

Southern African Development Community, African Regional Bodies

Protocol on Culture, Information and Sport

Legislation as at 14 August 2001

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Southern African Development Community

Protocol on Culture, Information and Sport

Published

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[This is the version of this document at 14 August 2001.]

Preamble

We, the Heads of State or Government of:

The Republic of Angola

The Republic of Botswana

The Democratic Republic of Congo

The Kingdom of Lesotho

The Republic of Malawi

The Republic of Mauritius

The Republic of Mozambique

The Republic of Namibia

The Republic of Seychelles

The Republic of South Africa

The Kingdom of Swaziland

The United Republic of Tanzania

The Republic of Zambia

The Republic of Zimbabwe

HAVING regard to Articles 21 and 22 of the Treaty which provide for the conclusion of such Protocols as may be necessary in each area of co-operation and which shall spell out the objectives and scope of, and the institutional mechanisms for, co-operation and integration;

CONVINCED that culture, information and sport play a vital and central role in the process of, and are, therefore, *sine qua non* for, the integration and co-operation of the Member States constituting SADC;

GUIDED by the principle of involving the peoples of the Region as well as nongovernmental organisations in the process of regional integration in the areas of co-operation in order to foster close relationships among communities, associations and people of the Region as provided by Article 23 of the Treaty;

FURTHER GUIDED by the policies, priorities and strategies of the Culture, Information and Sport Sector Co-ordinating Unit;

FURTHER GUIDED by the Organisation of African Unity (OAU) Cultural Charter for Africa; the Cultural Manifesto of Algiers (1969); the OAU Lagos Plan of Action for the Economic Development of Africa and the Final Act of Lagos (1980); Our Creative Diversity (1997); the UNESCO Stockholm Action Plan on Cultural Policies for Development and the OAU Dakar Plan of Action on Cultural Industries;

MINDFUL of the objective to strengthen and consolidate the historical, social and cultural affinities and links among the peoples of the Region as stipulated in Article 5 of the Treaty;

AWARE of the Windhoek Declaration on the State of the Media in Southern Africa and the Declaration on the Role of Information and Communication in the Building of SADC;

RECALLING that information is a prerequisite for political, economic, social and cultural development and, therefore, the need to co-operate in removing barriers for its dissemination;

DESIROUS of improving the availability of information to the peoples of the Region;

GUIDED by the Olympic Charter, the OAU and the Supreme Council of Sport in Africa General Assembly Declaration on Sport;

AWARE that sport plays an important role in addressing social, economic and political problems and promotes a sense of pride and community integration;

FURTHER AWARE of the proven potential of the Region in sport and that human-centred development brought about by participation in sport and recreation is one of the most essential means of achieving the objectives of the Treaty;

CONVINCED of the need to entrench sport in the regional integration agenda;

AWARE that SADC recognises the presence and role of the Supreme Council for Sport in Africa Zone VI (SCSA Zone VI) and that SADC has made the SCSA Zone VI the implementing arm of all SADC sports programmes;

CONVINCED FURTHER that the community building efforts being undertaken by the Region can be better achieved through well co-ordinated and harmonised approaches to sports development, participation and tournament programmes.

TAKING full cognisance of the imperative need to translate sectoral policies, priorities and strategies into practical effect;

HEREBY AGREE as follows:

Chapter one Definitions and general principles

Article 1 – Definitions

1. In this Protocol terms and expressions defined in Article 1 of the Treaty shall bear the same meaning unless the context otherwise requires.
2. In this Protocol, unless the context otherwise requires:
 - “**accreditation**” means adoption by State Parties of regionally and commonly accepted standards of registering or accrediting practitioners in the fields of culture, information and sport;
 - “**athlete**” means a person engaged in a sport code as an amateur or professional;
 - “**Centres of Excellence**” means:
 - a) with respect to culture, research institutions within the Region designated as such by State Parties under Article 5 of this Protocol, and
 - b) with respect to sport, institutions where outstanding athletes receive specialised coaching and use up-to date facilities and equipment in preparation for top level competitions;
 - “**Centres of Specialisation**” means institutions within the Region designated as such by State Parties for training and other related purposes under Article 5 of this Protocol;
 - “**Centres of Talent Development**” means the institutions referred to in Article 27 of this Protocol;
 - “**communication**” means the process of relaying or imparting information and meaning thereof;

“**cultural agents**” means persons working in the field of culture, including creators, performers, administrators and professionals associated with such cultural activities as audio-visual arts, visual arts, crafts, the performing arts, publishing, the cultural heritage and cultural tourism;

“**cultural industries**” means the production, whether for sale, consumption or enjoyment, of cultural products which seek to educate, inform and entertain with messages, symbols, information or moral and aesthetic values of a given people or society;

“**culture**” means, as the totality of a people’s way of life, the whole complex of distinctive spiritual, material, intellectual and emotional features that characterise a society or social group, and includes not only arts and literature, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs;

“**disability**” means lack of utilisation of a part or parts of one’s body;

“**forms of media**” Means community media, commercial media, public media, regional media and global media;

“**gender**” Means the socially and culturally constructed roles, privileges, responsibilities, power and influence, social relations, expectations and values of men and women, girls and boys;

“**harmonisation**” means arrangements agreed upon, accepted and adopted by Member States for the purpose of policy formulation, training of cultural agents, information workers, media practitioners and sports personnel;

“**indigenous language**” means a language indigenous or native to a State Party, which is not a language of a migrant or non-native social group;

“**information**” means knowledge, statistics, reports, and various forms and acts of expressions which are recorded or coded including books, audio, video tapes and electronic digitalisation;

“**information infrastructure**” means facilities, including equipment, used in the process of information dissemination;

“**information sub-sector**” means the media, media institutions and other institutions referred to in this Protocol;

“**information worker**” means a person involved in collecting, collating, interpreting, analysing and organising information for dissemination;

“**journalist**” means an information worker who professionally gathers and processes information and views for dissemination as news;

“**media**” means all means, vehicles or channels of communication including print media, broadcast media, film, video and new information technologies;

“**media freedom**” means an environment in which the media operate without restraint and in accordance with the law;

“**media practitioners**” means people involved in all forms of communications, such as the print media, broadcast media, film, video, and new information technologies;

“**pluralistic media**” means diversified media in terms of ownership, control and content;

“**Protocol**” means this Protocol and any amendment thereto;

“**public information institution**” means any department of a State and any other public office or institution exercising power or performing a function related to collecting and disseminating information;

“**recreation**” leisure activities in which, through casual or organised ways, individuals or groups of people participate;

“**SADC Hall of Fame**” means the SADC Arts and Culture Hall of Fame, an award for recognition of work of cultural agents that contribute to the building of the Community;

“**sport**” means those activities which are often physical and are organised under, and regulated by, internationally accepted rules;

“**Sports Academy**” means an institution for training sports personnel;

“**Sports Honours and Awards Scheme**” means a scheme under which recognition is given to sports personnel or athletes for outstanding performance as provided in Article 31 of this Protocol;

“**sports personnel**” means people involved in sports administration and management, and includes sports scientists, specialists in sports medicine, experts in sports equipment and experts in maintenance of sports facilities;

“**stakeholder**” means any institution organisation or individual with a particular interest in culture, information and sport activities; and

“**State Party**” means a Member of SADC that ratifies or accedes to this Protocol.

Article 2 – General principles

State Parties shall, in the spirit of regional integration and co-operation, be guided by the following general principles:

- a) striving for the development and implementation of policies and programmes in the areas of culture, information and sport consistent with the principles contained in Article 4 of the Treaty;
- b) pooling of resources, such as expertise and infrastructural facilities, by State Parties, and the utilisation of those resources in the interest of regional integration and co-operation;
- c) commitment to the enhancement of a regional identity in diversity in the areas of culture, information and sport; and
- d) commitment to the right of access to information and participation in cultural and sporting activities by all citizens.

Chapter two General areas of co-operation

Article 3 – Areas of co-operation

State Parties undertake to collaborate in the following areas:

- a) policy harmonisation;
- b) training, capacity-building and research;
- c) resource mobilisation and utilisation;
- d) production, flow, exchange and use of information products;
- e) regional interaction among stakeholders;
- f) gender equality and equity; and
- g) persons with disabilities.

Article 4 – Policy harmonisation

1. State Parties undertake to review and formulate policies, strategies and programmes in the areas of culture, information and sport so as to provide a framework for practical action in each Member State as well as a basis for regional co-operation.

2. State Parties shall seek to harmonise their policies, strategies and programmes in these fields in the interest of regional integration.

Article 5 – Training, capacity-building and research

1. State Parties shall co-operate in research and in the training of cultural agents, information workers and sports personnel.
2. State Parties shall identify, designate and establish, from already existing institutions within the Region, Centres of Excellence and Centres of Specialisation which shall be utilised jointly for research, training and related purposes.
3. State Parties shall agree to strengthen research and training capacities in their countries and support regional collaborative research by allocating necessary resources to the relevant research and training institutions in the areas of culture, information and sport.

Article 6 – Resource mobilisation and utilisation

1. State Parties shall mobilise and allocate resources for the implementation of programmes in the areas of culture, information and sport.
2. State Parties shall encourage the participation of the private sector in the respective areas.

Article 7 – Flow and exchange of information

State Parties shall develop a regional information infrastructure to facilitate information exchange in the areas of culture, information and sport.

Article 8 – Regional interaction among stakeholders

State Parties shall facilitate and promote greater interaction and exchanges among cultural agents, media practitioners, athletes and sports personnel of the Region.

Article 9 – Gender

State Parties shall co-operate in ensuring gender equality and equity in the areas of culture, information and sport in light of the SADC Declaration on Gender and Development.

Article 10 – Persons with disabilities

State Parties shall co-operate in formulating policies and designing programmes of action that will ensure full participation of persons with disabilities in the areas of culture, information and sport.

Chapter three

Specific areas of co-operation

I Culture

Article 11 – Objectives

In fulfilment of the principles of this Protocol, State Parties shall co-operate in the area of culture in order to attain the following objectives:

- a) co-operate in the formulation and harmonisation of cultural policies of State Parties;
- b) create a socio-cultural environment within which regional integration ideals of SADC can be realised;
- c) promote an attitude which takes culture into account in regional development programmes;
- d) identify, promote and co-ordinate projects in the cultural field, including experience and information exchange among diverse cultures;
- e) ensure that culture plays a significant role in the economic development of the Region and evaluate all SADC projects and programmes for their cultural impact;
- f) develop and promote institutions of cultural heritage such as libraries, museums and archives in support of the broad and specific objectives of this Protocol; and
- g) promote the use of indigenous languages, where they exist, for the promotion of the cultural identity of the Region.

Article 12 – Language policy formulation

1. State Parties shall formulate and implement language policies that aim at promoting indigenous languages for national socio-economic development, where such languages exist.
2. State Parties shall institute and put into practical effect policy measures that aim at encouraging the learning and wider use of the official languages of Member States and of the working languages of SADC.
3. State Parties shall encourage and promote the use of indigenous languages as medium of instruction, where such languages exist.
4. State Parties shall collaborate in the development of augmentative and alternative communication systems for people with impediments that negate communication.

Article 13 – Preservation of cultural heritage

State Parties shall establish policy guidelines for the preservation and promotion of the cultural heritage of the Region in all its multi-farious facets formulated in close collaboration with relevant stakeholders, and shall seek to harmonise such guidelines in the interest of mutually beneficial integration of the Region.

Article 14 – Cultural industries

1. State Parties undertake to make cultural industries a major cornerstone of their national economies.
2. State Parties shall take such measures as are necessary in order to nurture, protect and promote their infant cultural industries.
3. State Parties shall adopt measures designed to promote eco-tourism as a means to support the development of cultural industries.

Article 15 – Arts and culture festivals

1. State Parties shall organise, and cause to be organised, arts and cultural festivals to pursue the ideals of regional integration.
2. State Parties shall take such policy measures as are necessary to attract private sector investment in festivals as well as facilitate their commercialisation in order to ensure their viability and sustainability.
3. State Parties shall organise joint staging during international festivals of arts and culture.
4. There shall be a SADC Hall of Fame.
5. State Parties shall collaborate in providing practical support to the SADC Hall of Fame.

Article 16 – Copyright and neighbouring rights

1. State Parties shall collaborate in harmonising copyright and neighbouring rights legislation within the Region.
2. State Parties shall ensure that international obligations regarding the protection of copyright and neighbouring rights are honoured.
3. State Parties shall endeavour to accede to and ratify international conventions for the protection of copyright and neighbouring rights.
4. State Parties undertake to adopt policies and implement measures that will ensure the protection of intellectual property rights within the Region.
5. State Parties shall encourage and facilitate the formation of copyright societies or associations in the interest of involving non-governmental stakeholders in matters pertaining to the protection of copyright and intellectual property.

II Information

Article 17 – Objectives

In fulfilment of the principles of this Protocol, State Parties shall co-operate in the area of information in order to attain the following objectives:

- a) co-operate and collaborate in the promotion, establishment and growth of community, commercial, public, regional and global media for free flow of information;
- b) strengthen public information institutions to be effective gatherers and disseminators of information and news;
- c) develop and promote regional culture, opinion and talent by increasing local content in the media such as magazines, radio, television, video, film and new information technologies;
- d) take positive measures to narrow the information gap between the rural and urban areas by increasing the coverage of the mass media, whether private, public or community-based;
- e) encourage the use of indigenous languages in the mass media as vehicles of promoting local, national and regional inter-communication;
- f) ensure that the media are adequately sensitised on gender issues so as to promote gender equality and equity in information dissemination;
- g) build public faith and accountability in information institutions by enhancing local, national and regional ownership;
- h) turn organs of communication into genuine and credible market places of ideas by encouraging diversity, breadth and professionalism in ownership and editorial policy;
- i) place communication at the disposal of communities, nation-states and SADC for the articulation and development of a tolerant, multicultural, multi-ethnic and multilingual regional culture in the global context;
- j) utilise communication to build and strengthen solidarity and understanding with other communities, especially those from the developing world; and
- k) co-operate in the protection of children from harmful information and cultural products, as well as in strengthening children's self-expression and access to the means of communication.

Article 18 – Information policies

1. State Parties shall formulate and harmonise information policies after thorough consultations involving appropriate stakeholders and civil society.
2. State Parties shall establish, publicise widely and implement information policies of SADC.
3. State Parties shall establish and strengthen the institutional framework for the implementation of information policies.
4. State Parties shall create political and economic environment conducive to the growth of ethical, diverse and pluralistic media.
5. State Parties shall promote specialised training of journalists in the areas of culture and sports to improve the coverage of these areas.

Article 19 – Information availability

1. State Parties agree to co-operate in improving the free flow of information within the Region.
2. State Parties shall co-operate in capacity building in the creation of media for the dissemination of data and encourage information dissemination and sharing through networking of news agencies in the Region.
3. State Parties shall engage in an extensive publicity campaign of SADC objectives, programmes, projects, activities and achievements.
4. State Parties shall encourage news agencies, in the Region, to establish a SADC News Agencies' Pool which, with computerised interconnection, will ensure efficiency and effective exchange of news and information.
5. State Parties shall give more financial and editorial autonomy to the news pool to enhance the professional competence and credibility to media practitioners.
6. State Parties shall co-operate in joint investments, production and exchange of film, video and audio information products in order to reduce reliance on imported information and cultural products.
7. There shall be a SADC Media Award which is intended to encourage and recognise the work of journalists that promote regional integration in the fields of print, radio, television and photo journalism.

Article 20 – Freedom of the media

State Parties shall take necessary measures to ensure the development of media that are editorially independent and conscious of their obligations to the public and greater society.

Article 21 – Code of ethics

State Parties shall encourage the establishment or strengthening of codes of ethics to boost public confidence and professionalism in the information sub-sector.

Article 22 – SADC accreditation

State Parties shall establish a regionally and internationally recognised SADC accreditation system or procedure for media practitioners with specific guidelines in order to facilitate the work of such personnel in the rest of the world.

Article 23 – Information infrastructure

1. State Parties shall upgrade media infrastructure for communication in the urban and rural areas to ensure access to more stakeholders through the media.
2. State Parties shall promote the role of archives, libraries, museums, cultural villages and similar services as information providers.
3. State Parties shall co-operate in the development of new communication technologies, including satellite broadcasting, as a countervail to threats to collective sovereignty from global media.

III Sport

Article 24 – Objectives

In fulfilment of the principles of this Protocol, State Parties agree to co-operate in the area of Sport in order to attain the following objectives:

- a) promote regional integration through sport and recreation;
- b) promote the participation of key stakeholders in organising and sponsoring sports and recreation programmes and activities;
- c) promote and facilitate the organisation of training programmes for sports personnel;
- d) promote active participation by stakeholders in sport and recreation activities with special emphasis on women, children and persons with disabilities; and
- e) foster the spirit of fair play, mutual respect, ethical and moral principles in sport as well as fighting doping and drugs.

Article 25 – National sports and recreation policies

1. State Parties shall co-operate in the development and review of national policies on sports and recreation.
2. State Parties shall seek to harmonise policies on sports and recreation.

Article 26 – Regional tournaments

State Parties shall collaborate in the organisation of regional tournaments in different sports codes whose modalities and frequency shall be agreed upon.

Article 27 – Centres of talent development

1. State Parties shall establish Centres of Talent Development in different sports codes to offer specialised coaching and to identify talented young athletes.
2. State Parties shall provide the necessary resources and facilities for the Centres.

Article 28 – Centres of excellence

1. State Parties shall establish Centres of Excellence, for different sports disciplines, whose general objectives shall be to offer specialised training for outstanding athletes.
2. State Parties shall provide the necessary resources and facilities for the Centres of Excellence.

Article 29 – Sports Academy

1. State Parties shall establish a Sports Academy for the training of different sports personnel whose establishment criteria and operational modalities shall be agreed upon.
2. State Parties shall provide the necessary resources and facilities for the Academy.

Article 30 – Sports equipment

State Parties shall encourage local industries and the informal sector to manufacture a variety of sports equipment and shall take other policy measures as necessary to stimulate investment in the production of sports equipment.

Article 31 – Honours and awards

State Parties shall establish a Sports Honours and Awards Scheme for honouring outstanding athletes and personalities.

Chapter four Institutional arrangements and financial provisions

Article 32 – Institutional arrangements

State Parties shall establish a Committee to oversee the implementation of this Protocol.

Article 33 – Financial provisions

1. State Parties shall mobilise and allocate necessary resources for the implementation of this Protocol, in accordance with the provisions of Articles 28 and 30 of the Treaty.
2. State Parties shall, where necessary, establish, and contribute to funds for the respective areas of culture, information and sport.
3. The Secretariat may accept gifts, grants, legacies and donations from any source provided that the acceptance is in conformity with guidelines set by the Council.
4. Paragraphs 1, 2, and 3 of this Article shall not be construed as prohibiting subsidiary agreements envisaged under Article 6 for purposes of adopting any other financing arrangements.

Chapter five Final provisions

Article 34 – Settlement of disputes

Any dispute arising from the interpretation or application of this Protocol, which cannot be settled amicably, shall be referred to the Tribunal.

Article 35 – Amendment

1. An amendment to this Protocol shall be adopted by a decision of three quarters of the Members of the Summit.
2. A proposal for the amendment of this Protocol may be made to the Executive Secretary by any State Party for preliminary consideration by the Council provided that the proposed amendment shall not be submitted to the Council for preliminary consideration until all Member States have been duly notified of it, and a period of three months has elapsed after such notification.

Article 36 – Annexes

1. State Parties may develop and adopt annexes for the implementation of this Protocol.
2. An annex shall form an integral part of this Protocol.

Article 37 – Signature

This Protocol shall be signed by duly authorised representatives of the Member States.

Article 38 – Ratification

This Protocol shall be subject to ratification by the Signatories in accordance with their respective constitutional procedures.

Article 39 – Entry into force

This Protocol shall enter into force thirty (30) days after the deposit of instruments of ratification by two-thirds of the Member States. '

Article 40 – Accession

This Protocol shall remain open for accession by any Member State.

Article 41 – Withdrawal

1. Any State Party may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving the Executive Secretary a written notice to, that effect.
2. Any State Party that has withdrawn pursuant to paragraph 1 of this Protocol shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective but shall remain bound by the obligations under this Protocol for a period of twelve (12) months from the date of giving notice to the date the withdrawal becomes effective.

Article 42 – Depositary

1. The original texts of this Protocol and all instruments of ratification and accession shall be deposited with the Executive Secretary who shall transmit certified copies to all Member States.
2. The Executive Secretary shall register this Protocol with the Secretariat of the United Nations and the Organisation of African Unity (OAU).

IN WITNESS WHEREOF, WE, the Heads of State or Government, or duly authorised representatives, of SADC Member States have signed this Protocol.

Done at Blantyre, this 14th day of August 2001 in three original texts in the English, French and Portuguese languages, all texts being equally authentic.