

**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**



**REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE EAC
CREATIVE AND CULTURAL INDUSTRIES BILL, 2015**

**Clerk's Chambers
EAC Headquarters
EALA Wing, 3rd Floor
Arusha, TANZANIA**

25th August 2015

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1.0 INTRODUCTION

Pursuant to the provisions of Article 49, 59 and 62 of the Treaty for the Establishment of the East African Community and rules 65 and 66 of the Rules of Procedure of the Assembly, the EAC Creative and Cultural Industries Bill, 2015 was read for the First time on 27th January 2015 during the fourth Meeting of the 3rd Session of the Third Assembly held in Arusha, Tanzania. In accordance with Rules 61 and 81 (1) (a) of the Rules of Procedure, the Bill was referred to the Committee on General Purpose for consideration and reporting thereto.

Pursuant to Article 49 (1) of the Treaty inter-alia, states that "The Assembly shall be the Legislative Organ of the Community", the Committee undertook Public Hearings in a consultative process in all the Partner States from 9th-12th March 2015 to consider the bill with the relevant stakeholders and compile Partner States views to be considered as amendments to the Bill. Consultations in the Republic of Uganda and the United Republic of Tanzania were held simultaneously on the 10th of March 2015, the Republic of Rwanda and Kenya on the 11th March 2015 and finally the Republic of Burundi on the 12th of March 2015.

2.0 BACKGROUND TO THE EAC CREATIVE AND CULTURAL INDUSTRIES BILL, 2015

The purpose of the Bill is to promote Creative and Cultural Industries in the East African Community. The Bill seeks to establish the creative and cultural industries Development Council that shall provide an environment conducive to the enhancement and stimulation of creativity and innovative endeavors among the citizens of the Community. The Bill shall;

- (a) Provide high quality trainings for skills and creativity development;
- (b) Formulate policies and strategies that shall stimulate creativity and innovations among the youths to ensure long term supply of creative talents;
- (c) Conduct a comprehensive mapping of individuals or groups involved in creative industries; and

- (d) Design practical tools to assist individual creators and creative communities to effectively use and diversify their products to be locally and globally competitive.

Although the region has the potential to develop new areas of wealth and employment as it is rich in cultural heritage and inexhaustible pools of talent, the region still remains a marginal player in the global market. This is also due to lack of incentives, financial, educational, infrastructure and technology support from the Partner States and the business community.

3.0 OBJECTIVES OF THE PUBLIC HEARINGS

The main objectives of the activity were:

- a) for the Public Hearings to form an effective medium for sensitization of stakeholders on the EAC Creative and Cultural Industries Bill, 2015;
- b) for the invited stakeholders to contribute to the discussions on the Bill for purposes of generating and incorporating their views; and
- c) to compile Partner States views and amendments thereto for input into the Bill.

4.0 METHODOLOGY

The Committee formed two groups that met with stakeholders in all the Partner States including government officials from the Ministries of East African Community Affairs/Cooperation, Ministries of Culture, Tourism and Sports, Artists and Arts Practitioners Associations, the Private Sector, Officials for Investment and Revenue collection bodies.

Thorough presentations were made followed by interactive sessions were held considering articles of the bill and input was received from participants.

Written submissions including additional/supplementary comments were subsequently received from the Ministries of East African Community Affairs/Cooperation from all the Partner States and considered by the Committee.

During the Public Hearings, presentations commenced with introductions and welcome remarks by the Representatives of the Ministries of East African

Community Affairs/Cooperation, followed by a presentation of the Bill, by the mover of the Bill or an Honourable Member of the Committee. A presentation on the part of the stakeholders was made followed by a question and answer session between the stakeholders, Members of the Committee and the Principal Legal Draftsman. In all Partner States, presentations were essentially made by a stakeholder representing all the views. The Committee was informed that preparatory meetings had been held with all stakeholders before the Public Hearings.

5.0 CONSIDERATION OF BILL

Emerging Issues under General Comments

There was general agreement, that the Bill was important and relevant to the Creative and Cultural Industries. Matters of agreement included among others:

1. The need to change the title of the Bill from "EAC Creative and Cultural Industries to ***"EAC Cultural and Creative Industries"*** since creative industries are a subject of the larger cultural industry.
2. The need to consider relevant provisions in the EAC Common Market Protocol and their operationalisation.
3. The need to exclude sports from the Bill because sports, was extensive in itself and a particular aspect for East Africans thereby meriting special consideration and wider coverage.
4. The need to include digital media and other mediums of art including audio visual which is only a specific aspect of the industry.
5. Consideration of Intellectual Property Rights which is a specialized and wide technical issue requiring separate consideration. The consensus was that a separate regional Bill is required.
6. The introduction and management of registration fees as well as provision of incentives to Art practitioners in the region.
7. A need to define and review the "Council", "Board" and its membership composition and numbers. There was general agreement and new clauses inserted into the Bill.

8. The need for the Committee to consult on the following existing cultural instruments in order to enrich the Bill accordingly.
 - a) The Charter of African Cultural Renaissance
 - b) The 2005 UNESCO Convention on the protection and promotion of diversity
 - c) Trade Related aspects of Intellectual Property Rights (TRIPS) Agreement of 2005.
 - d) 1883 Paris Convention of Protection of Industrial Property
 - e) 1886 Bern Convention of Protection of Literary and Artistic Works.
 - f) World Intellectual Property Organisation (WIPO) and Africa Regional Intellectual Property Organisation (ARIPO) Instruments.
9. The need to highlight Kiswahili as a Lingua Franca and create coherence between culture and creativity with Cultural Industries.

The Committee of General Purpose met on 17th August 2015 in the Parliament of Uganda to consider the Bill and propose amendments thereto. Partner States inputs were considered and a schedule of amendments was prepared.

6.0 Acknowledgements

The Committee would like to extend its appreciation to the Office of the Rt. Hon. Speaker, EALA for granting the Committee resources and the time to perform its legislation role and the Office of the Clerk EALA for ensuring adequate logistical support to the Committee. The Office of the Counsel to the Community is commended for the legal input into the Bill. The Ministries of East African Community Affairs in all the Partner States are commended for coordinating the activities in the Partner States and the hospitality accorded to the Committee and all the stakeholders. Finally, special appreciation goes to the Artists and Arts Practitioners in all the Partner States for their support, active participation and input during the Public Hearing.

7.0 Conclusion

The Committee is of the view that the Public Hearings and consultative process gave an opportunity for interaction with stakeholders and very valuable inputs were provided. The Committee considers the Bill as very timely and relevant to the Industry and recommends that the Assembly considers the amendments that comprise stakeholder's comments and official comments submitted by the Partner States. A schedule of amendments is attached to this Report as **Annex I**.

8.0 Recommendations

The Committee in light of the above therefore presents the report of the Committee and recommends that this August House considers the report as well as the amendments moved by the Committee on General Purpose on the EAC Creative and Cultural Industries Bill, 2015.