Throughout the chapters, insight is given into the complexities and effects of *sui generis* and intellectual property on TCES. The analyses reveal that the advancement of these dual protection models is achievable through a human rights and people framework.

The book is clustered and organised with general contextualised issues dealt with in chapters 2-5. Chapter 2 highlights the complexities that traditional knowledge systems face in Africa, particularly the failure of African states, after legislating their recognition, to develop initiatives to nurture and advance knowledge systems such as traditional medicine.[1] The book, particularly in chapter 3, analyses the uneasy tension that the entire book seeks to address regarding indigenous communities of Africa as owners of indigenous knowledge in Africa and whether they are recognised as juridical units in the political communities they belong to, for consideration in the management of their indigenous property, like communal land tenures in African states. It addresses the challenges of the coexistence of Indigenous Knowledge Systems (IKS) and state attitudes, where African state institutions must have the ultimate oversight role in the protection of the rights of African traditional communities. A discussion of diverse specialities of indigenous knowledge and their protections is explored in chapters 6-12, namely heritage protection, African STIK protections, indigenous designs, Africa's indigenous literary knowledge, indigenous sign terms and expressions, diverse cultural expressions in the audio-visual industry and Indigenous music.[2] Within the domain part of the book, in chapters 7-12, extensive examples are discussed reflecting the decades of work put into documentating different aspects of indigenous Knowledge (IK).[3]

The main argument that the book advances is an emphasis on the importance of African states' protection measures on IK to involve participation of communities and reward for the effectiveness of the protection strategies. Nwauche argues that protection measures for IK that involve creators and innovators are fundamental to the continuity and imaginative purposes of the broader community. Nwauche perceives that building towards an inclusive protection framework for African IK is based on trust between creators and states, because states often regard themselves as sole proprietors in developing legal and policy protections. He addresses the dichotomies that continually unravel in the realm of protecting African traditional knowledge and cultural expression, where states consider the owners of these knowledge systems as incapacitated and lacking intellectual know-how in protecting their IK, prompting state

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1 Nwauche *Protection of African Knowledge Systems* 24.

2 Nwauche *Protection of African Knowledge Systems* 11.

3 Nwauche *Protection of African Knowledge Systems* 108.

interventions as adequate responses in advancing state national interests.[4] Nwauche challenges states to rethink these interactions from a perspective of non-competition, but balancing of interests towards cooperation and trust, using a complementary approach in addressing the inherent antagonistic stance African states have towards IK protections. The book, therefore, recommends 3-pronged key principles for effective and responsiveness to IK protections as community, participation and reward.

Nwauche's bold attempt to address these protections is a step towards bridging epistemology gaps in traditional cultural expression in Africa. Her explicit tracing of primary documentation on this matter, using UNESCO and WIPO, with comprehensive indexing, is instructive for future reference for academics. The book suggests factors that hinder the effectiveness of Intellectual Property (IP) rights legislation and *sui generis* law, such as gaps in awareness and inappropriate recognition of customary norms from which TCE protections originate. Nwauche attributes the major hindrances to protections in Africa to their origins in African state ownership and control of TCEs and the perennial derogation and marginalisation of customary norms. This obstacle, as argued in the book, hinders community participation seeking protection of their creations in a negative model and inhibits TCEs from registering as intellectual property rights in a positive model.[5] It further impacts both *sui generis* and intellectual property protection and is strongly associated with the low participation of communities in the protection efforts and initiatives. Detailed discussions are presented with convincing opinions.

The concluding chapter details the protections of TCE protections in Africa, positing that communities will have greater leverage of communities as progenitors of cultural expressions if they were developed within the contextual framework of human and "peoples" rights. A comprehensive scrutiny of the theory is given, and specific human rights, namely property rights, dignity, right to life and the right to privacy, are deliberated. The book is a valuable resource in providing well-researched analyses for multiple fraternities, particularly economics, African philosophy, anthropology, law and policy development.

The innovation of the book lies in its ability to interlace the diverse versions of protecting IK to project a context of narratives on IK in Africa to build comprehensive protection frameworks. The book paints a picture by removing the veil from the most often neglected aspects of African

4 Nwauche *Protection of African Knowledge Systems* 31.
5 Nwauche *Protection of African Knowledge Systems* 6, 71.

intellectual property protection. The book achieves this through considering the preservation of artistic expressions quite different from the oral nature of preservation, to more modern, legislative contemporary aspects of preserving knowledge.

Bibliography

Literature

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List of Abbreviations

IK	Indigenous Knowledge
IKS	Indigenous Knowledge Systems
IP	Intellectual Property
STIK	Scientific Technical Indigenous Knowledge
TCE	Traditional Cultural Expression
UNESCO	United Nations Educational, Scientific and Cultural Organization
WIPO	World Intellectual Property Organization