



# **BOLETIM DA REPÚBLICA**

## **OFFICIAL GAZETTE OF THE REPUBLIC OF MOZAMBIQUE**

(Excerpt of pages 148 to 152)

### **OCPA**

#### **Observatory of Cultural Policies in Africa**

I hereby certify that for the effects of publication, through the deeds of ninth of December two thousand and four, from pages one hundred and fifty eight to one hundred and seventy seven of the note book for several deeds, number one hundred and three dash A of the Fourth Notarial Registry Office of Maputo, under Miguel Francisco Manhique, Principal Assistant D and Acting Registry Officer of the above office, between Francois Lupwishi Mbuyamba, Angeline Saziso Kamba, Augustin Hatar, Fairuz Mullagee, Sagbo Pierre Dadjinou, Elvira Viegas Mahumane, Manuel Renato Matusse, Pedro José Cossa, Paulino Ricardo, António Mizé Francisco, David Abílio Mondlane, Roberto Isaias Samuel, Ofélia Tomás da Silva, Frederico Lucas Jamisse Mossugueja and Fernando Paulo Dava, an association called OCPA – Observatory of Cultural Policies in Africa was established, which will be governed by clauses contained in the following articles.

#### **CHAPTER I**

#### **DESIGNATION, NATURE, DURATION, HEADQUARTERS AND SCOPE**

#### **ARTICLE 1**

#### **Designation and Nature**

The Association Observatory of Cultural Policies in Africa, hereinafter called OCPA, a regional and Pan African Non-Governmental Organisation, is a non-profitable corporate body, with a legal personality and administrative, financial and patrimonial autonomy, governed by the present Statutes and by other legislation in use in the Republic of Mozambique.

## **ARTICLE 2**

### **Headquarters**

OCPA has its social headquarters in Maputo City, and may open branches or other types of representation at national, regional and international levels.

## **ARTICLE 3**

### **Duration**

OCPA is constituted for an unlimited period of time and it is effective from the date of the signing of the public deed.

## **ARTICLE 4**

### **Scope**

OCPA activities shall be undertaken throughout the African Continent.

## **CHAPTER II**

### **OBJECTIVES**

## **ARTICLE 5**

### **General and Specific Objectives**

1. OCPA pursues the following general objectives:

- a) Collect, maintain, analyse, disseminate and update information on cultural development and cultural life in Africa within a global context;
- b) Serve as a knowledge-based policy analysis mechanism and as a resource centre;
- c) Assess policy development trends in order to establish early warning signs;
- d) Mobilise and provide advisory services.

2. OCPA pursues the following priority specific objectives:

- a) Consolidate the observatory and develop it progressively into a self-sustained structure;
- b) Develop efficient information services and a coherent research agenda on cultural policies in Africa;
- c) Develop a publication programme and public information strategies on cultural policies for development in Africa;
- d) Provide cultural decision-makers, practitioners and agents with relevant policy information, knowledge, skills, methodology tools and techniques necessary for designing, implementing, monitoring and evaluating cultural policies, programmes and projects;
- e) Create regional co-operation networks for research, training and information on cultural policies for development in Africa;

- f) Develop a platform of reflection, exchange of ideas and knowledge and promotion of actions relating to cultural policy and the interactions between culture and development in Africa.

## **ARTICLE 6**

### **Funds**

Funds for the establishment and functioning of the association shall derive from:

- a) Donations from international and national bodies as well as social partners;
- b) Foreign financing and subsidies;
- c) Contracts with national and foreign public and private entities;
- d) Revenues resulting from sales of products and services thereof.

## **ARTICLE 7**

### **Official and Working Languages**

1. In the pursuance of its activities, the association adopts Arabic, French, English, Kiswahili and Portuguese as its official languages.
2. The working languages of OCPA are English and French, simultaneously.

## **CHAPTER III**

### **MEMBERS**

## **ARTICLE 8**

### **Definition and Classification**

1. OCPA membership is open to all African and non-African people and corporate bodies, that freely join this organization to defend its objectives and to contribute to its realization and commit themselves to observe the present Statutes and other regulations of the association.
2. Upon acceptance, members shall be classified as follows:
  - a) **Founding Members** – those who have participated in the conception and establishment of the Association;
  - b) **Effective Members** – those entitled to the rights and duties established in the Statutes and who contribute with their intelligence and action for the realization of OCPA objectives;
  - c) **Honorary Members** – all those individuals or corporate bodies who have rendered relevant services, mainly in the establishment of OCPA, namely the African Union, Ford Foundation and UNESCO; and those that by their virtue and exceptional qualities are attributed this distinction for having contributed in a significant way for the realization of OCPA objectives; or those that for any notable act and fact have been outstanding.
  - d) **Sponsors** – those who have no statutory duties but contribute through rendering services or in financial forms or by donating goods susceptible to be used for the materialization of OCPA objectives.

3. The Founding and Effective Members enjoy the same rights and duties prescribed in the present Statutes.

## **ARTICLE 9**

### **Membership Admission**

1. OCPA membership is open to all African and non-African people and corporate bodies, that accept the present Statutes and wish to participate in the materialization of OCPA objectives.
2. Honorary membership admission is subject to the decision of the Steering Committee based on a proposal from the Secretariat.
3. Sponsors membership admission is decided by the Steering Committee, based on an exchange of correspondence, holding of interviews or signing of agreements, and gathering of information, when required, and the submission of a candidature by the applicant.

## **ARTICLE 10**

### **Loss and Cessation of Membership**

1. OCPA membership may be lost or ceased under the following circumstances:
  - a) Mental disability;
  - b) Resignation;
  - c) Expulsion as a consequence of a disciplinary or criminal proceeding;
  - d) Conviction of a crime involving an indeterminate term of imprisonment;
2. The mental disability mentioned in a) above should be proved by a competent entity.
3. The resignation should be presented in writing to the Steering Committee, with a minimum of three months in advance.

## **Section 1**

### **Members' Rights and Duties**

## **ARTICLE 11**

### **Rights**

1. Founding and Effective Members have the following rights:
  - a) Participate in the Regional Conference and freely use their right to vote;
  - b) Nominate, through a letter written to the respective chairperson, a member to represent them in the deliberations of the association bodies, in the event of being absent;
  - c) Elect and be elected for any position of OCPA as well as propose lists or names to fill the positions for such positions;
  - d) Enjoy the fringe benefits established for the members in general and those applicable to the position held;
  - e) Present suggestions to the management in order to improve the work to be undertaken, whenever deemed to be of interest to the association;

2. Honorary members have the following rights:

- a) Participate in the Regional Conference, when invited;
- b) Appeal to the Steering Committee the suspension and expulsion sanctions that may have been applied to them;
- c) Present complaints or suggestions thought to be relevant to the Steering Committee, in writing, if desirable.

3. Sponsors have the following rights:

- a) Participate in the Regional Conference, whenever invited;
- b) Present complaints or suggestions thought to be relevant to the Steering Committee, in writing, if desirable.

## **ARTICLE 12**

### **Duties**

The duties of the members are as follows:

- a) Observe the provision of the present Statutes as well as the deliberations of the Regional Conference, Steering Committee and Secretariat;
- b) Timely pay membership fees and other charges established by the association, under these Statutes;
- c) Accept and correctly perform the functions for which they have been elected or nominated;
- d) Contribute with all means at their disposal for the progress, good name and development of OCPA and for the realization of its objectives;
- e) Strictly abstain from taking attitudes or participating in discussions which may undermine order, harmony and well-being amongst the members or that may contribute for ill-prestige of the Association;
- f) Participate in meetings, whenever invited;
- g) Maintain and defend OCPA's property;
- h) Show their membership card, when needed or demanded;
- i) Be accountable for the tasks and responsibilities assigned to them.

## **ARTICLE 13**

### **Disciplinary Sanctions**

The following sanctions shall be applied to the members who infringe the Statutes and practise acts that jeopardise the association's prestige, taking into account the gravity of the act and subject to the decision of the Steering Committee:

- a) Caution;
- b) Written reprimand;

- c) Suspension; and
- d) Expulsion.

## **ARTICLE 14**

### **Contents of the Sanctions**

1. The disciplinary sanctions consist of the following:
  - a) **Caution** – formal criticism made to the culpable member by the respective hierarchical superior;
  - b) **Written reprimand** – criticism made to the culpable member by the Steering Committee, in the presence of the members. This sanction is to be registered in the culpable member's personal file;
  - c) **Suspension** – withdrawal of the culpable member from the association for a period not exceeding 12 months;
  - d) **Expulsion** – withdrawal of the culpable member from the association with a loss of all the rights acquired in his/her quality of being a member
2. The application of a disciplinary measure to a member is always preceded by an institution of disciplinary proceedings, with an exception of the offences whose sanctions are caution and written reprimand which may be applied without depending on the disciplinary proceedings.

## **CHAPTER IV**

### **STRUCTURES OF THE ASSOCIATION**

## **ARTICLE 15**

### **Structures**

The structures of OCPA are as follows:

- a) Regional Conference;
- b) Steering Committee;
- c) Secretariat; and
- d) Fiscal Council.

## **ARTICLE 16**

### **Regional Conference**

1. The Regional Conference is the highest body of the Association, consisting of all its members, representatives of effective members or collaborating institutions of the five regions of the African continent, namely, Eastern, Western, Northern, Central, Southern and Northern Africa;
2. The Conference is chaired by a Chairperson who is elected by a simple majority of its members;

3. The ordinary sessions are held every three years. Extraordinary sessions are held whenever convened by its Chairperson or requested by one third (1/3) of the Conference members;

4. The Regional Conference is convened by its Chairperson ninety (90) days before the date of its realization, through a fax, e-mail, or other channels of communication, with an indication of the date, place, day, time and the agenda of the meeting and accompanied with the respective documentation if available.

5. More than half of its members should be present for the Conference to deliberate validly.

## **ARTICLE 17**

### **Competencies of the Regional Conference**

1. The Regional Conference is responsible for:
  - a) Electing the holders of OCPA management positions, through a direct and secret vote;
  - b) Electing the Chairperson, Deputy Chairperson and Secretary of the Conference;
  - c) Approving and amending the Statutes, where a favourable vote is required of at least three-fourths of the members present;
  - d) Considering and voting the report, review report and accounts report of the Steering Committee.
  - e) Considering and voting the annual programme, plan of activities and budget;
  - f) Establishing or amending the values of membership fees and quotas;
  - g) Ratifying the admission of effective members;
  - h) Voting and deliberating on the admission of Honorary Members, based on the Steering Committee's proposal;
  - i) Deciding on the opening of OCPA national, regional and international representations;
  - j) Deliberating on the dissolution of OCPA and the liquidation of its property, under the terms of the law;
2. The Regional Conference shall not deliberate on any matters not included in the meeting agenda.
3. Any matter which is odd to the Conference agenda should be submitted 15 days before the scheduled date of the meeting, in order to be incorporated in the Conference agenda.

## **ARTICLE 18**

### **Responsibilities of the Chairperson**

1. The meetings of the Regional Conference are chaired by an elected body, based on a proposal by the Steering Committee, consisting of a Chairperson, a Deputy Chairperson and a Secretary with the following responsibilities:
  - a) Prepare and convene the sessions of the Regional Conference and chair such sessions; and
  - b) Prepare and sign the respective minutes;

2. The Deputy Chairperson substitutes the Chairperson in his/her absence and in situations of disability and/or impediment.

## **ARTICLE 19**

### **Responsibilities of the Deputy Chairperson and of the Secretary**

The Deputy Chairperson and the Secretary are responsible for providing all meeting documentation as well as preparing and signing the Regional Conference minutes and performing all the tasks assigned to them by the Chairperson.

## **ARTICLE 20**

### **Steering Committee**

1. The Steering Committee consists of nine (9) highly qualified experts in the area of cultural policy, equitably representing the sub-regions of Central, Western, Eastern, Southern and Northern Africa as well as the Arabic, French, English and Portuguese speaking countries.

2. The African Union and UNESCO representatives as well as the Executive Director of the Association are ex-officio members of the Steering Committee.

## **ARTICLE 21**

### **Appointments**

The Steering Committee members are appointed by the Regional Conference, on a rotational basis, for a 3-year tenure.

## **ARTICLE 22**

### **Responsibilities of the Steering Committee**

1. The Steering Committee is responsible for:

- a) Defining the general framework of the programme;
- b) Approving the budget;
- c) Supervising and evaluating the level of performance of OCPA activities;
- d) Considering and deciding on disciplinary matters of the Association members, as well as their requests of membership withdrawal from the Association;
- e) Appointing the Executive Director of the association;
- f) Supervising the implementation of the programme and the work of the Secretariat;  
and
- g) Approving the report and the accounts report of the Fiscal Council.

2. The Steering Committee is accountable for their duties to the Regional Conference.



## **ARTICLE 23**

### **How the Steering Committee Functions**

The Steering Committee may only meet if there is a presence of at least two thirds of its members and the deliberations shall be made by the majority of the votes of the members present.

## **ARTICLE 24**

### **Secretariat**

1. The Secretariat is the executing body of the policies and strategies defined in the programme approved by the Steering Committee. It is headed by an Executive Director, assisted by six (6) specialists, namely, Research Coordinator, Website Manager, Documentalist, Translator, Administration and Finance Officer, Bilingual Secretary and other officers to be recruited as per demand of the programme.

2. The Executive Director and other academic staff shall be recruited at a regional level and the technical staff shall be recruited locally.

## **ARTICLE 25**

### **Responsibilities of the Executive Director**

The Executive Director is responsible for:

- a) Planning and coordinating the Association's activities;
- b) Drafting programme and budget proposals and submitting them to the Steering Committee for approval;
- c) Producing activity reports and submitting them to the Steering Committee for approval;
- d) Representing the Association in its interactions with public and private sectors, namely, authorities, institutions, social partners and donors, in the framework of the implementation of its activities;
- e) Representing the Association in jus vocare;
- f) Recruiting specialists to fill the vacancies in the Secretariat, after prior consultation with the Steering Committee, and following a public advertisement.

## **ARTICLE 26**

### **Fiscal Council**

1. The Fiscal Council consists of three members, where one is the Chairperson with a vote of quality, one Deputy Chairperson and one Secretary.

2. The Fiscal Council meets whenever there is a need and when requested by the Steering Committee.

## **ARTICLE 27**

### **Responsibilities of the Fiscal Council**

1. The Fiscal Council is responsible for:

- a) Considering the financial acts of the Steering Committee and its administrative activities;
  - b) Regularly inspecting OCPA's financial activities;
  - c) Providing advice to the Regional Conference on the accounts and review reports and other acts presented by the Steering Committee to the Regional Conference.
2. The participation of the Fiscal Council members in meetings of the Steering Committee is not compulsory, except when their presence is requested.

## **CHAPTER V**

### **SYMBOLS**

#### **ARTICLE 28**

##### **Emblem**

1. OCPA has an emblem with the following features:
  - a) A white rectangle, containing on the background a map of Africa in black, from which four wings start towards the centre, two of them are yellowish and the other two are terracotta. Each of the wings consists of eight curved and parallel lines symbolising the strong links existing amongst the various regions of the African continent as well as between Africa and the rest of the world;
  - b) Below the map, there is the acronym "OCPA", the abbreviation of the name of the association. Under the acronym there is the full name of the acronym: Observatory of Cultural Policies in Africa.

## **CHAPTER VI**

### **FINAL AND TEMPORARY PROVISIONS**

#### **ARTICLE 29**

##### **Dissolution and Liquidation of the Association**

1. OCPA may only be dissolved under the terms of the law.
2. When the dissolution is deliberated by the Regional Conference, a favourable vote of at least three fourths of all the members present shall be required.

#### **ARTICLE 30**

##### **Destination of Property in Case of Dissolution**

1. The Conference that decides on OCPA's dissolution shall appoint a Liquidation Commission consisting of five members representing the five sub-regions of the African continent.
2. When OCPA is dissolved, if there are assets that have not been donated to the organization or left with some financial implications or being allocated for a certain purpose, it shall be the responsibility of the Liquidation Commission to deliberate on their destination without prejudice to the provisions of specific laws.

**ARTICLE 31**

**Doubts in Interpretation**

All doubts arising from the interpretation of the present Statutes shall be resolved by the Steering Committee.

**ARTICLE 32**

**Omissions**

Provisions of the Law in use shall be applied to all the matters omitted here.

Maputo, seventeen of December of two thousand and four  
The Assistant, illegible