

Evaluation Seminar Series

Learning from Existing Evaluation Practices on the Impacts and Effects of Intellectual Property on Development

Geneva, 6 and 7 October, 2011

BACKGROUND INFORMATION OF THE PRESENTATION
EFFECTS OF WIPO'S CREATIVE HERITAGE PROJECT ON THE WELFARE OF THE
MAASAI COMMUNITY

prepared by the Secretariat

Eliamani Laltaika

Mr. Eliamani Isaya Laltaika is a Maasai lawyer from the Nainokanoka Village in Ngorongoro district, Tanzania and the first recipient of WIPO's Indigenous Intellectual Property Law Fellowship inaugurated in 2009. He is a holder of a Master of Laws-LLM degree in Intellectual Property from the Munich Intellectual Property Law Centre (MIPLC) Germany, an LLM in Environmental Law from the University of Kwazulu Natal-South Africa and a Bachelor of laws LLB-Hons from Tumbaini University, Iringa University College, Tanzania. He has authored a number of book chapters and articles in academic journals on intellectual property and environmental law Mr. Laltaika also worked as the first programme officer of the Tanzania Pastoralists and Hunter Gatherers Organization TAPHGO a leading umbrella NGO for advocacy and protection of human rights of the Maasai and other communities in Tanzania. As part of his job, he evaluated project implementation of a number of donor funded pastoralist NGOs in Tanzania and Kenya. Mr. Laltaika is currently the Coordinator of the Tanzania Intellectual Property Rights Network (TIP-Net) a Non Governmental Organization NGO dedicated to sensitizing Tanzanians on issues of IP and development.

In 2006 the World Intellectual Property Organization (WIPO) was requested by the Maasai of Laikipya Kenya to assist in protecting the community's cultural heritage. Two years later, WIPO's Creative Heritage Project (CHP) sponsored training of two members of the community in among other things, digital archival methods, documentation techniques and database and website development, at the Center for Documentary Studies at Duke University in the USA. WIPO later on provided the community with a digital camera, sound recording equipments and a durable state-of-the-art laptop computer to document their cultural heritage. This paper attempts to evaluate social, economic and cultural impact of this programme on the Maasai and other local and indigenous communities in the light of intangible assets produced, available IPR instruments such as copyright and on going WIPO's attempt to develop [sui generis] legal instrument(s) for protecting indigenous cultural heritage through the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Expressions of Folklore (IGC) The paper highlights, among other things, success in community sensitization, projects emanating thereon, policy makers awareness of IPR and indigenous heritage nexus and shortfalls of the current intellectual property system in protecting indigenous cultural heritage.