

Southern African Development Community, African Regional Bodies

Protocol on Science, Technology and Innovation

Legislation as at 17 August 2008

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Protocol on Science, Technology and Innovation
Contents

Article 1 – Definitions 2

 Paragraph 1. 2

 Paragraph 2. 2

Article 2 – Objectives 3

 Subparagraph (a) 3

 Subparagraph (b) 3

 Subparagraph (c) 3

 Subparagraph (d) 3

 Subparagraph (e) 3

 Subparagraph (f) 3

 Subparagraph (g) 3

 Subparagraph (h) 3

 Subparagraph (i) 3

 Subparagraph (j) 3

 Subparagraph (k) 3

 Subparagraph (l) 3

 Subparagraph (m) 3

 Subparagraph (n) 3

 Subparagraph (o) 3

 Subparagraph (p) 3

Article 3 – Fundamental principles 3

 Subparagraph (a) 3

 Subparagraph (b) 3

 Subparagraph (c) 3

 Subparagraph (d) 3

 Subparagraph (e) 4

 Subparagraph (f) 4

Article 4 – Areas of cooperation 4

 Subparagraph (a) 4

 Subparagraph (b) 4

 Subparagraph (c) 4

 Subparagraph (d) 4

 Subparagraph (e) 4

 Subparagraph (f) 4

Subparagraph (g)	4
Subparagraph (h)	4
Subparagraph (i)	4
Subparagraph (j)	4
Subparagraph (k)	4
Subparagraph (l)	4
Article 5 – Institutional mechanisms	4
Paragraph 1.	4
Subparagraph (a)	4
Subparagraph (b)	4
Subparagraph (c)	4
Paragraph 2.	4
Paragraph 3.	4
Subparagraph (a)	4
Subparagraph (b)	4
Subparagraph (c)	4
Subparagraph (d)	5
Subparagraph (e)	5
Subparagraph (f)	5
Paragraph 4.	5
Paragraph 5.	5
Subparagraph (a)	5
Subparagraph (b)	5
Subparagraph (c)	5
Subparagraph (d)	5
Subparagraph (e)	5
Subparagraph (f)	5
Subparagraph (g)	5
Paragraph 6.	5
Paragraph 7.	5
Article 6 – Financial provisions	5
Paragraph 1.	5
Paragraph 2.	5
Paragraph 3.	5

Article 7 – Exchange of information	5
Paragraph 1.	5
Paragraph 2.	5
Article 8 – Monitoring and evaluation	5
Article 9 – Cooperation with non-SADC states and other scientific organization	6
Subparagraph (a)	6
Subparagraph (b)	6
Subparagraph (c)	6
Article 10 – Non-governmental organizations	6
Article 11 – Settlement of disputes	6
Paragraph 1.	6
Paragraph 2.	6
Article 12 – Amendments	6
Paragraph 1.	6
Paragraph 2.	6
Article 13 – Withdrawal	6
Paragraph 1.	6
Paragraph 2.	6
Paragraph 3.	6
Article 14 – Signatures	6
Article 15 – Ratification	6
Article 16 – Entry into force	7
Article 17 – Accession	7
Article 18 – Depositary	7
Paragraph 1.	7
Paragraph 2.	7
Article 19 – Termination	7

Southern African Development Community

Protocol on Science, Technology and Innovation

Published

Commenced

[This is the version of this document at 17 August 2008.]

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 Madagascar

The Republic of Malawi

The Republic of Mauritius

The Republic of Mozambique

The Republic of Namibia

The Republic of South Africa

The Kingdom of Swaziland

The United Republic of Tanzania

The Republic of Zambia

The Republic of Zimbabwe

MOTIVATED by the objectives of the Southern African Development Community (SADC) Common Agenda to achieve sustainable and equitable socio-economic growth and development in the Region and the eradication of poverty;

MINDFUL of the need to secure, within the SADC Region, sustainable institutional and structural mechanisms to service joint regional programmes on science, technology and innovation;

REALISING the crosscutting relevance of Science, Technology and Innovation (STI) in supporting all programmes that are meant to achieve sustainable and equitable socio-economic growth and eradication of poverty in the region through the implementation of the Regional Indicative Strategic Development Plan (RISDP), the Africa Union Decisions and Declarations, the New Partnership for Africa's Development (NEPAD), Africa Science and Technology Consolidated Plan of Action (ASTCPA), the Millennium Development Goals (MDGs) and the Johannesburg Plan of Implementation adopted at the World Summit on Sustainable Development (WSSD);

DEVOTED to promote the development, transfer and mastery of Science, Technology and Innovation (STI) pursuant to Article 5 of the SADC Treaty;

EMPOWERED by sub-paragraph 3(e) of Article 21 of the SADC Treaty to cooperate in the area of science and technology;

RECALLING the critical importance given to Science, Technology and Innovation (STI) by SADC's Regional Indicative Strategic Development Plan (RISDP) and the need to strengthen the Region's ability to coordinate collaboration on STI;

ACKNOWLEDGING that the ability of Member States to create, acquire, accumulate, diffuse and utilize scientific and technological know-how is a major determinant of our capacity for industrial development and growth and to compete successfully in the global knowledge economy and thus improve the quality of life within the Region;

MINDFUL of the fact that the income disparities between poor and rich countries can largely be accounted for by the differences in the acquisition, accumulation, diffusion and utilization of STI;

RECOGNISING the need for the establishment of a Science, Technology and Innovation Unit within the SADC structure, with requisite human, financial and technical resources, in order enable coordination and integration of science, technology and innovation matters across all programmes;

FURTHER RECOGNISING the importance of Intellectual Property Rights (IPR) protection in promoting the development and application of STI;

IN ACCORDANCE with Article 22 of the Treaty, have agreed as follows:

Article 1 – Definitions

1. In this Protocol, terms and expressions defined in Article 1 of the Treaty shall bear the same meaning ascribed to them unless the context otherwise requires.

2. In this Protocol, unless the context otherwise requires:

“**ASTCPA**” means Africa's Science and Technology Consolidated Plan of Action;

“**Centre of Excellence**” means an institution which has demonstrated a high quality research and development capability in a specific STI field.

“**Committee of Senior Officials**” means the Committee of Permanent Secretaries or officers of equivalent rank responsible for science, technology and innovation;

“**Council**” means the Council of Ministers of SADC established by Article 9 of the SADC Treaty;

“**National Systems of Innovation**” means a set of functioning institutions, organizations and policies, which interweave constructively in the pursuit of a common set of social and economic goals and objectives;

“**Regional Indicative Strategic Development Plan**” means the plan, based on the strategic priorities and SADC Common Agenda, designed to provide direction with respect to SADC projects and activities;

“**SAMCOST**” means the SADC Sectoral Ministerial Committee on Science and Technology, which comprises Ministers responsible for science, technology and innovation portfolios in Member States;

“**Science and Technology**” means science, technology and innovation;

“**Senior Official**” means a Permanent Secretary or a person of equivalent rank responsible for science, technology and innovation;

“**STI**” means science, technology and innovation;

“**Treaty**” means the Treaty establishing the Southern African Development Community;

“**Tribunal**” means the SADC Tribunal established under Article 16 of the SADC Treaty.

Article 2 – Objectives

The overall objective of this Protocol is to foster co-operation and promote, the development, transfer and mastery of science, technology and innovation in Member States in order to:

- (a) establish institutional mechanisms in order to strengthen regional cooperation and coordination of science, technology and innovation;
- (b) institute management and coordination structures, with clearly defined functions, which will facilitate the implementation of regional STI programmes;
- (c) promote the development and harmonization of science, technology and innovation policies in the Region;
- (d) pool resources for scientific research, technological development and innovation within the Region;
- (e) optimize public and private investment in research and development within the Region and leverage external contributions;
- (f) implement the RISDP and ASTCPA and other science, technology and innovation programmes agreed upon in regional and international fora;
- (g) demystify science, technology and innovation by promoting public understanding and awareness and meaningful participation in these disciplines;
- (h) recognize, develop and promote the value of indigenous knowledge systems and technologies;
- (i) share experiences and develop joint initiatives that promote appropriate technologies for wealth creation and elimination of poverty within communities, especially in rural areas;
- (j) develop human resources in science, technology and innovation and work collectively towards the attraction, motivation and retention of scientists for the development of the Region;
- (k) strengthen institutional capacity in research and technology institutions in the Region and facilitate institutional cooperation and networks;
- (l) work towards the elimination of restrictions of movement of scientists and technologists within SADC for the purposes of education, research and participation in joint STI programmes;
- (m) enhance and strengthen the protection of intellectual property rights;
- (n) increase access to the teaching and learning of basic science and mathematics at all levels of the education systems;
- (o) promote quality in the teaching and learning of basic science and mathematics at all levels of the education system; and
- (p) promote gender equity and equality in the teaching and learning of basic science and mathematics at all levels of the education system.

Article 3 – Fundamental principles

Member States commit themselves to act in common pursuit of the objectives of this Protocol which shall be implemented in accordance with the following principles:

- (a) recognition of the equality of all Member States in STI;
- (b) equitable opportunities for participation by all Member States and shared benefit in joint STI initiatives across the Region;
- (c) efficiency in the deployment of resources in STI and the avoidance of unnecessary duplication of efforts;
- (d) promotion of gender equity in all areas of science, technology and innovation;

- (e) peaceful application of science, technology and innovation in accordance with international norms;
- (f) commitment to the best ethical and highest safety standards in the conduct of scientific research and technological development.

Article 4 – Areas of cooperation

Member States commit themselves to cooperate in science, technology and innovation under this Protocol in the following areas:

- (a) implementation of the RISDP and the ASTCPA and other STI programmes agreed upon at regional and international forums;
- (b) investment in human capital development through improved policy and institutional conditions;
- (c) intensification of efforts to attract and retain scientific human resource capacity in the Region for today's knowledge-based science and technology-driven economies;
- (d) promotion of gender equity and access to STI education;
- (e) forging strong partnerships with the African Diaspora with a view to advancing the scientific and technological development of the Region;
- (f) establishment of mechanisms to mobilize the skills and expertise in the African Diaspora with a view to enhancing the scientific and technological development of the Continent;
- (g) ensurance of sustainability in existing and development of new centres of excellence;
- (h) promotion and facilitation of the mobility of scientists and equipment, and the utilization of scientific and technological infrastructure within the Region;
- (i) promotion of public understanding of STI by launching programmes to demystify science, technology and innovation as articulated in the ASTCPA flagship programmes;
- (j) establishment of mechanisms which will lead to sharing of STI knowledge and technical know-how;
- (k) intensification of efforts to attain at least 1% of Gross Domestic Product (GDP) expenditure on research and development by 2010; and
- (l) harmonisation of policies and regulatory frameworks in STI including emerging new technologies.

Article 5 – Institutional mechanisms

1. The institutional mechanisms for the coordination and facilitation of regional cooperation in STI shall comprise:
 - (a) SADC Sectoral Ministerial Committee on Science and Technology (SAMCOST);
 - (b) Committee of Senior Officials; and
 - (c) SADC Secretariat through the STI Unit and Technical Committees.
2. The SADC Ministerial Committee on Science and Technology (SAMCOST) shall comprise Ministers responsible for science and technology in the Member States.
3. SAMCOST shall be responsible for the following:
 - (a) provision of strategic and political overseeing of regional programmes in STI;
 - (b) consideration and approval of common policy decisions for SADC's collective position in international forums;
 - (c) commissioning of regional STI studies and initiatives;

- (d) creation of technical sub-committees or any other organ as may be necessary for the implementation of this Protocol;
 - (e) provision of advice to the SADC Council and Summit on policy issues concerning STI; and
 - (f) meeting at least once a year to review progress in the implementation of this Protocol.
4. The SADC Committee of Senior Officials shall comprise Permanent Secretaries of Ministries responsible for STI or officials of the same level or their representatives.
 5. The Committee of Senior Officials shall perform the following functions:
 - (a) translate policy recommendations of SAMCOST into specific projects and programmes at national and regional levels;
 - (b) oversee the implementation of national and regional STI programmes;
 - (c) monitor STI policy development within their respective Member States and harmonization within SADC;
 - (d) consider and approve terms of reference for technical committees, consultants and other service providers dealing with or engaged in STI projects or programmes;
 - (e) identify and recommend regional programmes consistent with the SADC Common Agenda and other initiatives;
 - (f) appraise SAMCOST on the progress in the implementation of this Protocol; and
 - (g) advise on the establishment of technical sub-committees as it deems necessary.
 6. The SADC Secretariat through the STI Unit shall be located within the SADC Secretariat and shall perform its functions as prescribed by the Council.
 7. The technical sub-committees shall be established on an ad hoc basis, to carry out technical work under the guidance of the Committee of Ministers responsible for Science, Technology and Innovation.

Article 6 – Financial provisions

1. Member States shall ensure allocation of financial resources in their budgets for the implementation of this Protocol in their respective States.
2. Regional STI projects may be financed from various sources, including international organizations and other partners.
3. The SADC Secretariat may accept resources for the implementation of this Protocol subject to SADC Rules and Procedures.

Article 7 – Exchange of information

1. Member States shall make available data and information on science, technology and innovation development and cooperate with each other in its dissemination.
2. The data on STI indicators of a Member State shall be collected and published with the explicit approval of the Member State.

Article 8 – Monitoring and evaluation

Member States shall establish STI indicators in accordance with the RISDP for the purposes of continuous monitoring and evaluation of progress, and enhancement of policy development and harmonization regarding implementation of this Protocol in the region.

Article 9 – Cooperation with non-SADC states and other scientific organization

Member States may, for the purpose of promoting STI and effective implementation of this Protocol, enter into Agreements with non-SADC states and scientific organizations provided that such agreements are not:

- (a) inconsistent with the overall objectives and other provisions of this Protocol;
- (b) imposing undue obligations upon another Member State;
- (c) limiting a Member State's ability to fulfil its obligations under this Protocol.

Article 10 – Non-governmental organizations

For the purpose of implementing this Protocol, Member States shall promote the participation of non-governmental organizations and the private sector, in accordance with Article 23 of the Treaty.

Article 11 – Settlement of disputes

1. Member States shall strive to resolve any dispute regarding application, interpretation or implementation of the provisions of this Protocol amicably.
2. Any dispute arising from the application, interpretation or implementation of this Protocol, which cannot be settled amicably, shall be referred to the SADC Tribunal, in accordance with Article 16 of the Treaty.

Article 12 – Amendments

1. Any Member State may propose an amendment to this Protocol.
2. In amending this Protocol, Member States shall follow the procedure provided for in Article 22 of the Treaty.

Article 13 – Withdrawal

1. A Member State may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Executive Secretary of SADC.
2. During the period of twelve months notice, the Member State wishing to withdraw from this Protocol shall comply with the provisions of this Protocol, and continue to be bound by its obligations up to the date the withdrawal becomes effective.
3. The Member State wishing to withdraw from this Protocol shall cease to enjoy all the rights and benefits under this Protocol upon the withdrawal becoming effective.

Article 14 – Signatures

States.

Article 15 – Ratification

This Protocol shall be ratified by the Signatory States in accordance with their respective constitutional procedures.

Article 16 – Entry into force

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

Article 17 – Accession

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

Article 18 – Depositary

1. The original texts of this Protocol and all instruments of ratification and accession shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all Member States.
2. The Executive Secretary of SADC shall register this Protocol with the Secretariats of the African Union and the United Nations.

Article 19 – Termination

This Protocol may be terminated in accordance with the provisions of Article 22 of the Treaty.

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

Done at Johannesburg, Republic of South Africa, this 17 day of August 2008, in three (3) original texts in the English, French and Portuguese, all texts being equally authentic.