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## **Standing Committee on Copyright and Related Rights**

**Fortieth session**  
**Geneva, 16 – 20 November 2020**

**TASK FORCE ON THE ARTIST'S RESALE ROYALTY RIGHT**

*By Mr. Abdoul Aziz Dieng, Senior Advisor, Ministry of Culture and Communications, Senegal*

The third working group of the Task Force on the Artist's Resale Right has addressed two broad issues:

1. The resale right as a factor in market structure;
2. The resale right as a factor in the economic rebalancing between the countries of the North, where most of the markets are, and the countries of the South, which account for many artists.

The points of view expressed set forth in this report do not reflect the opinions of the World Intellectual Property Organization (WIPO) or the author. Rather, they are those of artists in developing and, in particular, African countries. We interviewed artists whose works enjoy a degree of notoriety and what follows is representative of the general opinion. They expressed the view that the issues mentioned above are inextricably intertwined and that the resale right helps to structuring the market while correcting a certain injustice.

While the market may be seen in economic terms as an environment in which exchanges take place in return for payment, connecting supply with demand, structuring relates to the organization of the visual arts sector in a given place. With regard to the resale right, the issue of the market becomes especially important given that some in Africa subscribe to the view that *"the resale right is fine in principle, but we don't see its usefulness because of the lack of an art market"*.

The artists who were interviewed responded in various ways. Some expressed the view that, despite the lack of a market, it should be taken into account that works move around and that, incredibly, all statistics show just how much sales figures for their works are constantly increasing and beginning to reach considerable heights. They greatly appreciated the resale right royalties collected in Europe that reached them in Africa. Others went further still and confirmed that there was *"an emerging market in Africa that is coming on in leaps and bounds"*. That is the view of the famous Beninese artist Romuald Hazoumè, who quipped: *"It's as if the African market moved away to prove itself so it could come back to settle down in Africa."*

Seith Dei, the noted Ghanaian collector, supported Hazoumè's position: *"People have become used to the idea of putting works up for sale in dollars, which would have been impossible a few years ago, and the prices of works of art are going up."*

Romuald Hazoumè stated: *"At present, the price of African works is increasing more and more, the percentage of African works on the international market is growing and ever more people are getting rich on the backs of African artists."* He recalled the journey of one of his recent works: *"My work was sold for 16,000 euros, then resold in Europe for 26,000 euros and the resale right allowed me to receive money from the resale. It was resold again for 70,000 euros in the United States and I didn't get anything. It's frustrating. Personally, I can put up with this frustration because the sales of my works bring in enough money for me to make a living but imagine all the emerging artists who see people getting rich on the sales of their works while they get nothing in return. The frustration is such that it is generating animosity towards the countries of the North. That is overdoing it, to be sure, but it's understandable."*

The artist Soly Cissé spoke about justice. *"In terms of fairness, I think that the resale right serves justice well. No one can ignore the pain felt by a mother separated from her beloved child. Such a tug to the heart strings deserves to be compensated. The resale right is a drop in the ocean compared to major sales ... for auction houses around the world, and I think artists should benefit from the resale right, whether they are alive, dying or dead"*. He added: *"The income would enable artists to survive financially in times of crisis and provide a good return on their efforts after they stop being productive"*. The Chinese sculptor Wang Keping agreed, pointing out that the resale right had been a lifeline for old artist friends who had difficulty continuing to create.

Romuald Hazoumè vividly described an emerging phenomenon in Africa: *“Many artists who, like Barthélémy Togo, have been successful, have laid the foundations for promoting the works of the new generation. Those foundations require funding in order to survive and fulfil their goals. Money from the resale right helps them to address their financial problems. The explosion of new talent, the establishment of artist foundations, the multiplication of galleries, the increase in sales figures and the international movement of works of art are all part of the creation and structuring of an emerging African market.”*

***In conclusion:***

As a follow-up, it would be interesting to create a map of art markets and analyze emerging phenomena in developing countries in order to better address art market issues relating to the resale right. That would also provide an opportunity to contend with questions raised by other stakeholders, such as gallery owners and art dealers.

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