

PROTECTING EXPRESSIONS OF FOLKLORE WITHIN THE RIGHT TO CULTURE IN AFRICA*

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Summary

This paper explores the protection of expressions of folklore within the right to culture in Africa by considering three issues, which are the increased understanding of the right to culture in national constitutions and the recognition that customary law is a manifestation of the right to culture; an expanded understanding of the substantive content of the article 15(1) of the International Covenant for Economic, Social and Cultural Rights as part of the right to culture; and the recognition of the rights of indigenous peoples marked significantly by the 2007 United Nations Declaration of the Rights of Indigenous People. The paper demonstrates how a human rights regime may assist in overcoming some of the deficiencies in the national protection of expressions of folklore in Africa.

Keywords:

Folklore; right to culture; African customary law; indigenous people; human rights.

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