



Working around the Gender Gap in Intellectual Property Regimes: Empowerment of Women Beadworkers through Open, Inclusive Innovation and Social Entrepreneurship in KwaZulu-Natal, South Africa

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Abstract

This case study explored the empowerment, innovation, entrepreneurship, and intellectual property (IP) dynamics at play in the work of a group of women beadworkers participating in the Woza Moya project of the Hillcrest AIDS Centre Trust in KwaZulu-Natal, South Africa. The study found that open, collaborative, and inclusive innovation practices, and social entrepreneurship modalities, appeared to generate significant empowerment for the craftspeople, regardless of the fact that the IP system does not offer women easily accessible economic benefits. Inclusive innovation and social entrepreneurship thus appear, in this case, to be effective mechanisms for working around the “IP gender gap” that is set forth in this paper.

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Keywords

intellectual property (IP), traditional cultural expressions (TCEs), gender, rural women, empowerment, Indigenous craft, Zulu beadwork, social entrepreneurship, collaboration, openness, inclusive innovation

I. Introduction

On the face of it, intellectual property (IP) regimes, such as patents and copyrights, are gender-neutral since they aim to promote innovation and creativity regardless of the gender of the innovator and creator. However, a growing body of studies has shown that IP systems are, in fact, not gender-neutral (Bartow, 2006a; Burke, 2011), and that, accordingly, IP regimes can serve to entrench gender inequality in domains driven by innovation and creativity.¹

The extent to which IP legal frameworks conform to local and international norms on gender equality is increasingly attracting attention from academics and policymakers. Gender equality is both a developmental and human rights imperative requiring rights to equal opportunities between men and women, including equal access to and control of social, economic and political resources.

Concerns from a gender perspective include: how existing IP systems can be deployed in such a way that they promote recognition and value for women innovators, especially those from rural, developing-world communities; and how to ensure that small Indigenous enterprises driven by TK and rural women's innovation are administered inclusively so as to enable the women to harness the social and economic benefits of their creativity (Boateng, 2007; Gearhart-Sema, 2009; UNESCO, 2014).

We in the Open African Innovation Research (Open AIR) network are seeking to address the above concerns within the context of its overarching research questions, which are:

- how can open collaborative innovation help businesses scale up and seize the new opportunities of a global knowledge economy?
- which knowledge governance policies will best ensure that the social and economic benefits of innovation are shared inclusively?

Open AIR is also exploring some sub-questions that emerge from the network's focus on scaling, as follows:

- in which ways are African innovations scalable?
- in which ways do open and collaborative business models in African innovation settings scale differently than proprietary models?
- in which ways can knowledge-based African enterprises be scaled without jeopardising sustainability or sacrificing core values?

We are researching these questions in five thematic areas: high technology hubs; informal sector innovation; Indigenous entrepreneurs; innovation metrics; and laws and policies. We are also studying African innovation through the lens of UN Sustainable Development Goal 5: achieve gender equality and empower women and girls.

¹ Except where the context dictates otherwise, the terms "innovators", "innovation", "creators", and "creativity" are *not* used in this Working Paper in the technical sense as understood under patent and copyright laws.² This discussion of the "IP gender gap" draws on elements of Musiza and Oriakhogba (2018).

In this Open AIR Working Paper, I set out the notion of the “IP gender gap” and provide evidence, from my empirical research, of how rural women crafters in KwaZulu-Natal Province, South Africa, are working around the gap and empowering themselves and their community economically and socially. The paper draws on my study of the rural Zulu women beadworkers participating in the Woza Moya (isiZulu for “Come Wind of Change”) project of the Hillcrest AIDS Centre Trust (HACT), a non-governmental organisation (NGO) situated in Hillcrest, KwaZulu-Natal. The women participating in the project reside in the rural communities that make up the Valley of a Thousand Hills area.

The evidence gathered during the study demonstrates that the rural women crafters are working around the IP gender gap by promoting and creating value for their works through social entrepreneurship and inclusive innovation. Specifically, the evidence shows that, through social entrepreneurship and inclusive innovation, the crafters are getting around the challenges posed by the IP systems. The crafters have developed a community that fosters collaboration, openness, knowledge-sharing, and continuous learning and innovation. Through these mechanisms, the women are constantly improving and harnessing their indigenous knowledge and empowering themselves to be able to address their personal and shared challenges of poverty, including inadequate levels of health care, housing, and access to education for their children. The women crafters are succeeding in creating recognition for themselves and their indigenous knowledge, while ensuring due compensation for their individual creativity.

This Working Paper is divided into five sections, with this introduction as the first. Section II discusses the research methodology. Section III places the research in context through examining literature on: Zulu women’s beadwork; traditional cultural expressions (TCEs) and IP; the IP gender gap; and inclusive innovation and social entrepreneurship. Section IV presents research findings and analysis, and section V provides some initial conclusions.

II. Methodology

The research was primarily a qualitative field study, conducted via participant observation, interviews, and a focus group discussion. The field research was complemented by desk review of statutes, treaties and literature relevant to the issues discussed in this paper. The interviews, discussion and participant observation were conducted between 1 November 2018 and 31 January 2019 at the premises of the Hillcrest AIDS Centre Trust (HACT) in Hillcrest, eThekweni Municipality (Greater Durban); and in KwaNyuswa (one of the Zulu communities in the Valley of a Thousand Hills), iLembe District Municipality.

HACT was founded in 1990, with the aim of educating people about HIV/AIDS and preventing its spread in South Africa. Its primary focus is the rural Zulu communities within and near to the Valley of a Thousand Hills. HACT’s core activities include caring for those infected and affected by the HIV/AIDS scourge within the rural communities in the Valley of a Thousand Hills and for every other person that falls within HACT’s reach. The rural Zulu women form a substantial part of the beneficiaries of HACT’s activities. The Woza Moya project was established by the HACT to enable the women to empower themselves in a sustainable manner primarily through their traditional beadwork.

For my research, I participated in some of the activities of HACT, and the Woza Moya project in particular, and I interviewed 13 people: nine women and four men. Four of the 13 interviewees (three women and one man) were members of staff of the HACT. The other nine were Zulu beadworkers (six women and three men) connected to the Woza Moya project. The focus group discussion had roughly 20 participants in total, all of whom were women beadworkers (including five of the women who were also interviewed individually), under the Woza Moya project.

Seventy per cent of the beadworkers who participated in the study did not have more than primary school education, while 15% had never gone to school at all, another 10% had high school education, and the remaining 5% had some tertiary education. The participants were selected with the assistance of HACT staff. The staff also served as interpreters during my interactions with the 80% of the research participants, as these participants could communicate more fluently in the isiZulu language than in English.

Ethics clearance for this research was obtained from the Research Ethics Committee of the Law Faculty, University of Cape Town. The study complied with the terms of the ethics clearance. All research participants were duly informed of the nature of the study and their consent was obtained both orally and in writing. Consent was also obtained for audio recording of the conversations, and for the photographs taken of the research participants, their crafts, and other items, during the interviews. In addition, the research participants consented to the disclosure of their names and basic identifiers.

The participant observations, interviews, and focus group discussion were structured so as to gain direct insights into the gender dimensions of the Zulu bead-making, the dynamics of knowledge-sharing and collaboration among the rural Zulu women beadworkers; the social entrepreneurial dimensions of the Woza Moya project; and the role of rural Zulu men in the beadwork. The study was also meant to elicit the views of the research participants about formal IP protections as they related to their beadwork. Here, the goal was to find out what knowledge, if any, they had about IP legal frameworks, and if they did have such knowledge, whether they were interested in taking advantage of formal IP rights, and/or whether they regarded formal IP regimes as barriers to inclusive innovation and social entrepreneurship within the context of their beadwork. Further, the study sought to find out the strategies that the women had employed to promote and create value for their beadworks and empower themselves.

III. Research Context and Literature Review

A. Zulu Women's Beadwork

Traditionally, rural Zulu communities have been built on patriarchal structures, with men at the head of each household (Wells, 2006). Under such arrangements, women's roles were to take care of their husbands and the households. The rural Zulu women were responsible for bearing and raising children, fetching firewood and water, cooking, repairing leaking thatched roofs, taking care of the older members of the household, tending the fields, and undertaking other domestic chores, including making the local Zulu beer known as *umqombothi* (Wells, 2006).

Within the above traditional structure, rural Zulu women were also required to maintain certain modes of acceptable behaviour, including limits on the topics on which they were allowed to speak. For instance, cultural taboos made it difficult for women to openly discuss personal and intimate matters of sexuality and love. Discussion of such matters between co-wives (in polygamous households), mothers and their daughters, sisters, and even friends had to be done through coded, non-literal modes of expression. Usually, such conversations were done in the course of carrying out domestic duties or, according to one of the interviews for this research, during “gossip sessions” after conclusion of such duties (*Gogo* (Grandmother) Sebenzani Mbanda, interviewee 12, 2018).

The beadwork tradition of rural Zulu women developed in the context of the behaviours just outlined. It emerged principally out of the need for the women to communicate, to each other, their personal but shared concerns about love, sexuality and intimacy. As such, the traditional beadwork culture was transmitted, principally, from mothers to daughters, elder sisters to younger sisters, grandmothers to their grand-daughters, and so on. Rural Zulu women “literally grow into the art of beadwork as part of their normal socialisation” (Schoeman, 1983).

Beadwork was used by older women as a way of educating younger girls about love, sex and devotion. It was also deployed by the women as a means of expressing their feelings to their men. The beadworks were, thus, intertwined with, among other things, courtship, marriage, female initiation rites, and child-bearing. The beadwork was also traditionally used to identify women according to marital status and age, to indicate virginity, willingness and readiness to marry and bear children. The use of beadwork also extends to ritual and other spiritual purposes by *isangomas* (Zulu traditional spiritualists) (*Gogo* Sebenzani Mbanda, interviewee 12, 2018).

The messages in the beads are conveyed through codes represented in colours combined and woven into decorative geometrical designs with each colour depicting a specific positive or negative feeling (Xulu, 2002). The geometric designs are mainly expressed in triangular forms represented in colours. The triangular forms reflect the “three cardinal points in Zulu society – man, woman and child” and the significance of family expressed through the eyes of Zulu women (Schoeman, 1983).

It is important to note that beads and beadwork are a common feature of many African communities, including those of South Africa. Historically, beadwork has existed in Africa for over 1,000 years, long before contact with the Europeans (Nettleton, 2014). According to oral tradition, the beads used in rural Zulu women’s beadwork are to be made from clay, stone, charcoal, metal or bone (depending on the colours required), and the beads are to be held together – and sewn to local attire and other artefacts – by threads made, according to indigenous custom, from stretchy plant leaves (*Gogo* Sebenzani Mbanda, interviewee 12, 2018).

The use of coloured glass beads was, until the late 18th and early 19th centuries, infrequent and reserved for special events, because glass beads were scarce and considered very precious (Nettleton, 2014). The common usage of coloured glass beads in contemporary Zulu beadwork began in the early nineteenth century when the Zulu people started trading with the Europeans around the coastal region in the present KwaZulu-Natal province of South Africa. The Europeans were buying indigenous artefacts such as ivory and wood carvings, while selling coloured glass beads, along with other commodities, to the Zulu people (Schoeman, 1996).

The earliest Zulu women's beadwork comprised of "single beaded strands". Decorative geometric designs first emerged in the 19th century, owing to the procurement of coloured glass beads from European merchants (Wells, Sienaert, & Conolly, 2004, p. 74). This is not to say the rural Zulu women were taught the beadwork technology by the Europeans. Indeed, the knowledge had been with the women long before the arrival of European merchants. The sale of coloured glass beads by the Europeans only enhanced the women's already-flourishing Indigenous innovation (Nettleton, 2012).

The Zulu women's beadwork includes traditional bracelets, necklaces, rings, earrings, belts, semi-circular netted collars, head dresses, among others. Their beadwork is also sewn onto traditional clothing items, such as the fringed aprons and leather (cow skin) garments worn by Zulu men and warriors. Further, the beadwork has been used to adorn the attire and articles of *isangomas* and traditional rulers (Dube, 2009). Sometime in the 1980s, beaded dolls were introduced by the rural Zulu women beadworkers. The beaded dolls later became a very important means of social advocacy by the rural women, especially on advocacy around the HIV/AIDS pandemic in South Africa (Wells, 2012).

The Zulu "love letters", which are popular among tourists visiting Durban, South Africa, are a common medium of communication by rural Zulu women. The love letters are mainly made up of "interlinked geometric forms relating to male/female relationship" (Wells et al., 2004, p. 74) expressed in an array of colourful beads. Each colour is linked with others to convey the feelings of a Zulu maiden towards a Zulu man. Some love letters and the meaning of the colours are represented in Figures 1 and 2 below.

Figure 1: Zulu Love Letters



Source: © Woza Moya project

Figure 2: Explanation of Zulu Love Letters and Emotions Represented by Bead Colours



Source: © Woza Moya project

According to Dube (2009), a Zulu beadwork expert, the deployment of these colour codes and motifs, and the wide range of contrast, distinguishes the beadwork of rural Zulu women from those of other South African indigenous communities, such as the amaXhosa in the Eastern Cape Province, and the baSotho in the Free State Province. The beadwork of the baSotho are secondary to their material culture as they are mainly for the ornamentation of leatherwork, fringe skirts, among others, and for cosmetic purposes (Kuckertz, 2000). Although the amaXhosa also use their beadwork as medium of communication, the messages in the beadwork are principally conveyed through the shapes designed on the beadwork (Nathi Nzondi, interviewee 13, 2019).

The use of glass beads deepened with the establishment of the Europeans in South Africa through colonialism and apartheid. Colonialism and apartheid had enormous impact on black South African communities. However colonial and apartheid laws did not radically alter traditional patriarchal arrangements in the rural Zulu communities. The colonial and apartheid eras were characterised by large amounts of migration of able-bodied men from their rural homesteads to work in mines and other industrial establishments in urban areas, in efforts to increase the incomes of their households. Despite their absence, the men still remained the heads of their households. At the same time, their absence foisted additional burdens on women, who had to take up the roles of breadwinners in their families when the men were away (and when remittances transferred by the men were insufficient or too infrequent). Such women also became primary keepers of cultural identity in communities, ensuring observance of age-old customs, including the beadwork tradition (Nettleton, 2014).

In addition, contact with Europeans, colonialism, and apartheid impacted on the commodification and monetisation of the rural Zulu women's beadwork. Some art collectors among the Europeans who arrived in Zulu lands in the early 19th century purchased traditional beadwork from the rural women, including via special commissions for particular designs.

In addition to transforming the primary role of rural Zulu men into that of migrant workers, colonialism and apartheid saw the movement of Zulu women into the growing urban centres in search of domestic and child-care work or educational opportunities. The women who remained in the rural communities, and who now served as breadwinners for their families, had, in many cases, to resort to sale of their beadwork to augment their household incomes. Commodification and monetisation of beadwork was deepened as the local communities were hit by the HIV/AIDS pandemic. One major effect of the epidemic on rural Zulu communities was that men and women became ill and died, leaving their children to be raised by grandmothers (*Gogos*) with no substantial source of income. These grandmothers had to resort to the sale of beadwork to survive, while at the same time maintaining the traditional significance of the beadwork (Wells et al., 2004; Nettleton, 2012; Nettleton, 2014).

The “intuitive fluidity” (Schoeman, 1983) of the rural Zulu women’s beadwork as pieces of art, and their colourful decorative designs enhanced their easy incorporation into tourism and the modern fashion industry and commoditisation in South Africa (Xulu, 2002; 2005). The beadwork is sold to museums and art galleries locally and internationally with huge financial returns. It is also sold to, and made on the commission of, celebrities and fashion merchants both locally and internationally (Gatfield, 2014; Xulu, 2005; Zungu, 2000). Further, the beadwork has been deployed as a medium of HIV/AIDS awareness-raising and advocacy (Wells, 2007; Wells, 2012). The commodification of rural Zulu women’s beadwork in modern times has to a great extent been achieved through local commercial enterprises and art collectors, the majority of which were formed with little consideration of the impact on the economic well-being of the rural women beadworkers (Nathi Nzondi, interviewee 13, 2019; Xulu, 2005). As is shown in the section IV of this paper, the Woza Moya project aims to change this tide by empowering rural Zulu women beadworkers through an inclusive approach that involves them in the planning and implementation of the strategies aimed at harnessing the benefits from their Indigenous craft.

Finally, the point must be made that the commodification and monetisation of the beadwork has drawn some rural Zulu men into this traditionally female domain. These men learned the craft through observation, and began by assisting their mothers, grandmothers, aunts and sisters in aspects of the work, e.g., by running sales errands, helping to purchase the beads, and arranging the beads according to their colours. Some men began to assist the women with the beadwork itself in order to meet targets and deadlines, especially at times when there were large demands from patrons to be fulfilled. Thus, although the traditional craft is still culturally the territory of rural Zulu woman, there are pockets of rural Zulu men who have taken up beadwork and are making a living from it (Nkululeko Chiliza, interviewee 11, 2018; Sphamandla Mdluli, interviewee 6, 2018; Nathi Nzondi, interviewee 13, 2019). However, such men have, at times, had to grapple with occasional mockery from their male counterparts who regard them as weaklings for doing a “woman’s job” (Sphamandla Mdluli, interviewee 6, 2018; Nathi Nzondi, interviewee 13, 2019).

According to one of the research participants, “most of the [Zulu] men don’t like this kind of job [beadwork] because they say you are doing a woman’s job and this is not a good stuff for a man” (Sphamandla Mdluli, interviewee 6, 2018). Nathi Nzondi (interviewee 13, 2019) stated that the attitude of the rural Zulu men towards beadwork stems from the cultural perception of women and traditional women craft, as weak and lacking in creativity.

B. Traditional Cultural Expressions (TCEs) and IP

The beadwork of the rural Zulu women participating in the Woza Moya project fits the definition of a traditional cultural expression (TCE, also known as folklore) in that the beadwork is shaped by, and is a manifestation of, Zulu culture passed down by mothers to their daughters from one generation to the next. Generally, TCEs can be defined as the tangible and intangible forms through which the tradition and culture of a particular indigenous or local community is represented. TCEs include signs, patterns, designs, symbols, artefacts, rituals, songs, stories, dances, and artworks. TCEs are transmitted from generation to generation in the indigenous and local communities (ILCs) where they originate, and their creators are often unknown (Oguamanam, 2018a; Vezina, 2018, 2019).

Inherent in the above definition is the difficulty of fitting TCEs within the existing formalised IP mechanisms, especially patents and copyrights. Indeed, there is an ongoing debate and negotiations at the World Intellectual Property Organisation (WIPO) aimed at formulating minimum standards for the protection of TCEs and TK generally at the global level (see Oguamanam, 2018a, 2018b, 2019; Okediji, 2018). A discussion of the progress of the negotiations is beyond the scope of this work. However, scholars seem to concur that TCEs, such as Zulu women's beadwork, should be able to find some protection under existing formalised IP tools such as trademarks, certification marks, collective marks or designs, or via *sui generis* tools (Adewopo, Chuma-Okoro, & Oyewunmi., 2014; Okediji, 2018; Vezina, 2019; Wiseman, 2001).

Trademarks, collective marks, and certification marks are defined and protected in South Africa under the Trade Marks Act of 1993, as amended. However, provisions relating to collective and certification marks are not yet in force. The provisions were included in the Trade Marks Act by the Intellectual Property Laws Amendment Act of 2013, which still requires Presidential proclamation to be effective. Designs are protected in South Africa under the Designs Act of 1993. Another option for protection of Zulu women's beadwork in the South African context, distinct from protection as a TCE, would be copyright protection, as artistic works in terms of South Africa's Copyright Act of 1978.

The adequacy of the IP regimes to safeguard TCEs from appropriation, especially within the fast-growing contemporary fashion industry (Vezina, 2019) and indigenous art market (Bowrey, 2009), and enhance the economic wellbeing of the rural African women crafters is another matter entirely. This is because the mere existence of IP rights is not enough to empower the owner of the right. The rights owner needs to take steps in form of enforcement to harness the benefits of such rights. Given the economics of IP rights enforcement from a developing country's context (Fink, 2008), rural women crafters would find it difficult to make claims under existing IP regimes for several reasons. The main being that women may not be aware of their IP rights. Even where there is awareness of IP rights, and the desire to harness its benefits, the rural women may lack the capital and infrastructure required to monitor the use of their innovation and enforce the violation of their IP rights. This is further complicated by the nature of the indigenous art market, where easy modification and reproduction of designs and patterns are rife (Bowrey, 2009; Wiseman, 2001).

C. The “IP Gender Gap”²

i. Gender Equality

Gender encompasses sex, which is determined based on the biological and physiological differences between males and females. Gender is a social and cultural construct that constitutes understandings of men, masculinity, women, and femininity. It sets out culturally accepted roles between men and women drawn from what is perceived as acceptable masculine and feminine behaviour in a given society. It defines the power relations between men and women as it shapes how they interact with each other given their differentiated roles. Gender is constructed based on the beliefs and social expectations of a particular social group. As a cultural and social construct, the meaning of gender continues to evolve and broaden as cultural and social circumstances change (Pujar, 2016; UNESCO, 2014). For the purpose of this research, I focused on two groups of gender constructs: masculine and feminine (men and women).

The conversation about gender equality has shaped, and continues to drive, laws and policies at the global and national levels. As represented in legal and policy statements, gender equality is both a human rights and sustainable development imperative, at global level (De Beer, Degendorfer, Ellis, & Gaffen, 2017; UNESCO, 2014) and, with relevance for this research, in South Africa (Malema & Naidoo, 2017). The principles of gender equality emphasise the need for inclusiveness of all genders in the social, cultural and economic life of a people; full and effective participation and equal opportunities for leadership at all levels of decision making in political and economic activities; empowerment of all genders by dismantling systems that marginalise certain genders, especially women and girls; and the implementation of legal and policy reforms that allow equal rights for women to economic resources and access to, and ownership and control over, all forms of property, including IP (AU, 2003; AUC, 2015; DoW, 2015; NDP, 2012; SA, 1996; SADC, 2008; UN, 2015; UNDHR, 1948).

ii. Gender and IP

IP regimes have the propensity to entrench gender inequality in the areas of innovation and creativity. IP laws generally promote innovation and creativity by vesting innovators and creators with exclusive rights over their innovation and creation. Such rights enable the innovators and creators to decide whether, or not, to allow third parties to use their innovation and creation, and the terms and conditions under which the use may be allowed. The exclusive rights, which are usually subject to justifiable limitations and exceptions, are meant to incentivise creativity and innovation for the benefit of innovators and creators, and the society in general. To enjoy protection under IP laws, an innovative or creative work must meet certain requirements. For instance, under patent regimes, an invention must meet a number of patentability requirements to be registered, such as newness, usefulness and non-obviousness. Similarly, under copyright regimes, although registration is not required, a creative work (for example, a book, film, or painting) must satisfy the requirements of originality (and fixation), and authorship (and ownership) for the creator to claim copyright.

It has been found that fewer women than men are using the IP system. The clearest evidence is in the area of patents, where filing/registration data are readily available and easily accessible. Studies show women holding far fewer patents than their male counterparts in the areas of science,

² This discussion of the “IP gender gap” draws on elements of Musiza and Oriakhogba (2018).

technology, engineering and mathematics (STEM). Also, the studies find that, in the STEM, women make use of patent mechanisms far less than men and that they are less than 50% likely to secure a patent for their inventions as their male counterparts (Burk, 2018; Hunt, Garant, Herman, & Munroe, 2013; Jung & Ejermo, 2014; Lax Martinez, Raffo, & Saito, 2016).

Available registry data in the area of copyright also shows a similar trend. A recent study of 15 million registered works between 1978 and 2012 in the US Copyright Office registry found that women authors register their works less than their male counterparts (Brauneis & Oliar, 2018).³ Among other things, the study found that the gender gap in the use of the copyright system in the US differs based on the type of copyright works. For instance, the gap is not that obvious for literary and artistic works. However, it is very wide for music and cinematographic works. Here, more than three quarters of the works registered are created by men. Also, the rate of registration of musical works created by women has remained static over the period under study, while literary and cinematographic works have experienced some increase in women authorship. Software registration recorded the widest differential between registration by women and by men (Brauneis & Oliar, 2018).

The foregoing should not be taken as evidence of scarcity of women innovators and creators. In fact, it is common knowledge that women have made their mark in the STEM and other fields such as business, fashion, arts, music, films, among others (Eisler, Donnelly, & Montuori, 2016; UNESCO 2014).

A 2017 WIPO expert panel discussion identified two major obstacles to the participation of innovative women and girls within the IP system: first, general gender inequality and, second, issues that relate specifically to the IP system (WIPO, 2017). For instance, as stated in a WIPO statement on the occasion of World Intellectual Property Day in April 2018, the widespread gender inequality reflects, for instance, “far fewer girls than boys studying [STEM] subjects” and is also expressed in “prejudices, preconceptions and stereotypes” which see “women as being limited to certain traditional roles rather than potential leaders” in STEM and arts (WIPO, 2018). This is exacerbated by the “inflexible economic and social structures which can restrict women’s career prospects” (WIPO, 2018).

With regard to the IP system itself, some IP rights may pose very strong barriers to women. WIPO (2018) notes that “developing some types of IP, especially patents, may involve significant financial commitment, and there is an argument that women prioritize the stability of their family income, making them more risk averse than men”. Also, certain institutional and systemic barriers against women innovators exist within establishments driven by the IP systems. For instance, studies show that leadership and decision-making positions in the entertainment and media industry are dominated by men. The effect of this is that majority of creative contents, in the form of films and other broadcast materials, tend to reinforce certain gender stereotypes against women by portraying men as more suited for STEM related jobs, among others. Further, the male-domination of leadership positions in the entertainment and media sector contributes to the disproportionality of employment conditions with women occupying more part-time positions than their male counterparts who find

³ Though registration of copyright works is not mandatory in the US, US copyright law provides incentives for makers of copyright works to register their works with the US Copyright Office. See *Fourth Estate Public Benefit Corp. v. Wall-Street.com, LLC*, No. 17–571 (U.S. Mar. 4, 2019).

more placement under full-time contracts (UN, 2015). Recent studies focusing on the country music programming practices of radio stations found that more air time is deliberately assigned to country songs performed by men or male ensembles. Also, the studies evince that female musicians receive far fewer spins than their male counterparts. Such discriminatory practices have a significant impact on the listening public which, having become accustomed to hearing male voices, tends to develop a preference for country songs performed by men to those by women (Watson, 2018; 2019).

According to Lefeuvre, Raffo, Saito, and Lax-Martinez (2018), WIPO's 2017 annual patent and gender statistics show that only 17% of the patent applications from Africa named, at least, one woman inventor. The same statistics show that South Africa is among the countries with the greatest gender gap in the use of the patent system. This finds support in a recent country-specific study on patenting in South Africa from 2005 to 2015, which shows a very wide gender gap in favour of men in the usage of the patent system. According to the study, South African women inventors account for only 9% of the local inventors using the South African patent system, while men account for 91%. Of the 9% women inventors, 41% are researchers from universities, while 25% are from other research institutions (Berger & Rens, 2018).

The patent system usage evidence, however, should not be taken as indication of the absence of African women innovators and creators. Indeed, African women are involved in different types of innovation through which they solve a myriad of social and economic challenges including poverty, decent housing, health care, education, food security, among others, in their communities (see, for instance, Bob, 2004; Dzisi, 2008; Olatokun & Ayanbode, 2009). Like most forms of African innovation (De Beer, Armstrong, Oguamanam, & Schonwetter, 2014; Elahi, De Beer, Kawooya, Oguamanam, & Rizk, 2013), the majority of African women's creativity is driven by traditional/indigenous knowledge and it occurs in rural, informal, communal settings (Bob, 2004; Dzisi, 2008; Olatokun & Ayanbode, 2009).

iii. Feminist Analyses of IP

IP laws are generally of Western origin (Gearhart-Sema, 2009), and they were made at a time when legislation, governance and innovative activities were substantially the domain of men (Burk, 2018). As a result, IP laws were framed through the prism of Western patriarchy (Gearhart-Sema, 2009; Greene, 2008). Therefore, it has been contended that the IP laws' standards for the promotion of science, arts and commerce were founded on masculine individualistic notions of the singular genius, exclusivity, monopoly, authorship, and ownership (Halbert, 2006).

Indeed, the point has been made that the protection afforded under copyright law, for instance, envisaged works such as literature, music, sculpture, and painting, which make up classic and core fine arts and these were fields that were historically the domain of men (Wright, 1994). This is connected to the historical and cultural gender prejudices in innovation and creativity (Burk, 2006; 2011), which tend to result in the perception of male-dominated forms of art as masterpieces, while art forms associated with females are given less prestige.

The foregoing can be brought closer to home through consideration of a gendered analysis of the history and colonial contact with Zulu indigenous art (see Nettleton, 2002). The early European merchants and art collectors who visited Zululand – the majority of whom were men – placed very high value on traditional Zulu woodcarving, an artistic domain dominated by men (Nettleton, 2012).

The colonial era merchants regarded Zulu women's beadwork as less creative and less valuable. Accordingly, the majority of the early Zulu traditional craft artefacts found in foreign museums, art galleries, and private collections are the work of Zulu men (Nettleton, 2012).

Nettleton (2012), an art historian, provides some insights into what informed the gendered view of Zulu indigenous art pieces by the Europeans. According to her, the woodcarving, which was "almost exclusively a male activity" (p. 229) in the past, "fits comfortably into the category of sculpture and was, to some European observers, at least one step removed from the category of craft" (p. 229). Also, in mid-19th century Europe, "art-making was still a process which involved material objects, but which was also supposed to involve thought that was individual and inspired, resulting in works that transcended the everyday" (p. 229). Thus, "while the art object was expected to be well crafted, it was not to be repetitive" (p. 229). The author further notes that the

woodcarvings were often repetitive, but could compensate for a supposed lack of originality by the gravitas of their size and their male facture. Woodcarvings could also stand on their own; they had a kind of existential autonomy which enabled them to be displayed and viewed. Beadwork, on the other hand, would have fallen squarely into the category of crafts as a repetitive form of facture, lacking the gravitas of weight and size. Furthermore, it lacked the independence that woodcarvings generally displayed [...]. (Nettleton, 2012, p. 229)

This case of the differences in colonial treatment of Zulu men's and women's artistic expressions provides an example of some of the interplay of power, dominance and gender relations which have historically shaped culture, and knowledge creation and governance, in favour of the masculine gender as the genius, the innovator and the master artist.

Feminist ideologies relevant to addressing the IP gender gap have evolved to interrogate such historical foundations of knowledge governance (Bartow, 2006b; Halbert, 2006; Swanson, 2015). Bartow (2006b) identifies four feminist approaches: the *equality*, *difference*, *dominance*, and *intersectionality* approaches. The *equality* approach views all humans as equal regardless of gender. This approach was a reaction to the treatment of women as a weaker sex and the resultant historical and legal deprivations they had to suffer (Elshtain, 1975). The *difference* approach recognises the equality of sexes, but emphasises – among others – the social and biological differences between men and women in shaping laws and policies. It questions seemingly gender-neutral laws with the goal of making sure the law achieves both "equality in treatment" and "equality of results" (Fineman, 1995). This approach recognises that the biological and social realities of women and men are different, and that, to promote equality, a law should appreciate this distinction and proffer opportunities which ensure equal outcomes for women and men (Fineman, 1992).

The *dominance* approach views the equality and difference approaches as male referent in the sense that they tend to draw similarities and distinction between men and women instead of emphasising the structures of subjugation put in place by men. Dominance feminists, thus, argue that adopting the equality and difference approaches will not put an end to inequalities. According to the dominance approach, men exert control over women through legal and cultural structures that entrench sexual, physical and social domination. Thus, until the legal and cultural structures, which are actually put in place by men, are dismantled, gender equality will not be attainable (Brill, 1993; MacKinnon, 1987).

The *intersectionality* approach emphasises the need to view gender issues not in isolation, but within the context of multiple other matters, including race, culture, religion and class. In essence, the intersectionality approach advocates for the need to fully contextualise the gender equality discourse, in order to ensure proper understanding of the different challenges faced by women of, for example, different races, cultures, social and economic classes, and religious groupings, and to consider the unique desires of the women when pushing for gender equality (Crenshaw, 1989; 1991; 2013).

Addressing the masculine foundations of IP regimes, the relevant questions from a feminist perspective would be whether law and policy formulators view Indigenous crafts, such as the Zulu beadwork, as unimportant simply because they are traditionally dominated by women (Bartow, 2006b). According to Bartow (2006b), in answering such a question, the equality feminists might inquire “whether there were male identified art forms that are similarly ignored” (Bartow, 2006b) by IP laws, while the difference feminists would be concerned about whether women are better placed by keeping the IP systems away from their craft. Further, the dominance feminists might be interested in knowing why women are engaged in such traditional craft “instead of using their time and talents to pursue more lucrative and culturally respected art forms” (Bartow, 2006b).

Finally, the intersectionality feminists would be concerned about whether only women of a particular race, culture, class or religion participate in the specific women’s innovation and if that is the reason for their exclusion from existing IP regimes (Bartow, 2006b). Also, intersectionality feminists would probe further into the unique desires of the women innovators, with the aim of understanding the women’s approaches to innovation in order to determine whether the question of gender equality should be addressed within the IP regime or a broader socio-legal framework. The intersectionality approach is very relevant in understanding the attitude of the rural Zulu women beadworkers to IP rights and their approach to innovation as shown below in the fourth part of this Working Paper.

D. Open, Inclusive Innovation, and Social Entrepreneurship

Inclusive innovation involves the modification of existing goods or services (indigenous or otherwise) to develop and implement new ideas aimed at empowering the marginalised members of societies through the creation of opportunities for their socio-economic wellbeing. Inclusive innovation is both a process and an outcome practised by socially driven firms, such as social enterprises. It reflects a bottom-up, as against a top-down, approach to solving social and economic problems faced by those at the bottom of the social pyramid. Finally, inclusive innovation ensures that those at the base of the pyramid are not regarded as mere beneficiaries, but as partners and stakeholders in the creative process (Chataway, Hanlin, & Kaplinsky, 2014; Habiyaemye, 2017; Heeks, Amalia, Kintu, & Shah, 2013; Kaplinski, 2018; Kimmitt & Munoz, 2015; Levidow & Papaioannou, 2018; OECD, 2015; Schillo & Robinson, 2017).

Inclusive innovation can be harnessed by social entrepreneurs. A major thread that runs through definitions of social entrepreneurship is that they are ventures established mainly to solve identified societal problems as opposed to making a profit. Social enterprises are generally non-profit-making ventures. Even where profit accrued in the course of business of a social enterprise, as is the case sometimes, such profits are usually regarded not as an end in itself but as a means (revenue) to

achieving a greater goal, which is to be socially impactful by solving some societal challenges such as housing, health-care, education, poverty, among others (Abu-Saifan, 2012; Austin, Stevenson, & Wei-Skillern, 2012; Bansal, Garg, & Sharma, 2019; Dees, 1998; Groot & Dankbaar, 2014; Kimmitt & Munoz, 2018; Littlewood & Holt, 2018; Ruffin & Martins, 2016; Schonwetter & Van Wiele, 2018; Thompson, Alvy, & Lees, 2000).

This overall objective is what distinguishes social entrepreneurship from commercial or conventional entrepreneurship. Although commercial enterprises undertake some social impact activities within their communities in form of corporate social responsibility, they are ultimately profit-making ventures (Austin et al., 2012). The distinction between social and commercial entrepreneurship may not be clear-cut if one focuses on the methods and strategies adopted by both ventures (Groot & Dankbaar, 2014). This is because in practice, social enterprises usually deploy the methods and tools of commercial entrepreneurship (Roberts & Woods, 2005). Thus, like commercial enterprises, social entrepreneurs continuously innovate, recognise and pursue new opportunities, adapt to existing circumstances and strive to achieve their goals even with limited resources (Passos et al., 2016). However, social enterprises are driven by their core commitment to solving communal problems. To discharge this commitment, social enterprises adopt collective and participatory approaches and tailor-made services that suits the needs of their target communities (Huysentruyt, 2014).

Social entrepreneurship is not a recent phenomenon. It has been around for a long time, but only started attracting considerable academic attention towards the end of the 1990s (Schonwetter & Van Wiele, 2018). A substantial part of the academic literature speaks to the gender dimension of social entrepreneurship (Bosma, Schøtt, Terjesen, & Kew, 2016; Glinski et al., 2015; Huysentruyt, 2014; Nicolas & Rubio, 2016; Urbano Pulido, Ferri Jiménez, & Noguera i Noguera, 2014), its suitability for promoting the traditional and cultural craft sector (Denomy, 2017; McQuilten & White, 2015), and its effectiveness for the empowerment of rural women innovators, especially within a developing country's context (Datta & Gailey, 2012; Holmes & Sandhar, 2017; Maguirre, Ruelas, & De Law Torre, 2016; Oyango & Jentoff, 2011).

From a gender perspective, empirical evidence from large-scale, cross-border surveys, such as the Global Entrepreneurship Monitor (GEM) on social entrepreneurship, show that the gender gap in social entrepreneurship is smaller compared to that in commercial entrepreneurship. According to the GEM survey, although country-specific differences exist, women are relatively more active in social entrepreneurship as leaders, partners and employees when compared to commercial entrepreneurship. Social entrepreneurship in South Africa follows a similar gender trend (Bosma et al., 2016; Herrington & Kew, 2016).

The studies also proffered reasons for the above gender patterns in both social and commercial entrepreneurship. According to the studies, women participate less in commercial entrepreneurship for several reasons, which include their "higher levels of domestic responsibility; lower levels of education (particularly in developing countries); lack of capital and assets; lower status in society; a culturally-induced lack of assertiveness and confidence in their ability to succeed in business;" (Herrington & Kew, 2016, p. 33) and the competitive nature of commercial entrepreneurship (Huysentruyt, 2014).

The forgoing may lead one to assume that social entrepreneurship requires less innovation, resources and drive to thrive and as such is more suitable for women who are perceived as the weaker and less creative sex (Muntean & Ozkazanc-Pan, 2016). However, the altruistic nature of women is the major reason for their increasing participation in social, as against commercial, entrepreneurship. According to scholars, “women are generally more altruistic and socially minded than men, and because of this motivation – caring directly about social payoffs,” (Huysentruyt, 2014, p. 7) they are more disposed to establishing, managing and participating in social enterprises than in profit-making ventures (Huysentruyt, 2014; Nicolas & Rubio, 2016). The capacity to care and live for others is actually a mark of strength, and not of weakness and it is an indication that women have the potential to lead, and perform well in, commercial ventures just like their men counterparts. The participation of women in social enterprises simply follows their cultural and gender social roles which are shaped by their difference from the male gender.

That being said, social entrepreneurship has been regarded as very scalable in the sense that it can easily be replicated in different places and sectors “in order to continue generating social benefits” (Maguirre et al., 2016). From existing literature, it is a useful means for the promotion and creation of value for Indigenous crafts, especially those driven by women’s innovation (see, for instance, Denomy, 2017; McQuilten & White, 2015). Such Indigenous crafts are usually handmade and laced with the lived experiences and stories of the women crafters, to which socially conscious consumers can easily relate. Also, their production requires very minimal initial capital, flexible working hours and other production infrastructure, such as a suitable workspace. In addition, Indigenous crafts have the capacity to “increase local incomes, preserve ancient techniques and cultural heritage and provide widespread employment,” (Denomy, 2017, p. 8) especially for rural women crafters who have limited access to support from government or private donors. As such, Indigenous crafts have socio-cultural and developmental importance, which make them more suitable for social, as opposed to commercial, entrepreneurship (McQuilten & White, 2015). Moreover, social entrepreneurship has the potential for the empowerment of rural crafts women through the promotion of self-revenue generation, independence from government and donors, artistic freedom, creativity and economic equality, especially where it adopts a “ground-up approach” and provides “tools and opportunities” directly to the women (McQuilten & White, 2015, p. 12).

IV. Research Findings and Analysis

A. Woza Moya as a Social Enterprise⁴

According to project coordinator Paula Thomson (interviewee 5, 2018) HACT’s Woza Moya project was conceived and developed by women, and for women, within the broad spectrum of HACT’s core objective, which is the prevention of the spread of the HIV/AIDS pandemic and care for those infected and affected by the disease in the rural communities around Hillcrest, KwaZulu-Natal, South Africa (Candace Davidson, interviewee 8, 2018). The aim of the Woza Moya project is to enable HACT’s beneficiaries, the majority of whom are rural Zulu women, to sustainably fend for themselves and solve the problem of poverty which the HIV/AIDS pandemic has foisted on them and their communities.

⁴ This sub-section draws to some extent on the content of Oriakhogba (2019).

As explained above in section III, one of the impacts of apartheid in South Africa was the migration of young able-bodied men from rural communities to the urban centres for work purposes. The migration often led the men to maintain multiple sexual relationships with their rural wives and women in the urban centres. Such multiple sexual relations enhanced the spread of the HIV/AIDS pandemic, leading to the demise of young men and women in the rural communities (Wells, 2012). According to John Lund (interviewee 4, 2018), women, especially grandmothers, are often the ones who bear the brunt of the HIV/AIDS pandemic, in the sense that they are left behind, with little or no source of income, to care for their children, grandchildren and other family members whom have been rendered incapacitated by the disease. HACT's Woza Moya project can thus be seen as an example of a social enterprise that not only promotes and creates value for rural women crafts, but also empowers the rural women.

The Woza Moya project began with 15 women beadworkers. The project has now grown and diversified to accommodate over 350 Zulu traditional crafters involved in several arts and crafts activities, including woodcarving, ceramics, sewing, basket-weaving and beadwork. The Zulu women beadworkers constitute more than 80% of the traditional crafters under the Woza Moya project (Paula Thomson, interviewee 5, 2018).

With no government funds and sponsorship, the project, continuously seeks to transform the rural women beadworkers into small business owners with zero start-up capital (Paula Thomson, interviewee 5, 2018). According to Paula Thomson (interviewee 5, 2018), when the beadworkers "are starting off, we would link them to one of the older and highly skilled ladies. They would be able to learn how to produce one of the products [...]. They will start with off with that, get beads [...]. We put it on a credit system and when they bring their work, the cost of the beads is deducted from what they earn. It is like starting their own business with no money."

Confirming the above, Jabu Nthembu (interviewee 9, 2018) revealed that she was exposed to the commercial angle of Zulu beadwork when she joined Woza Moya. According to her, "before I joined Woza Moya, I was not doing commercial beadwork even though I already had the skills. [...] I started doing commercial beadwork when I joined Woza Moya. I have learnt a lot from Woza Moya." (Jabu Nthembu, interviewee 9, 2018) Similarly, Tholakele Sibisi (interviewee 2, 2018) revealed that the Woza Moya project has made it easy for her to earn from beadwork. According to her, "Woza Moya helps take care of all the logistics of getting products to clients. I just get paid what my beadwork has earned monthly. [...] coming to Woza Moya has helped to improve the quality of my beadwork to the satisfaction of international clients. Through Woza Moya, my international clientele has broadened."

Indeed, according to John Lund (interviewee 4, 2018), the Woza Moya project does not generate income for HACT. The proceeds of sale from the products designed and created by the beadworkers are used to credit their individual bank accounts, which they opened through the assistance of the facilitators of the project.

Finally, to ensure success and reduce incidences of failure in their bead-making venture, Lungile Manyathi (interviewee 7, 2018) stated that the Woza Moya project continues to train the largely uneducated beadworkers in contemporary art and business; provide them with market research, market access (foreign and local), pricing guidance, and beading equipment; and assist them with quality control and assurance.

B. Collaboration and Knowledge-Sharing

Within the community created by the Woza Moya project, the women are able to collaborate with each other and with some male traditional crafters, who have learned the beadwork skills from their mothers or aunts, to preserve the Zulu beading culture and build on it to create contemporary jewellery and other fashion and artistic pieces. To this end, the project fosters the culture of knowledge-sharing among the beadworkers (Paula Thomson, interviewee 5, 2018). Importantly, the Woza Moya project seeks to offer a community where the rural women beadworkers with shared social, cultural and economic experiences can come together, make their beadwork, earn a decent and healthy living, be free to express themselves through their craft and act as a pillar of support for each other (Paula Thomson, interviewee 5, 2018).

Indeed, all the beadworkers who took part in the study indicated their wiliness to share their particular beadmaking skills with other women working in the project. The women are also willing to open up their unique beadwork designs for others within the project to copy, especially when this is necessary to enable them meet specific orders from clients. Overall, the knowledge-sharing disposition of the women is informed by several factors, including the need to help each other to grow economically and the desire to preserve their knowledge for posterity. For instance, Victoria Nhlangulela (interviewee 1, 2018) indicated her willingness to share the knowledge she gained through the Woza Moya project so that “the bead-making can continue to grow” even when she is dead. Also, sharing her knowledge will help to empower other women the way she has been empowered through Woza Moya. From her point of view, Thokozani Cewe (interviewee 3, 2018) prefers to protect her beadwork through claims to IP rights because “it will help [her] children to benefit from [her] labour when [she] is dead.” However, she is happy to share her knowledge freely with other women working within the Woza Moya project. Jabulile Gladys Mzimelo (interviewee 10, 2018) loves to share her “skill and knowledge” with other people because, according to her, “sometimes you find a person who is struggling and who you know if they can do beads, they will have the financial freedom to be able to take care of themselves.”

C. Sharing Beyond the Project

While some of the women are disposed to extend the sharing culture beyond the framework of the Woza Moya project (for instance, Jabu Mthembu, interviewee 9, 2018; Jabulile Gladys Mzimelo, interviewee 10, 2018), some of the others are not (for instance, Victoria Nhlangulela, interviewee 1, 2018; Tholakele Sibisi, interviewee 2, 2018).

D. Open, Inclusive Innovation

The Woza Moya project continues to innovate and sustain the quality of their beadwork through an inclusive process that involves continuous training of the beadworkers, and their participation as partners and stakeholders in the design, planning, and production of the innovative products that are shaped by their beading tradition and culture. The Woza Moya project ensures that the rural Zulu women beadworkers are not regarded as mere beneficiaries of the HACT, but as collaborators in developing strategies for their empowerment through their beadwork (Candace Davidson, interviewee 8, 2018; Paula Thomson, interviewee 5, 2018).

Under coordination of a university-trained artist, the rural Zulu women of the Woza Moya project are transforming their beadwork into contemporary art pieces and preserving their tradition and culture, while empowering themselves economically. The innovative beadwork, in the form of beaded jewellery in different styles and ranges, sell in South Africa, North America and Europe. From my observation, the designs for the Woza Moya range of beaded jewellery are inspired by the beauty found in nature, vegetation, and wildlife, among others. The women have also produced signature non-jewellery items, including works entitled *Little Travelers*,⁵ *Beaded Green Suit*, *Dreams for Africa Map*,⁶ a recent large love letter billboard for Toyota, and the *Dreams for Africa Chair*, which was adjudged the most beautiful object in South Africa during the 2011 Design Indaba in Cape Town (News24, 2011; Ord, 2014). The pictures in Figure 3 depict some of the best-known works produced under the Woza Moya project.

Figure 3: Works Produced by Woza Moya Project

Dreams for Africa Chair



Source: ©Woza Moya project

⁵ The *Little Travellers* are small beaded dolls crafted for HIV/AIDS prevention advocacy. They have proved to be popular among tourists visiting Durban. See <https://www.littletraveller.org.za/>

⁶ The *Dreams for Africa Map* was hung in the Presidential Atrium of Moses Mabhida Stadium, Durban, during the 2010 FIFA World Cup in South Africa.

Dreams for Africa Map



Source: ©Woza Moya project

Billboard



Source: Woza Moya project; ©Toyota

Little Travellers



Source: ©Woza Moya project

According to Paula Thomson (interviewee 5, 2018), coordinator of the Woza Moya project:

The beadworks are expressions of Zulu tradition and our top-notch products are a blend of this tradition and modernity. [...]. The *Dreams for Africa Chair* was our first collaborative project where we all contributed to a meaningful whole, and that was incredible because each lady brought in a small piece with their dreams and hope for the future [...]. Five of us sat and made the first [*Little Travellers*] and we were so excited [...]. There was a passion there [...] a power, a story. And this makes the products stand out in places like Canada, Germany, Holland. We try to make it more exciting. We launched a pair of [*Little*] *Travellers* socks. We developed an interactive website for the *Little Travellers*. [...]

For all the big projects, I would design the concept and within that there would be room for each crafter to be creative. Like the Dream for Africa Map, I just painted the design out in a colour way (from greens, desert areas, oranges, etc) and each lady was assigned an area to work on based on her skill level. And in each piece, I said they must envision what is in that area of Africa (animals, people, or just pattern, etc) and their creativity must come out. It is incredible that the Map was made by so many women and each piece is unique and blends into the piece next to it.

E. Empowerment

I gathered during my observation and the focus group discussion that the Woza Moya project, by including the rural women beadworkers as partners and stakeholders in the innovative process, has so far been able to empower the women in three principal ways. First, the project is constantly promoting and creating value for the rural Zulu beadwork. This is achieved through the preservation of the core traditional and cultural significance of the beadwork; the enhancement of the quality of the beadwork through continuous training; the marketing and sales of the beadwork through social media and other online platforms, strategically located craft shops and through arts and fashion

middlemen; and the execution of innovative art projects, such as the *Dreams for Africa Map*, *Dreams for Africa Chair*, and the gigantic love letter billboard for Toyota, among others.

Second, the Woza Moya project has brought about economic and social progress for the rural women beadworkers. The women are now able to earn a relatively decent income (between ZAR 4,000 and ZAR 10,000 per month) which has enabled them to own their own houses in their communities, pay for the tertiary education of their children, see themselves through school, and cater to the basic needs of their households.

Third, the Woza Moya project is instilling a sense of pride, confidence, and identity in the women. The majority of participants in the study revealed that before joining the project, they could only find employment as domestic workers in the suburbs around their communities since they are uneducated. These domestic jobs paid a meagre salary (between ZAR 1,500 and ZAR 1,800 per month), an amount that the women could barely live on. However, after joining the project, they are now being regarded as business owners. This, along with their continuous participation in the innovative processes of the project, has earned them some recognition in their communities, and as such, they are proud to be identified as beadworkers.

F. Knowledge, and Perceptions, of IP

While three of the participants (two Woza Moya staff members and one beadworker) in this study had fairly strong awareness of IP, all the women beadworkers confirmed their lack of awareness. However, after the interactions explaining IP rights and the implications on their creativity, they provided very interesting responses. These emphasise the fact that the beadworkers are ill-equipped, in terms of the financial and legal infrastructure, to enforce any IP rights subsisting in their works. Also, the responses indicated that the beadworkers may not be particularly concerned about exploiting their rights under existing IP systems, especially when they understood that pursuing such rights may act as barrier to their ability to collaborate with each other within the Woza Moya community. Some key responses are provided below:

Victoria Nhlangulela (interviewee 1, 2018):

I don't have knowledge of IP and IP law. I know about traditional knowledge. I know the beadworks are an expression of traditional knowledge. [...] I will allow my patterns to be copied by women working under WM [Woza Moya].

Thokozani Cewe (interviewee 3, 2018):

I don't know about IP and IP law. I have [...] idea about beadworks, the colours and the meanings. I know it's an expression of Zulu tradition. I like the idea of IP and IP law because it is not right for people to gain unjustly from my labour and also, it will help my children from benefiting from my labour when I am dead.

Jabu Mthembu (interviewee 9, 2018):

[IP] is jealous. If you don't want to share your knowledge to the other people, sometimes your days are numbered ... if you die, who will do your work? You see [...], and always think about that. Because of this, I like sharing.

Lungile Manyathi (interviewee 7, 2018):

IP is something that we discuss a lot because there is a lot of copying in the crafting community. There was certain pair of [beaded] earrings designed here at Woza Moya and one of our crafters made it and it was a very popular pair of earrings. We found out that another craft shop had found somebody to make the same earrings and the same colours [...] [IP] is not something that we focus on because then you are not sure what we can design that [others] don't have. If you spend too much time trying to chase [...] it just seems that your return on the time and energy you spend on that is not going to be worth it.

Nathi Nzondi (interviewee 13, 2019):

I have heard of IP, like trademark [...] I haven't taken steps to protect my IP on my [beaded] rings. The reason why I find it difficult to trademark the handmade product [...] some [people] buy the product to mass produce them, because they have got the opportunity to market the products somewhere. Now you are sitting here with your IP [...] I used to see my products at Woolworth and Mr Price but I don't know who brought them there. [...] The designs are the same, but the materials are not the same. [...]. Yes, I used to say I can trademark it, but it is a waste of time because obviously people want to copy.

Paula Thomson (interviewee 5, 2018):

Our approach to IP has been different [...] by protecting our IP and enforcing it [...] I have seen how damaging it ended up historically. [...]. We are very open, [...] and if we were holding onto our IP, I don't think we will get the community trust that we have built. It is not that we don't hold IP in a serious way [...] The women are free to take steps individually to enforce their IP. But this costs money. For instance, we have registered the Woza Moya trademark and there is another group using the name. We don't have the money to fight it.

Moreover, an open and flexible system that allows learning from existing art forms and designs and sharing of knowledge would more effectively enhance and transform the rural women crafts to be more appealing in the contemporary art world, while preserving their traditional and cultural significance.

Flowing from the foregoing, the concern from a gender perspective is whether indigenous women crafters would be better empowered through the recognition or acknowledgment of their creativity by third party exploiters, or by commodification of their innovation (Gearhart-Sema, 2009; Phillips, 2007).

Whatever approach is adopted, it will have some implication on the cultural significance and empowerment of the rural creative women. On the one hand, recognition would create some sense of satisfaction, identity and fulfilment in the hearts of the indigenous women crafters in particular and the local community in general. However, this may not transform into economic empowerment of the women because, according to scholars, indigenous art is not just a form of cultural expression for the communities. It is also a means of employment and for providing other basic amenities of life, such as education, health, housing, among others (Bowrey, 2009). On the other hand, commodification has the capacity to empower the women economically, especially when the women take the lead, or are part of the decision making in the commoditisation process. However, if the commodification is done by a third party, the women may find it difficult to enjoy the benefits of their creativity (Swanson, 2018). Also, commodification may homogenise the culture and identities

expressed in rural women crafts and expunge all traditional meaning and ethos. On the positive side, commodification has the potency to generate understanding, by outsiders, of the tradition and culture expressed in the innovation and enhance the evolution of the cultural expression with societal changes (Phillips, 2007).

Therefore, to maintain the values of equality and dignity for rural creative women and bridge the IP gender gap, the social interaction between elements of economic empowerment and preservation of cultural identity should be constructed in a manner which ensures that the needs and desires of the indigenous creative women are satisfied. This Working Paper has so far shown that social entrepreneurship and inclusive innovation can be very effective mechanisms in this regard.

V. Initial Conclusions

IP systems perpetuate gender inequality against rural African women crafters in three principal ways. First, compared to their male counterparts, African women creators and innovators infrequently utilise IP systems, such as patent and copyright, to promote their innovation and creativity. Second, IP laws are formulated on and promote masculine notions of innovation and individualism, to which rural African women's innovation is not easily aligned. Third, strengthened by other cultural and legal practices, IP regimes constitute institutional barriers to the promotion of rural African women's innovation.

The infrequent usage of the IP mechanisms, however, is not an indication that African women, including those at the rural communities, are not innovative or creative. Indeed, rural African women continue to develop solutions for the myriad and varied socio-economic challenges facing their communities through home-grown innovation. However, majority of these innovations, occurring within the rural, informal and communal settings, are mainly driven by, and are expressions of, traditional/indigenous knowledge.

The extent to which IP regimes can afford protection for TCEs is still not clear. However, in deserving circumstances, TCEs may be protected under relevant trademark, designs and copyright legislation. Nonetheless, these IP regimes may not be effective in promoting and creating value for rural African women's crafts, and in enhancing their economic wellbeing. This is because, owners of IP do not ordinarily get empowered by merely identifying their legal rights. IP rights owners need to take steps in form of enforcement to harness the benefits of such rights.

Rural African women crafters may not always be aware of their IP rights. Even where the women are aware of the existing IP systems, they may face certain systemic and institutional barriers, fostered by cultural and legal practices, capable of reducing their impact within the innovation matrix. Also, rural African women innovators usually have to grapple with the additional challenge of inadequate funds for the development and enforcement of IP rights, such as patents, since their primary concern is how to improve their domestic and communal economy. Moreover, rural African women usually innovate under circumstances that enable collaboration and knowledge-sharing with other women. As such, they may not be particularly concerned about IP rights enforcement, especially when pursuing such rights may act as barrier to their ability to collaborate and share knowledge with other women within their innovative community.

Therefore, to promote and create value for rural African women's craft and enhance the dignity rural African women crafters, the social interaction between elements of economic empowerment and preservation of cultural identity should be constructed in a manner which ensures that the women are able to address their personal and shared socio-economic challenges. This can be achieved through a system which ensures that: (1) the rural African women crafters and their indigenous knowledge are adequately recognised; (2) the women derive due compensation from the commoditisation of their innovations; and (3) the women continue to innovate and create in a community that ensures collaboration and knowledge-sharing.

Drawing from the experiences of the Zulu women beadworkers participating in HACT's Woza Moya project in KwaZulu-Natal Province, South Africa, this research has found that social entrepreneurship and inclusive innovation are effective mechanisms for working around the IP gender gap and empowering rural African women crafters. Apart from enabling community participation and collaboration in the indigenous craft sector towards finding solutions to communal problems, social entrepreneurship and inclusive innovation are effective means by which women can tackle the myriad of social challenges which they grapple with daily.

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C. Research Interviews

Interviewee 1, Victoria Nhlangulela (2018). In-person interview, 12 November.

Interviewee 2, Tholakele Sibisi (2018). In-person interview, 12 November.

Interviewee 3, Thokozani Cewe (2018). In-person interview, 12 November.

Interviewee 4, John Lund (2018). In-person interview, 13 November.

Interviewee 5, Paula Thomson (2018). In-person interview, 13 November.

Interviewee 6, Sphamandla Mdluli (2018). In-person interview, 13 November.

Interviewee 7, Lungile Manyathi (2018). In-person interview, 14 November.

Interviewee 8, Candace Davidson (2018). In-person interview, 15 November.

Interviewee 9, Jabu Mthembu (2018). In-person interview, 16 November.

Interviewee 10, Jabulile Gladys Mzimelo (2018). In-person interview, 16 November.

Interviewee 11, Nkululeko Chiliza (2018). In-person interview, 19 November.

Interviewee 12, Gogo Sebenzani Mbanda (2018). In-person interview, 20 November.

Interviewee 13, Nathi Nzondi (2019). In-person interview, 30 January.



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