



**South Centre General Statement on L&Es to SCCR 43  
13-17 March 2023**

This statement is delivered on behalf of the South Centre.

The copyright system must be truly balanced. It means it should enable public interest purposes, particularly access to knowledge and education, a fair reward for creators, and real incentives – and not barriers – for creativity and research.

Hurdles of access to knowledge are a global-reaching problem. However, the impacts in developing countries and LDCs are often more dramatic. For example, access to textbooks and other educational materials are often subject to excessive and abusive pricing under licensing agreements, impeding access to those materials for education of children and adults in developing countries. Recent fires at the Brazilian National Museum, the University of Cape Town and the South African Parliament are examples of cultural heritage loss which highlight the need to ensure preservation.

The international copyright framework does not provide sufficient support to countries for adopting adequate limitations and exceptions (L&Es). The international copyright framework also does not provide sufficient clarity for libraries and archives to conduct preservation activities such as digitalization of materials.

In this context, we strongly support the SCCR's work on L&Es, with the expectation that it is continued so as to become the core agenda item of this committee. In particular, the South Centre supports the approval of the Proposal by the African Group for a Draft Work Program on Exceptions and Limitations (document SCCR/42/4 Rev.), with an ultimate view of achieving an international instrument on L&Es to the benefit of all countries. It is worrisome that many countries may have strong L&Es in their national laws but are reluctant to take action to adopt them at the international level.

The 2013 Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled has been a remarkably successful treaty, whose experience should be replicated at SCCR.

The South Centre welcomes the discussion on how copyrighted works may constitute barriers to online cross-border uses, such as in education and research, calling attention to the need to limit and combat anti-competitive licensing and restrictives that reduce the scope of L&Es. It looks forward to the scoping study on limitations and exceptions on research, noting that this is a core issue for developing countries and developed countries alike. Finally, it welcomes

the preservation toolkit as a good basis to advance discussions on the issue, with the expectation that the consideration of the issue of access will follow.

Finally, pls. note that the South Centre has recently co-organized events on this important matter. Please see: [South Centre Report on Right to Research in Africa Conference \(2023\)](#). It also stands ready to support developing countries in copyright-related matters at the SCCR and beyond.