CHARTER FOR AFRICAN CULTURAL RENAISSANCE

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PREAMBLE

We, Heads of State and Government of the African Union meeting in the Sixth Ordinary Session in Khartoum, the Republic of The Sudan, from 23rd to 24th January 2006;

Inspired by the Cultural Charter for 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 2 to 5 July, 1976;

GUIDED BY

The Constitutive Act of the African Union;

The Universal 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 (1981);

The Convention on the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional Protocols;

The Convention on the Means of Prohibiting and Preventing the Illicit Import,

Export and Transfer of Cultural Property (1970);

Convention Concerning the Protection of World Cultural and Natural Heritage (1972);

The UNESCO Universal Declaration on Cultural Diversity (2001);

The Convention for the Safeguarding of the Intangible Cultural Heritage (2003);

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

The Decision of OAU Summit on the establishment of the African Academy of Languages;

The Decision of the First Conference of African Ministers of Culture on the endorsement of the Draft Charter for African Cultural Renaissance, from 13 to14 December 2005, in Nairobi, Kenya;

AFFIRMING

That any human community is necessarily governed by rules and principles based on culture; and that culture should be regarded as the set of distinctive linguistic, spiritual, material, intellectual and emotional features of the 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;

That all cultures emanate from the societies, communities, groups and individuals and that any African cultural policy should of necessity enable peoples to evolve for increased responsibility in its development;

AWARE OF THE FACT

That any people have the inalienable right to organize their cultural life in full harmony with their 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 despite cultural domination which during the slave trade and the colonial era 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 colonize, the African peoples were able to find in African culture, the necessary strength for resistance and the liberation of the Continent;

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 and unity are a factor of equilibrium, strength in African economic development, conflict resolution and reducing inequality and injustice to promote national integration;

That it is imperative to edify educational systems which embody the African and universal values, so as to ensure the rooting of youth in African culture, their exposure to the values of other civilizations, and mobilize the social forces in the context of a sustainable, endogenous participatory development;

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

That it is imperative to carry out a systematic inventory with a view to preserving and promoting tangible and intangible cultural heritage, in particular in the spheres of History, Traditions, Arts and Handicrafts, Knowledge and Know-how;

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, national and regional divergences on the basis of a shared vision;

AWARE

That culture constitutes for our peoples the surest means to chart Africa's own course towards technological development, and the most efficient response to the challenges of globalisation;

CONVINCED

That African culture is meaningless unless it plays a full part in the political, economic 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 our societies;

CONSIDERING

That the globalisation process facilitated by rapid developments in information and communication technologies constitutes a challenge for cultural identities and cultural diversity and requires universal mobilization to promote dialogue between civilizations;

AGREE

To establish the present Charter for African Cultural Renaissance.

Article 1
Replacement of the 1976 Cultural Charter for Africa

The Cultural Charter for Africa adopted in 1976 by the Heads of States and Governments of the Organization of African Unity is hereby replaced by the present Charter.

Article 2
Relationship between Parties to the Revised Charter and Parties Bound by the 1976 Cultural Charter for Africa

(a) Between parties which are bound by this Charter, only this Charter shall apply.

(b) The relationships between Parties to the original Cultural Charter for Africa of 1976 and Parties to this Revised Charter shall be governed by the provisions of original Cultural Charter for Africa.

PART I
OBJECTIVES AND PRINCIPLES

Article 3

The objectives of this Charter are as follows:

(a) To assert the dignity of African men and women as well as the popular foundations of their culture;

(b) To promote freedom of expression and cultural democracy, which is inseparable from social and political democracy;

(c) To promote an enabling environment for African peoples to maintain and reinforce the sense and will for progress and development;

(d) To preserve and promote the African cultural heritage through preservation, restoration and rehabilitation;

(e) To combat and eliminate all forms of alienation, exclusion and cultural oppression everywhere in Africa;

(f) To encourage cultural co-operation among Member States with a view to the strengthening of African unity, through the use of African languages and the promotion of inter-cultural dialogue;

(g) To integrate cultural objectives in development strategies;

(h) To encourage 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 including traditional knowledge systems as a condition for better understanding and preservation of cultural and natural heritage;

(j) To strengthen the role of culture in promoting peace and good governance;

(k) To develop all the dynamic values of the African cultural heritage that promote human rights, social cohesion and human development;

(l) To provide African peoples with the resources to enable them to cope with globalization.

Article 4

In order to fulfil the objectives set out in Article 1, 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 area of culture as well as the cultural rights of minorities;

d) strengthening the role of science and technology, including endogenous systems of knowledge, in the life of the African peoples by incorporating the use of African languages;

e) exchange and dissemination of cultural experiences between African countries.

PART II
AFRICAN CULTURAL DIVERSITY, IDENTITY AND RENAISSANCE

Article 5

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

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

Article 6

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 exemplifies African dignity and freedoms. It presents African values and the contribution of Africa and the African Diaspora to the building of universal civilization.

Article 7

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

2. 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, as well as the publication of its abridged and simplified versions for wider audiences.

PART III
CULTURAL DEVELOPMENT

CHAPTER I
Basic Principles of a Cultural Policy

Article 8

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, artists and intellectuals, culture is a factor of social progress and a driving force for innovation.

Article 9

States have the essential task of creating an enabling environment for cultural innovation and development. To this end, they shall guarantee freedom of expression for all citizens and cultural stakeholders.

Article 10

1. 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.

2. States commit themselves to:

- protect and promote the freedom of artists, intellectuals and men and women of culture;
- protect and develop tangible and intangible cultural heritage;
- financially and materially support cultural initiatives in all strata of society;
- facilitate access to education and culture for all segments of the population.

CHAPTER II
Cultural Stakeholders

Article 11

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

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

Article 12

1. 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.

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

Article 13

1. The youth represent the majority of the African population. The key resources for contemporary creation reside in the youth.

2. States commit themselves to recognise cultural expressions by the youth, according them their true value and responding to their aspirations, in accordance with African culture and values.

Article 14

Elders and traditional leaders are cultural stakeholders in their own right. Their role and importance deserve official recognition in order for them to be integrated in modern mechanisms of conflict resolution and the inter-cultural dialogue system.

Article 15

Training is a fundamental component of cultural, 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 16

To achieve the objective spelt out in the previous article, African States should define training policies for artists that guarantee the freedom of artists, creators and other cultural stakeholders.

Article 17

Professional training for creative artists should be improved, renewed and adapted to modern methods, without breaking links with traditional sources of culture. To this end, specialist training should be provided in national, sub-regional and regional training institutions which should be established by Africans.

PART IV
USE OF AFRICAN LANGUAGES

Article 18

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

Article 19

African States should prepare and implement reforms for the 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 and technological progress, as well as regional and African integration.

PART V
USE OF MASS MEDIA

Article 20

African States 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 21

African States should:

a) ensure that new information and communication technologies are used to promote African culture;

b) promote the establishment of publishing and distribution houses for books, textbooks, children's books and audio-visual works, particularly in African languages;

c) more specifically, create an enabling environment that will enhance the creation, protection, production and distribution of cultural works.

PART VI
THE ROLE OF STATES IN CULTURAL DEVELOPMENT

CHAPTER III
Assistance to Artistic Creation and Expression

Article 22

States should create an enabling environment that fosters creativity in all its diversity, mainly through:

a) Putting in place an appropriate institutional framework with a view to facilitating creativity and artistic expression;

b) Providing financial, technical and other forms of assistance to stimulate artistic creation and expression, preferably by the establishment of national funds for the promotion of arts and culture;

c) Providing fiscal assistance and incentives measures, particularly tax exemption for African cultural goods and services;

d) Subscribing to and ratifying charters, conventions and other legislative instruments for the preservation and promotion of artistic creation and expression, namely, the International Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), which is an important instrument on the protection of local languages, arts and culture against the effects of standardization arising from cultural globalization, particularly in developing countries;

e) Taking appropriate measures for the protection of intellectual property rights related to the expression of cultural diversity;

f) Harmonizing national policies and legislation with international charters, conventions and other legislative instruments.

CHAPTER IV
The Protection of African Artistic Goods and Services

Article 23

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

Article 24

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

CHAPTER V
The Protection of African Cultural Heritage

Article 25

African States, having adopted the African Position Paper on the State of World Heritage in Africa, and the proposal for the establishment of the African World Heritage Fund,

should take all the necessary measures to implement the relevant provisions contained in this document and the Proposal for the Establishment of the African World Heritage Fund.

Article 26

African States should take steps to put an end to the pillage and illicit traffic of African cultural property and ensure that such cultural property is returned to their countries of origin.

Article 27

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

Article 28

The concerned African States shall commit themselves to provide appropriate physical and environmental conditions to safeguard and protect returned archives and historical records.

Article 29

African States should ratify the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Convention for the Safeguarding of the Intangible Cultural Heritage;

PART VII
INTRA AND INTER-AFRICAN CULTURAL CO-OPERATION

Article 30

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, and between Africa and the rest of the world, particularly with the African Diaspora.

Article 31

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

- To build capacities, particularly for the specialized institutions of the AU Commission to enable it to coordinate, monitor, evaluate and harmonize best practices and policies concerning programmes and networks;
- To organize cultural events such as festivals, symposia, sporting events and arts exhibitions;
- To establish cultural research centres and encourage cultural exchange programmes;
- To 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 VIII
AFRICA AND THE AFRICAN DIASPORA

Article 32

African States should strengthen their ties with the African Diaspora worldwide in the areas of culture, education, science and technology, finance and economy. They should support the members of the African Diaspora to better interact with local, regional and national authorities in their countries of residence, capable of seeking solutions to the problems facing their communities. They should also assist them to participate further in the development of Africa.

Article 33

The African Union should take the necessary measures to establish institutions or "Africa Houses" in countries where there is a significant African Diaspora, and elsewhere with a view:

a) To promote positive awareness about Africa;
b) To promote African positions and perspectives;
c) To support the African Diaspora in its efforts to forge relations with their communities, their regional and national governments in Africa and in the rest of the world.

Part IX
FINAL PROVISIONS

Article 34
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 Arabic, English, French and Portuguese, all texts being equally authentic, shall be deposited with the Commission of the African Union which shall transmit copies thereof to all AU Member States;

(c) Instruments of ratification shall be deposited with the Commission of the African Union which shall notify all signatories of such deposit.

Article 35
Entry into Force

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

Article 36
Registration of the Charter

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

Article 37
Interpretation of the Charter

Any question which may arise concerning the interpretation of this Charter shall be resolved by decision of the Assembly of the African Union.

Article 38
Adhesion and Accession

(a) Any AU Member State may at any time notify the Commission of the African Union of its intention to adhere or accede to this Charter.

(b) The Commission of the African Union 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.

Article 39
Amendment and Revision

(a) Any State Party may submit proposals for the amendments or revision of this Charter.

(b) Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission of the African Union who shall transmit the same to the States parties, in accordance within thirty (30) days of receipt thereof.

(c) The Assembly shall examine these proposals within a period of one (1) year following notification of States parties, in accordance with the provisions of paragraph 2 of this article.

(d) Amendments or revisions shall be adopted by the Assembly by a Consensus, failing which, by a two-thirds majority.

(e) Amendments or revisions shall enter into force for each State Party, which has accepted them, thirty (30) days after the Chairperson of the Commission of the African Union has received notice of acceptance.

ADOPTED BY THE SIXTH ORDINARY SESSION OF THE ASSEMBLY, HELD IN KHARTOUM, SUDAN,

24 JANUARY 2006

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Charter for African Cultural Renaissance

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