

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

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**FIRST AU CONFERENCE OF AFRICAN
MINISTERS OF CULTURE
10-14 DECEMBER 2005
NAIROBI, KENYA**

AUCMC/EXP.CHAR.1(I)

**CHARTER FOR THE CULTURAL RENAISSANCE OF AFRICA
(DRAFT REVISED)**

PREAMBLE

We, Heads of State and Government of the African Union meeting in the 5th Ordinary Session in Khartoum, The Islamic Republic of Sudan, from X to X 2006,

Inspired by the Cultural for Charter Africa adopted by the Heads of State and Government of the Organization of African Unity meeting in its Thirteenth Ordinary Session, in Port Louis, Mauritius, from 2nd to 5th July, 1976,

GUIDED BY

The Constitutive Act establishing the African Union;

The Declaration of principles of international cultural co-operation adopted by the General Conference of UNESCO at its fourteenth session in 1966,

The Pan-African Cultural Manifesto of Algiers (1969), and by the Inter-governmental Conference on cultural policies in Africa organized by UNESCO in Accra in 1975 in cooperation with the Organization of African Unity;

The African Charter on Human and Peoples' Rights in 1981

The Decision..... adopted by the First Conference of the African Ministers of Culture held on 13-14 December 2005, Nairobi, Kenya,

The UNESCO Universal Declaration on Cultural Diversity (2001)

The Convention on the Safeguarding of the Intangible Cultural Heritage (2003)

The Convention on the Protection and Promotion of Diversity in Cultural Expressions (2005)

The Statute of the African Academy of Languages

CONVINCED

That any human society is necessarily governed by rules and principles based on traditions, languages, ways of life and thought in other words on a set of cultural values which reflect its distinctive character and personality;

CONVINCED

That any human society is necessarily governed by rules and principles based on culture; and that culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs, (1)

That all cultures emanate from the people, and that any African cultural policy should of necessity enable the peoples to expand for increased responsibility in the development of its cultural heritage;

AWARE OF THE FACT

That any people have the inalienable right to organize its cultural life in full harmony with its political, economic, social, philosophical and spiritual ideas;

CONVINCED

That all the cultures of the world are equally entitled to respect just as all individuals are equal as regards free access to culture;

RECALLING

That, during the slave trade and the under the colonial domination, the African countries have found themselves in the same political, economic, social and cultural situation;

That cultural domination led to the depersonalization of part of the African peoples, falsified their history, systematically disparaged and combated African values, and tried to replace progressively and officially, their languages by that of the colonizer;

That colonization has encouraged the formation of elite, which is too often alienated from its culture and susceptible to assimilation and that a serious gap has been opened between the said elite and the African popular masses;

CONVINCED

That the unity of Africa is founded first and foremost on its history;

That the affirmation of cultural identity denotes a concern common to all peoples of Africa;

That African cultural diversity, the expression of a single identity, is a factor of equilibrium and development in the service of national integration;

That it is imperative to edify educational systems which embody the African values and positive universal values, so as to ensure both the rooting of youth in African culture and to enable the access to enriching contributions of other civilizations and mobilize the social forces in the context of a *sustainable endogenous development open to the world.*

That it is imperative to resolutely ensure the promotion of African languages, mainstay, and media of material and immaterial cultural heritage in its most authentic and essentially popular form and as factor of development;

That it is imperative to carry out a systematic inventory *in view of preserving and promoting* the cultural heritage, in particular in the spheres of Traditions, History and Arts;

GUIDED BY

A common determination to strengthen understanding among our peoples and cooperation among our States in order to meet the aspirations of our peoples to see brotherhood and solidarity reinforced and integrated within a greater cultural unity which transcends ethnic and

national and regional divergences in order to meet the aspirations of our people on the basis of a shared vision;

AWARE

That culture constitutes for our peoples the surest means of *promoting Africa's way* towards *technological development*, and the most efficient *response to the challenges of globalization*.

CONVINCED

That African culture is meaningless unless it plays a full part in the political and social liberation struggle, and in the rehabilitation and unification efforts and that there is no limit to the cultural development of a people;

CONVINCED

That a common resolve provides the basis for promoting the harmonious cultural development of our States *and societies*;

TAKING INTO ACCOUNT

That the globalisation process facilitated by the fast-changing of information and communication technologies constitutes a challenge for both cultural identities and cultural diversity and requires a universal mobilization in favour of the dialogue between civilizations,

AGREE

to establish the Cultural Charter for Africa as set out below.

PART I

AIMS, OBJECTIVES AND PRINCIPLES

Article 1

The aims and objectives of this Charter are:

- (a) To promote freedom of expression and cultural democracy, indivisible from social and political democracy;*
- (b) to promote an enabling environment for African Peoples to maintain and reinforce the sense and will for progress and development;*
- (c) The preservation and promotion of the African cultural heritage through restitution and rehabilitation;*
- (d) the assertion of the dignity of the African men and women and of the popular foundations of their culture;*
- (e) the combating and elimination of all forms of alienation, exclusion and cultural oppression everywhere in Africa;*

- (f) the integration of cultural objectives in development strategies;*
- (g) the encouragement of cultural co-operation among member States with a view to the strengthening of African unity, through the use of African languages;*
- (h) the encouragement of international cultural co-operation for a better understanding among peoples within and outside Africa;*
- (i) To promote in each country the popularization of science and technology as a condition for improved understanding and preservation of nature;*
- (j) To strengthen the role of culture in promoting peace and good governance;*
- (k) the development of all dynamic values in the African cultural heritage that promote human rights, social cohesion and human development;*
- (l) To provide to African peoples the resources to respond to globalization.*
- (m) To set up Africa houses, to collaborate with them and to facilitate collaboration between them.*

Article 2

In order to fulfill the objectives set out in Article 2, the African States solemnly subscribe to the following principles:

- (a) access of all citizens to education and to culture;*
- (b) respect for the freedom to create and the liberation of the creative genius of the people;*
- (c) respect for national and regional identities in the field of culture as well as the cultural rights of minorities;*
- (d) strengthening the place of science and technology in the life of the African peoples, including through the use of African languages;*
- (e) exchange and dissemination of cultural experiences between African countries on an equal footing.*

PART II

CULTURAL DIVERSITY, IDENTITY AND AFRICAN RENAISSANCE

Article 3

African States recognize that cultural diversity is a factor for mutual enrichment of peoples and nations. Consequently, they undertake to defend minorities, their cultures, their rights and their fundamental freedoms.

Cultural diversity contributes to the expression of national and regional identities, and more widely, to building Pan-Africanism.

Article 4

At national level, the promotion of identities consists of fostering mutual understanding and coordinating inter-cultural and inter-generational dialogue. At global level, the promotion of African identities will exemplify African dignity and freedoms. It will present African values and the contribution of Africa and its Diasporas to the building of universal civilization.

Article 5

African States commit themselves to work for African Renaissance. They agree on the need for reconstruction of the memory and historical conscience of Africa and its Diasporas.

They consider that the general history published by UNESCO, constitutes a valid base for teaching the History of Africa and recommend its dissemination, including in African languages.

PART III

CULTURAL DEVELOPMENT

Chapter I - Basic Principles of Cultural Policies

Article 6

The experience of previous decades recommends that an in-depth renewal of national and regional approaches in terms of cultural policy be carried out.

As the production of peoples, grassroots communities, artistes and intellectuals, culture is a factor of social progress and a driving force for innovation.

Article 7

States have the essential mission of establishing an enabling environment for cultural creation and development. To this end, they will guarantee freedom of expression for all citizens and cultural stakeholders.

Chapter II – The Role of States

Article 8

States will ensure the introduction of African cultural values and the universal principles of human rights in education, as well as in information and communication programmes.

States commit themselves to:

- *protect and promote the freedom of artistes, intellectuals and men and women of culture on the one hand, and historical sites and cultural goods on the other;*

- *financially and materially support cultural initiatives in all segments of society;*
- *facilitate access to education and culture for all segments of the population.*

Chapter III - Cultural Stakeholders

Article 9

States recognise that a significant number of non-institutional actors are instrumental in cultural development: designers, private developers, associations, local governments, the private sector, etc.

States commit themselves to support cultural development through incentive measures in fiscal, legislative and administrative plans. The said measures shall target inventers associations, the civil society and the private sector.

Article 10

States shall build the capacity of the cultural sector and stakeholders through the organization of festivals, seminars, conferences, training and refresher courses at national, sub-regional, continental and Pan-African level.

States shall guarantee equal access of women and men to cultural expression, decision-making, art and cultural professions.

Article 11

The youth represent the majority of the African population. It is among them that reside the key resources for contemporary creation.

States commit themselves to recognise cultural expressions by the youth, according them their fair value and responding to their aspirations.

Article 12

Elders and traditional leaders are cultural stakeholders in their own right. Their role and importance deserve official recognition so that they are integrated in modern mechanisms of conflict resolution and the inter-cultural dialogue system.

PART IV

Enculturation and Training

Chapter IV

Article 13

Training is an important component of cultural, as much as it is of economic and social development. Consequently, African states should create an enabling environment to enhance the access and participation of all in culture, including marginalized and underprivileged communities.

Article 14

To achieve the goal of Article 12, African States should design training policies for artists that guarantee the freedom of artists.

Article 15

Professional training for creative artists should be improved, renewed and adapted to modern methods, without breaking links with traditional culture. Hence, specialist training should be provided in national, sub-regional and regional training institutions.

PART V**THE USE OF AFRICAN LANGUAGES****Article 16**

African States should recognize the need to develop African languages in order to ensure their cultural advancement, and acceleration of their economic and social development. To achieve this, they should endeavour to formulate relevant national language policies.

Article 17

The African States should prepare and implement reforms for introduction of African languages into the education curriculum. To this end, each state should extend the use of African languages taking into consideration the requirements of social cohesion, technological progress, regional and African integration.

PART VI**USE OF MASS MEDIA****Article 18**

The African States should recognize the links between cultural, information and communication policies, therefore they should encourage the use of the information and communication media for their cultural development and promotion.

Article 19

African States

- a) should ensure that modern Information and Communication technologies are used to promote African culture.*
- b) should promote the establishment of publishing and distribution houses for books, school manuals, children's books and audio-visual works.*
- c) More particularly, should create an enabling environment that will enhance the creation, protection, production and distribution of cultural works.*

PART VII

THE ROLE OF STATES

Chapter VI – Assistance to Artistic Creation and Expression

Governments should create an enabling environment that fosters creativity in all its diversity, inter alia:

- a) putting into place appropriate institutional and frameworks that facilitate creativity and artistic expression*
- b) Providing financial, technical and other forms of assistance to stimulate artists, writers and other practitioners for artistic creation and expression and preferably creating national funds for the promotion of arts and culture*
- c) providing fiscal assistance and incentives including tax rebates for African cultural goods and services*
- d) subscribing to and ratifying charters, conventions and other standard setting instruments that preserve and promote artistic creation and expression, inter alia, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), which is an important instrument to protect local languages, arts and culture against homogenizing effects of cultural globalization particularly in developing countries*
- e) Aligning policy and legislation with international charters, conventions and other standard setting instruments*

Chapter VII – The Protection of African Works (African artistic goods and services)

Article 20

African States should prepare inter-African convention on copyright so as to guarantee the protection of African works. They should also intensify their efforts to modify existing international conventions to meet African interests.

Article 21

African Governments should enact national and inter-African laws and regulations guaranteeing the protection of copyright set up national copyright offices and encourage the establishment of authors' associations responsible for protecting the moral and material interests of those who produce artistic goods and services and adhere to them.

Chapter VIII – the Protection of African Cultural Heritages

Article 22

In this regard African States should ratify the relevant international instruments and align their national legislation with those standard setting instruments

Article 23

African States, having adopted the African Position Paper on the State of World Heritage in Africa, and the proposal for the creation of the African World Heritage Fund, shall take steps to implement the relevant provisions contained in this document and the Proposal for the Establishment for the African World Heritage Fund.

Article 24

African States should take steps to put an end to the pillaging and unlawful removal of African cultural property and ensure that such cultural property is repatriated to countries of origin.

Article 25

African States should take steps to ensure that archives and other historical records which have been illicitly removed from Africa are returned to them in order that they have complete archives concerning the history of their country.

Article 26

The African States concerned shall commit themselves to provide conducive physical and environmental conditions for the safety and protection of such repatriated archives and historical records.

Article 27

African States should ratify the Convention on the Protection of Cultural Property in the Event of Armed Conflict, and the Convention on Intangible Cultural Heritage.

PART VIII**INTRA AND INTER AFRICAN CULTURAL CO-OPERATION****Article 28**

The African States acknowledge that it is vital to establish inter-African cultural co-operation as a contribution to the mutual understanding of the cultures of other States for the enrichment of African cultures, secondly, between Africa and the rest of the world particularly with the Diaspora.

Article 29

To achieve the aims set out in Article 26 above, the African States agree:

- *To undertake capacity building, particularly for the specialized agency for the AU Commission to enable it to effectively coordinate, monitor, evaluate and harmonise and share best practices on policies, programmes, networks etc.*
- *Organize joint cultural events such as festivals, symposia, sports and arts exhibitions*
- *Establish cultural research centers and encourage cultural exchange programmes*

- *Commit themselves to ensure that African cultural values are deployed to maximum effect in order to promote and reinforce a sense of identity among Africans*

PART IX

Africa and the African Diaspora

Article 30

African States should strengthen the links, including but not restricted to cultural, business, educational, financial, scientific and technical, between Africa and the African Diaspora around the world. They should help the members of the Diaspora to better engage local, regional and national powers in the countries of their location, better able to confront the problems facing their communities and also better able to engage participate in the development of Africa.

Article 31

The African Union should take steps to establish in those countries where there is a significant African Diaspora, and elsewhere, institutions or “Africa Houses” with the aim be to:

- a) Promote positive awareness about Africa*
- b) Promote African positions and perspectives*
- c) Help the African Diaspora to engage with their communities, their regional and national governments, Africa, and the world at large.*

Part X

FINAL PROVISIONS

Article 32

Signature and Ratification

- (a) This Charter shall be open for signature to all Member States of the African Union and shall be ratified by the signatory States in accordance with their respective constitutional processes.
- (b) The original instrument, done if possible in African languages and in English and French, all texts being equally authentic, shall be deposited with the Commission of African Union which shall transmit copies thereof to all Member States.
- (c) Instruments of ratification shall be deposited with the Commission of African Union which shall notify all signatories of such deposit.

Article 33

Entry into force

This Charter shall come into force immediately upon receipt by the Commission of African Union of the instruments of ratification and adhesion from two -thirds of the total membership of the AU

Article 34

Registration of the Charter

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Commission of African Union in conformity with Article 102 of the Charter of the United Nations.

Article 35

Interpretation of the Charter

Any question which may arise concerning the interpretation of this Charter shall be resolved by decision of Assembly of Heads of State and Government of the AU.

Article 36

Adhesion and Accession

- (a) Any AU Member State may at any time notify the Commission of African Union of its intention to adhere or accede to this Charter.
- (b) The General Secretariat shall, on receipt of such notification, communicate a copy of it to all the Member States. Adhesion and accession shall take effect fourteen days after communication of the applicant's notice, to all Member States by the Commission of African Union General Secretariat of the OAU.