

2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions

Draft Report on
**The State of the Diversity of Cultural Expressions in
Eastern Africa: *Trends, Challenges and Opportunities for
Growth***



Kasiva Mutua, courtesy of SoundCloud

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Executive Summary

The UNESCO Global Report 2022, *Re/Shaping Policies for Creativity – Addressing culture as a global public good*, highlights many policies, measures and initiatives in countries from all world regions. These policies, measures, and initiatives relate to training and job creation in the cultural and creative industries, particularly in the digital environment, strengthening dialogue with civil society in support of participatory governance of culture, and improving access to culture with a view to reducing inequalities within countries. The Report provides an overview of the challenges facing the cultural and creative ecosystem in the context of the global COVID-19 crisis, solutions to the challenges, and good practice examples.

While underlining the role of culture and creative professionals and enterprises as drivers of sustainable development and key actors in the resilience and regeneration of economies and societies, the Report also offers insightful new data that shed light on emerging trends at a global level.



The creative economy was projected to account for up to 10 per cent of global GDP by 2030. That exceptional growth was brought to a near standstill by the COVID-19 pandemic. For example, over 10 million jobs were lost globally in 2020 alone, and the global film industry recorded a loss of over US \$7 billion. Further, the global shutdown of live and public performance across all repertoires affected around 30% of royalties collected for authors worldwide. The COVID-19 crisis impaired the entire creative value chain – creation, production, distribution, and access – considerably weakening the professional, social, and economic status of artists, cultural professionals, and cultural entrepreneurs.

At the same time, lockdowns also highlighted the importance of cultural and creative activity in maintaining individual well-being, connectedness, and community resilience. Many artists and cultural practitioners imagined innovative and creative solutions, often by using digital tools to continue their activity streams and to connect to the public. This allowed individuals to express themselves and maintain social ties through music, songs, and dance, amidst the travel restrictions and home confinement. In turn, audiences flocked to online platforms to satisfy their deep hunger for connection, learning, and entertainment.

This Draft Report is an analysis of the Global Report, with a specific focus on the strengths, challenges, gaps, and opportunities in the diversity of cultural expressions in the Eastern Africa region. It seeks to support national and regional decision-makers in the Eastern Africa region by fostering the sharing of information and the exchange of good regional practices.

The Draft Report invites governments and multilateral agencies to recognise and address constraints and regulatory structures that have impeded the evolution of the cultural and creative industries in the Eastern Africa region in this digital age. In doing so, governments, multilateral agencies, civil society and the private sector would enable the region's deep pool of creative talent and the dynamism of its young people, as well as unlock the vast fortunes that lie in wait.

Introduction

The Eastern African region comprises of the 13 countries of Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, the Seychelles, Somalia, South Sudan, Tanzania and Uganda. Kenya, Rwanda, South Sudan, Tanzania, and Uganda are members of the East African Community (EAC). Djibouti, Eritrea, Ethiopia and Somalia are collectively known as the Horn of Africa. The combined population of these thirteen countries is over 494 million people with Ethiopia being the most populous (113 million persons). The region has a median age of approximately 21.9 years and 62% of the population is under the age of 25.

Eastern Africa was the only region in Africa that avoided a recession in 2020, according to the African Development Bank report, *East Africa Economic Outlook 2021 – Debt Dynamics: The Path to Post-COVID Recovery*. This was mainly due to better performance in agriculture, sustained public spending on large infrastructure projects, and increased regional economic integration.

The region’s economic growth contracted to 0.4% in 2020 as a result of the COVID-19 pandemic and recovered to an average of 4.1% in 2021. Average growth is projected to reach 4.9% in 2022, with full recovery expected in 2023. The countries whose economies are more diversified and enjoy relative political stability experienced positive growth (see Figure 1 below). According to the report, inadequate economic diversification was a key impediment to growth in some countries in the region.

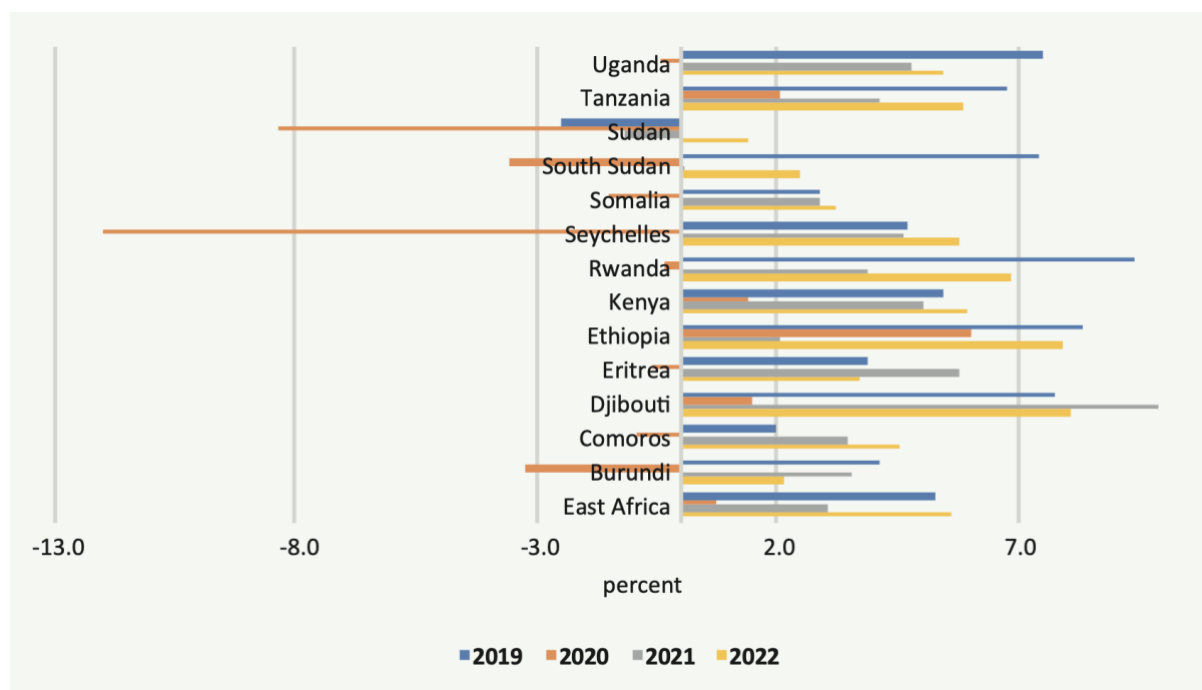


Fig. 1. GDP growth in East Africa by country, 2019–22. [Source: African Development Bank statistics. Note: Data are estimates for 2020 and projections for 2021 and 2022.]

Culture-led development is gaining attention globally. Since the production and consumption of cultural goods tends to be place-specific, it contributes to partially explaining local

divergences in economic growth patterns. Existing evidence suggests that the multifaceted nature of cultural and creative workers contributes in different ways to long-term regional economic performance.

Africa's rich cultural assets have influenced global culture for centuries, enriching countries in Europe and the Americas and spurring entirely new categories of music and art. Notwithstanding, African creators and their communities have historically benefited only marginally from economic and social returns on their cultural contributions, with cultural exports from the continent continually undervalued or misappropriated.

According to the UNCTAD 2018 report, between 2002 and 2015, the global market size for cultural and creative goods experienced substantial expansion, more than doubling in size from US \$208 billion in 2002 to US \$509 billion in 2015. Another report observed that the cultural and creative industries have an annual growth of four times more than manufacturing in many OECD and developing countries (UNCTAD, 2010).

However, despite a strong momentum in the development of cultural and creative industries globally, the Eastern Africa region's market share in these sectors remains quite small compared to other regions of the world. *Cultural Times: the first global map of cultural and creative industries* reports that of the CCI revenues generated worldwide in 2015, Africa and middle East account for only 2.6% of the revenue and 8.1% of jobs. Considering the dynamism and global cultural influence of Africa's creative sectors, this constitutes a major untapped opportunity for African countries seeking to diversify their economies.

The report, *Supporting the ACP Cultural and creative industries* (ACP, 2021) indicates that to effectively address the challenges facing the cultural and creative industries, efforts need to focus primarily on four areas: increasing the visibility of cultural actors and improving access to the public; strengthening cultural infrastructure; improving access to finance; and building a more effective support and incentive ecosystem, including promoting a better understanding of the creative sectors and their business models among policymakers and financiers.

The findings and recommendations of *The State of the Diversity of Cultural Expressions in Eastern Africa: Trends, challenges and opportunities for growth* can be used to enrich the discourse of how to foster the region's cultural and creative ecosystems to nurture the entrepreneurial and innovation potential of the cultural and creative industries for a sustainable future.

Situational Analysis on the Diversity of Cultural Expressions in Eastern Africa

The creative industries in the Eastern Africa region are generally fragmented and creation driven by small businesses or individuals. As a result, the cycle of production, marketing, and distribution is not coherent, leading to increased costs of production and hindering innovation. Despite the abundance of talent in the Eastern Africa region, and the richness of cultural tradition and heritage, there has been limited commercialization of the region's cultural and artistic creations in both the domestic and foreign markets.

In the period between 2002 and 2015 when exports of creative and cultural goods more than doubled, all the top ten exporters came from Europe, the Americas, and Asia. The developing economies' leading creative goods exporters came from Asia, Central Europe, and South America (UNCTAD, 2018). Furthermore, participation of developing countries in the global flows of cultural goods has stagnated over the last three years.

With precarious working conditions and in the absence of a secured decent income, it is not surprising that talented people are less attracted by a career as an artist, musician, filmmaker, or craft worker. Without creating and sustaining an enabling policy environment for the creative and cultural industries through direct and indirect support, there is every reason to assume that this trend will continue.

Secondly, obtaining quantitative and statistical data for the cultural and creative industries in the Eastern Africa region remains a major challenge. Persistent data gaps hinder transparency and informed decision-making. Availability of accurate data would provide a deeper understanding of the cultural and creative industries as it would help assess their health, evaluate the impact of existing policies and measures and their alignment with the Sustainable Development Goals (SDGs), and guide future policies.

To partially overcome this, key questions approach in the periodic reporting form was used. This allowed quantitative analyses of responses to provide a more accurate picture of how countries characterize their policies and measures to protect and promote the diversity of cultural expressions. The Monitoring Framework of the Convention determines, for each of the overarching goals of the Convention, key expected results, areas of monitoring, core indicators and means of verification. It is designed to inform evidence-based policy making and guide the collection of data and information for the cultural and creative industries.

In the height of the COVID-19 crisis, artists and cultural professionals in Eastern Africa States, and around the world, participated in the ResiliArt debates organized by UNESCO to shed light on the state of cultural and creative industries amidst the pandemic. They spoke out on the need to secure culture's rightful place in the recovery plans in order to overcome the crisis.

They also drew attention to the need for creating policies, measures and programmes that provide artists with some degree of security, the need to provide support with regard to digitalization by ensuring cultural diversity, equitable value chains, and fair remuneration of creators by the main digital platforms. They also spoke about the need to develop long-term policies in order to respond to the structural challenges highlighted by the crisis.



SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE

Cultural and Creative Industries

Multi-faceted Support to the Cinema and Audiovisual Sectors

The production and distribution of film and audiovisual works is one of the most dynamic growth sectors in the world (UNESCO, 2021). The Theme Report 2021 indicates that the combined global theatrical and home entertainment market grew six percent in 2021 to \$328.2 billion, matching 2019's record high. On the other hand, Africa's film and audiovisual sector accounted for US \$5 billion worth of GDP and employed an estimated 5 million people. The Pan African Federation of Filmmakers (FEPACI) however estimates that the sector can grow to US \$20 billion and create 20 million jobs.

The African film and audiovisual sectors remain underfunded, underdeveloped, and informal. Africa's cinema network is the least developed globally with a total of 1,651 screens, translating to one screen per 787,402 people. The situation in the Eastern Africa region is more dire with a total of 249 cinema screens, representing one screen per 1,983,936 people. In comparison, for the year 2020, the United States had a total of 44,111 screens, namely one per 7,503 people; China had 75,581 screens, amounting to one per 19,043 people; India had 6,327 screens in 2019, representing one screen per 215,900 people; and France had 6,114 screens, namely one per 10,958 people.

Further, only 44% of State Parties in Africa reported having an established film commission, and only 55% have a film policy. In the Eastern Africa region, only 43% of the countries reported having a film policy. This lack of enabling policies possibly constitutes the most crucial impediment to the development and growth of the region's film and audiovisual sector. There are, however, signs of increased formalization across the continent as governments grasp the potential of the cultural and creative industries to create jobs for young people as well as diversify the national economies.

In recent years, new laws, policies, action plans and other regulatory frameworks have been adopted, or are under preparation, to structure the film sector as in the case of Kenya. Further, Kenya launched studies and performance indicator reviews for the film sector, to drive the design and monitoring of future film policies.

In Ethiopia, the adoption of the Film Policy (2017), which focuses on job creation for youth and women, shows the country's strategic interest in this sector. The policy responds to the rapid growth of the Ethiopian film sector, where an estimated 57 feature films were produced in 2018 alone.

However, effective implementation of the policy faced several obstacles, including the lack of institutional frameworks to implement the measures envisaged in areas such as equipment taxation, distribution infrastructure, or the fight against piracy. In partnership with the EU, UNESCO supported Ethiopia to set up of a task force comprising of government

representatives, professional associations and the private sector to support the implementation of the policy that paved way for the creation of the Ethiopian Film Institute. The Institute supports Ethiopian filmmakers in the development of Ethiopian film industry by providing training and advice on production management, marketing, and distribution, as well as facilitating information sharing.

Sudan has a draft policy under consideration and in Uganda, UNESCO and the European Union partnered with the government in September 2020 to promote legislation and policy reform in support of film sector development. The process in Uganda led to the launch of a 5-year strategic plan for the film industry that focuses on a film production fund, capacity building for filmmakers, and the construction of Pearl Wood, a film production hub.

With the boom in the global content market, studios and producers around the world are scrambling to meet global streamers' insatiable hunger for content. Some African countries are positioning themselves to take advantage of this demand through particular approaches and best practices. These approaches and best practices constitute the basis for four strategic development and growth models, namely: the Nollywood model, the Auteur model, the Service model, and the Festival model.

The Nollywood model is characterized by its low-cost, speedy production mode, which enables producers to complete a film for as low as US \$15,000 in a matter of weeks. The Nollywood model of development can help other African countries to build fully home-grown, self-sustaining commercial industries.

A key prerequisite for this model is a substantial volume of sales, hence, it is better suited to countries with large local markets, such as Ethiopia or Tanzania. However, the recent success of Rwandese web series proves that even countries with smaller markets can adopt this approach if they are able to tap into their larger diaspora communities and are realistic about matching production budgets to revenue potential.

The Auteur model is driven by a vision of cinema as an art form which should not necessarily be subject to the vagaries of the market. Cinema and other creative works are public goods which must be supported by the state with a view to promoting a diversity of cultures, voices and viewpoints. This vision highly values the person considered to be the "auteur" of the work, namely the director.

The Auteur model exists mostly in Francophone African countries; however, it can also be found in other places such as Kenya and Rwanda. A key component of this model is the premium placed on education, training and talent development, especially for writer-directors. Examples of such initiatives include the One Fine Day Films workshops and Docubox in Kenya.

The main objective of the Auteur model is to promote artists who can shine globally, like Joël Karekezi (Rwanda) and Wanuri Kahiu (Kenya) whose works have sparked debate and achieved critical success.

The Service model is based on the development of a local film industry that is purposely structured to provide production and post-production services to international projects. A good

example in Mauritius which has adopted a particularly aggressive Film Rebate Scheme offering up to 40% on qualifying expenses. This scheme – the largest in Africa and one of the most generous in the world – instantly makes Mauritius a highly competitive global film location.

Some elements are key to the Service model. These include solid transport and film infrastructures, co-production treaties and tax rebates, and a large pool of well-trained technical professionals. In addition to Mauritius, other countries in the region that already boast a variety of natural and urban landscapes and good infrastructure, such as Kenya and Rwanda, are already in the process of filling the gaps in film policy and human capital in order to pursue this strategy.

The Festival model focuses on the promotion segment of the value chain rather than on production, talent development, or infrastructure, which are the focus areas of the three other models. This model allows a country to boost a sluggish or non-existent local film sector by establishing itself as a major supporter of cinema or television through the organization of a notable international event such as a festival or audiovisual marketplace.

The main proponent of the Festival model is Burkina Faso, whose status as “the capital of African cinema” stems from the country’s establishment of the historic film festival FESPACO, held biennially in Ouagadougou since 1969. A key aspect of the Festival model is the choice of a clear niche in which the country can take decisive leadership.

Eastern Africa States that have experimented with the Festival model include: Tanzania, which has positioned itself as the hub for Kiswahili language content with its Zanzibar International Film Festival (ZIFF) and Kenya, which is vying for regional leadership with its Kalasha International Film and TV Market, now in its 5th edition.

Media Diversity

While a substantial part of the world population can access cultural content from around the world with just a few clicks, the situation is different for the Eastern Africa region. Despite the high mobile penetration rate of 71.4%, the internet penetration rate is only 24.3%. So, while transition from analogue to digital media has inevitably provided many more opportunities for the creation, access, and discovery of local content, a majority of the population in Eastern Africa is offline.

Pluralism in media systems is crucial for protecting and promoting a diversity of cultural expressions. Media diversity involves many dimensions and components, in terms of its sources (public, private and community-based), and in relation to the content disseminated.

There are three known links in the media diversity chain: source diversity (including diversity of ownership and workforce); content diversity (relating to formats or programme types, plus demographic and viewpoint diversity); and exposure diversity (audience exposure to diverse content) (Napoli, 1999).

To develop measures that truly protect and promote the diversity of a media system, all three forms need to be addressed to ensure the following (Albornoz and García Leiva, 2019):

- Production, distribution, promotion and exhibition of content are not concentrated in a small number of stakeholders.
- Content shows differences of variety (in types), balance (representation of each type) and disparity (degree of dissimilarity between the types) (Stirling, 1998, 2007) in relation to values, identities and aesthetics. These should reflect the range of groups that coexist in each society, as well as the cultural expressions of foreign cultures.
- Citizens and social groups should have access to a wide range of content of their choice and should be able to participate in their creation and dissemination.

Community Media

Community media equips hundreds of communities, particularly women and marginalised groups, with tools of communication; allowing them to create their own means of cultural expression, news, information and dialogue. Community media projects are run on a not-for-profit, democratic basis and are based on voluntary participation in programme-making and in management by members of civil society.

Community media contributes to peoples' empowerment to improve their social and economic conditions, fight against discrimination of any kind, become more effectively involved in the democratic development of their community and country, and provide an alternative to mainstream commercial content.

Several States report providing support for community-based media outlets, or 'proximity' media (all types of profit or non-profit community and local radio stations set up to serve a particular area or language group). Such outlets often focus on public-interest content and are typically located in rural districts or poor urban areas. As such, it occupies an important space in citizen participation, and can help ensure access to information – as well as the representation of groups that are not always heard in mainstream media.

Research conducted by the Center for International Media Assistance at the National Endowment for Democracy (United States) on proximity radio stations in sub-Saharan Africa shows their critical role in regions with low Internet coverage. By mid-2020 during the COVID-19 pandemic, the eight studied proximity radio stations from Uganda and Zambia managed to remain on-air with full programming and broadcast special shows and public health messages to help combat the coronavirus, thereby highlighting their importance in times of crisis.

The East African Community Media Network (EACOMNET), a networking organization for community media in Eastern Africa, implemented a project to upscale and strengthen the capacities of the youth in East Africa to advocate and combat HIV/AIDS through community media, mobile telephony and online presence. Currently, EACOMNET and AMARC – Africa, (which brings together community radio stations from across Africa), in partnership with UNESCO (Addis Ababa Liaison Office to the African Union and the United Nations Economic Commission for Africa) and Africa Centres for Disease Control and Prevention (Africa CDC), have set-up a one stop online hub to share information and resources on COVID-19 and related health challenges.

The greatest threat facing community media is the challenge of financial sustainability, which can lead to closures and a subsequent lack of media pluralism. The eight radio stations mentioned earlier managed to survive longer term due to a combination of financing, including talk shows paid for by guests, public announcements paid for by governments, commercial advertisements if their audience was large enough, and grant funding. Nonetheless, this raises questions as to whether the need for such funding forces community media to relinquish some of their independence – even if radio stations combine commercial or paid content with their own independent programmes. This concern has led some proximity radio stations to change the advertising model, for example, by using revenue from a side business to finance the radio station or by fundraising in the community.

Access to print media, coupled with the high cost of paper and other inputs, continued to be a hurdle for the growth of the literary arts sector. The sector has also been impeded by poor infrastructure for distribution, especially in rural areas. Overall, the most difficult obstacles have remained the persistence of illiteracy, low readership, and personal incomes that have been too low to patronize the print media. On the other hand, books and newspapers are mainly published in English (with the exception of Ethiopia) and have not been translated into local languages. This has limited the accessibility of print media content especially in rural communities.

Domestic Content Quotas

Countries that have lagged far behind in their capacity to generate content for television and radio tend to place requirements on their private stations for certain amounts of domestically produced content in order to safeguard their cultural and national identity, as well as to create vibrant and economically productive local cultural and creative industries. For example, in 2013, the Uganda Communications Commission (UCC) issued a directive that aimed to ensure that all free-to-air television broadcasters increased the level of domestic content to promote national culture and to develop the domestic film industry.

Free-to-air television station licensees are required to ensure that an average of 70% of programming during prime time consists of Ugandan content. Of this 70%, 50% must feature drama programmes and another 10% is reserved for local documentary programmes – to be achieved by stations gradually. Pay-TV subscription licensees must also ensure a minimum of 20% Ugandan television content over the period of a year.

Broadcasters have pointed to a shortage in funding for generating local content and expressed frustration that most national audiovisual content is of low quality. Content providers expressed concern about the amount of cheap, foreign content carried by free-to-air broadcasters and the high levels of piracy of local content. Also of concern is the high cost of producing local content and increased competition from international broadcasters and online platforms.

Currently, domestic quotas for audiovisual content in African States stand at 14% for pay-TV and 8% for video on demand (VOD), compared to the global total of 34% and 30% respectively. The totals for developed countries are 71% for pay-TV and 73% for VOD. Further, the logic of content quotas, originally intended only to guarantee the public presence of locally produced works, is now applied in some countries to also support linguistic diversity.

Media Representation of Social Groups

A particularly sensitive issue is the marginalisation of different social groups, including women, ethnic and religious minorities, immigrants, persons with disabilities, over-50s, and LGBTIQ+ individuals, in cultural and media content. Continued misrepresentation and under-representation of some social groups threatens media diversity and freedom.

For example, persons with disabilities make up 15% of the world's population (World Bank, 2021) but remain largely under-represented in the media. When they are included, characters with disabilities are often stereotyped, either as victims or as remarkable heroes who overcome their disability. The full range of disabilities is also neglected in media portrayals (Media Smarts, no date).

In several countries, community radio is proven to help increase the representation of persons with disabilities. For example, in Tanzania, British Broadcasting Cooperation (BBC) Media Action launched a show called '*Niambie*' (Tell me) aimed at young Tanzanians. Throughout its 12 episodes over three months, the programme focused on a disability-related topic or considered an issue from the perspective of a person with disabilities. Early results show that the programme helped reduce stigma against people with disabilities, thereby attesting to the importance of launching similar programmes.

Establishing Functional Monitoring Frameworks

While most regulatory authorities are responsible for licencing broadcasters, content providers and online platforms, it is however less common for them to have responsibility for monitoring editorial independence and media ownership. Editorial independence has been elaborated as the separation in the decision-making process between those who control the media operations (media owners) and those who produce the content (editors and journalists). This separation assumes that owners, and through them other external actors, cannot interfere with how editors and journalists make professional decisions about their content.

Media institutions, therefore, need editorial policies for their work, and self-regulatory practices and mechanisms (like media councils or an ombudsperson), to ensure that editorial independence aligns with the precepts of professional standards. While professional standards should apply across the board, media outlets however often have different leanings, which reflects diversity and pluralism.

The monitoring of gender equality, in media outlets in particular, is neglected – with only 50% of the 54 developing countries reporting that they monitor gender equality in the media. In Tanzania, for example, the International Association of Women in Radio and Television, Tanzania Chapter (IAWRT) has been monitoring gender equality. In the report, *Gender Mainstreaming Monitoring in the Tanzania Broadcasting Corporation*, IAWRT women and girls are not engaged fully as sources of information or in decision making bodies at different levels compared to male counterparts.

The report further said that the gender inequality gap that exists between men and women denies women's rights to enjoy different opportunities, including wages. Notwithstanding, the Tanzania Broadcasting Corporation already has an operational gender mainstreaming policy in place. The data are being used by IAWRT to advocate for more gender equality in the sector.

The study, *Enhancing Gender Equality in the Media in Eastern Africa*, by the Eastern Africa Journalists Association (EAJA), shows that the media in Eastern Africa is male-dominated, with women making up just 20% of all professional journalists. Women journalists were also found to earn less than their male colleagues and were mostly associated with reporting "soft" stories. The study found that in many media houses women journalists were subject to sexual harassment, intimidation, and abuse, and their successes, efforts, and rights were being undermined and ignored.

Digital Environment

In January 2022, Warner Music Group (WMG), an American multinational entertainment and record label conglomerate, announced their majority acquisition of *Africori* (a hub for independent African artists and labels from across the continent and in the Diaspora) – the first major acquisition of the year in the entertainment industry. Momentum had been building toward this as WMG first invested in *Africori* in April 2020, at the height of the COVID-19 pandemic, followed in December 2020, with *Africori* signing a global sub-publishing deal with Warner Chappell Music France. These major deals have brought significant attention to Africa's creative digital economy.

Streaming services such as Netflix, Amazon, and movie studios, including Disney and the Cape Town Film Studios, are investing substantially in African productions. For example, Disney Animations has partnered with Ugandan based Kugali, which tells "stories inspired by African culture using comic books, art and augmented reality," to bring an Africa-themed animated Sci-Fi series, *Iwájú*, to the Disney Plus service in 2023.

The United Nations Conference on Trade and Development (UNCTAD) reports that Africa's creative digital economy is not only creating wealth for the creators but is also contributing to GDP, exports, and employment and therefore boosting development outcomes. Further, according to the World Trade Organization (WTO), digital platforms are fueling the growth of performers, artists, musicians, and others by allowing them to reach global audiences. The World Bank reports that revenue from digital music streaming in Africa is expected to reach US \$500 million by 2025, up from only \$100 million in 2017.

Copyright is a critical feature of the underlying conditions for the digital creative economy and the trade-related aspects of copyright are now generally recognized as a key component of the burgeoning service and knowledge-intensive world economy (OECD, 2015). The key observation is that the rapidly growing digital economy relies heavily on creative content, which generates copyrights.

The data in the Table 1 show that in several developing regions collections are shifting rapidly to the digital arena. In Latin America and the Caribbean, for example, digital collections rose almost ten-fold in the last five years. In the Asia Pacific region, it grew by 120 per cent. In Africa, where digital technology access is less developed, the fastest growth is taking place in private copying (69 per cent) followed by digital (32.5 per cent).

Table 1: Breakdown of regional collections, 2018 (Source: CISAC, 2019)

Regions	Type of use	Collections (EUR, millions)	Growth (%)	5-year growth (%)
Asia Pacific	Live & background	306	+3.1	+22.4
	TV & radio	393	-3.7	+5.6
	Digital	376	+22.4	+120
Latin America and the Caribbean	Live & background	194	-9.5	+14.2
	TV & radio	180	-29.2	-32.3
	Digital	75	+49.3	+978
Africa	Live & background	17	-0.9	+13.3
	TV & radio	31	+5,5	+23.8
	Digital	11	-9.7	+32.5
	Private copying	12	+10.6	+69.0

The above analysis illustrates how digital, mobile and internet technologies are transforming structures in the economy and generating new business models and markets that make the creative industries a critical resource for economic development in multiple spheres. From the perspective of the creative industries, digitalization is one of the key means by which creative content can be made more visible and accessible to regional and global audiences. In effect, digitalization offers great potential for tapping into traditional and non-traditional markets for creative goods, services and IP (WTO, 2018).

Tapping into these emerging opportunities requires developing countries to not only improve the quality and marketability of their content, but they have to also find ways to aggregate content, proactively participate in digital distribution platforms, and build the required copyright collections infrastructure (Nurse, 2000).

Additionally, it is becoming ever more evident that wider issues related to e-commerce and data localization are becoming critical trade and policy considerations for the new business models associated with the digital creative economy.

The Open Roadmap

In recognition of the shifting digital environment for the cultural and creative industries, in 2017, the Conference of Parties to the Convention approved the Guidelines on the

Implementation of the Convention in the Digital Environment as a strategic framework to protect and promote the diversity of cultural expressions in this changing context.

Parties also requested more specific guidance to support policy-making in the digital environment. As a result, an Open Roadmap for the Implementation of the Convention in the Digital Environment was developed and adopted by the Conference of Parties in 2019. (Figure 2) The Open Roadmap suggests clear outputs and concrete reference activities in this area.

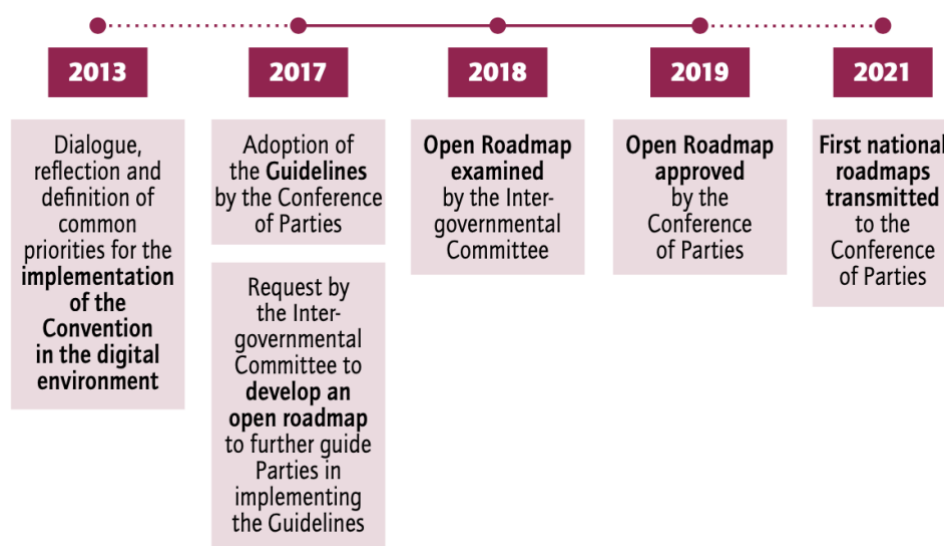


Fig. 2. Milestones of the Convention’s engagement with digital issues

Since the adoption of the Open Roadmap, Parties have had two opportunities to provide information on the steps taken to implement the Convention in the digital environment. At meetings held in 2019 and 2021, 26 Parties – 17% of all Parties to the Convention – shared information on measures adopted to develop and/or implement their national roadmaps, but only three Parties have shared a complete national roadmap with the Convention's Secretariat (Canada, including Quebec; Germany; and the Republic of Korea). Little information has been shared by Parties in Africa. This suggests that State Parties in Africa may have encountered problems in formulating practical responses to the digital transformation and its impact on cultural expressions.

The risk that public sector organizations responsible for culture will lose their agency due to the inability to keep pace with technological shifts affecting the cultural and creative industries is therefore real. Policies that impact the digital environment are often formulated without the input of public institutions and stakeholders from the culture sector. As a result, the needs, views and perspectives of stakeholders in the cultural and creative industries might not be considered as these policies are developed and implemented.

Some countries have established specific digital plans for the cultural and creative industries, which, in some cases, are part of broader national digital strategies. Comoros, for example, does not have a stand-alone digital strategy for the cultural and creative industries. However, it has included a cultural element to the national digital action plan to be implemented across the cultural and creative industries.

The Government of Rwanda’s vision of a knowledge-based economy is articulated in Vision 2050, which places ICT at the core of Rwanda’s development and transformation agenda. ICT has been positioned as a cross-cutting enabler for the achievement of the national goals as set out in Vision 2050 and other key policies, and in particular, the Smart Rwanda Master Plan 2020 (Smart Rwanda).

ICT policies and strategies that cut across the economy and support the national objective of putting ICTs at the centre of development include the ICT Sector Strategic Plan (2018-2024), which is complemented by ICT sector-specific instruments such as:

- ***The Broadband Policy (2013)*** whose primary goal is to ensure universal access to affordable, reliable and secure broadband infrastructure and services.
- ***The Cyber Security Framework*** which consists of the Cyber Security Policy, the Prevention and Punishment of Cyber Crimes Law, and the Cyber Security Strategic Plan (2015).
- ***The National Digital Talent Policy (2016)*** which addresses the mismatch between the supply and demand of ICT skills, increase the number of ICT professionals with market-oriented, specialized ICT skills and increase digital literacy.
- ***The National Data Revolution Policy (2017)*** which focuses on building big data and analytics capabilities to derive insights that contribute to achieving major socioeconomic benefits, including informed policy decision-making.

Further, Rwanda adopted a National Science and Innovation Policy in 2020 and subsequently launched a Centre for the Fourth Industrial Revolution, in partnership with the World Economic Forum, in March 2022. The Centre’s vision is to shape the trajectory of Rwanda’s digital transformation through progressive technology governance that is agile and human-centred.

Rwanda has also passed a landmark legislation, Protection of Personal Data and Privacy – an essential step in developing an innovation-driven economy. Furthermore, the country is also in the process of developing a national AI policy whose ambition is to advance Africa’s innovation capacity.

Promoting Digital Creativity and Competencies

While Africa is making major strides towards digital adoption, the huge digital skills gap is a serious impediment to the desired digital transformation. For example, 34% of mobile users in the continent identify low literacy and lack of digital skills as the reason for remaining offline, according to GSMA Intelligence. Investment in enhancing digital skills and capacities of creators, cultural professionals and organizations should, therefore, be considered a matter of strategic importance by governments and private sector players.

Relevant measures in this field may include training in digital skills and networking, as well as other avenues that enable cultural and creative agents to connect and take advantage of digital skills and resources. In the most recent period, 67% of developing countries, Parties to the Convention, indicated that they had adopted measures in this area.

Notwithstanding, there is an absence of a clear strategy to build capacity within the creative sector in the developing world. This problem is illustrated by the case of the Africa and Middle East region, which benefits from the cultural and creative industries that account for US \$58 billion of GDP (1.1 percent of regional GDP) and employ 2.4 million people (EY, 2015). The African market is poorly structured and cultural goods are largely provided through the informal economy, which is believed to employ 547,500 people and generate US\$4.2b in revenues (EY, 2015).

It is evident that cultural policy, despite a growing focus on the cultural and creative industries, has not yet adequately explored how to build the capacity of cultural producers so they can operate as creative entrepreneurs in a digital age and on a digital scale. This includes building the digital capacity of the cultural sector, as well as the ability to generate scalable business and distribution models.

To improve the export capabilities of the cultural and creative industries and tap into the rise of the digital economy, it will be necessary to develop a composite of trade, financing, and business support services along with tax incentives, access to training, and knowledge and IP protection and exploitation (HKU, 2010). Essentially, this would mean the integration of policy arenas, a practice that is becoming increasingly accepted in the creative industries.

Support for digital creativity and competencies of artists and cultural professionals can also be provided by civil society organizations, as in the case of Electric South, a South African non-profit. Electric South supports capacity for producing narratives using new technologies like Augmented Reality (AR) and Virtual Reality (VR). They have conducted workshops in many countries, including in the Eastern Africa countries of Madagascar and Mauritius.

Also, under the Fund for Technical Expertise and Experience Transfers (FEXTE) funding scheme, Africa Digital Media Institute (ADMI), based in Kenya, has partnered with the Rubika school (France) to train cultural professionals and entrepreneurs in Eastern Africa in digital creation (animation films and video games) to meet the growing global demand for creative content.

The Smart Africa Digital Academy (SADA), a pan-African learning ecosystem, is involved in raising digital awareness, developing 21st-century skills, developing demand-driven skills and enabling policy and decision makers towards an agile regulatory regime for Africa. SADA's portfolio of courses are designed to create fair, inclusive and sustainable digital societies in Africa.

Ensuring Fair Pay and Welfare in the Digital Sphere

It is essential that creators are provided with a strong legal apparatus to protect their rights and allow for fair remuneration. The rights of artists do not stand in the way of the economy. On the contrary, artists' rights help build sustainable economies, they provide local jobs, they generate revenues and taxes, and they allow a whole class of people, many of them young, to make a living from their talent.

The protection of their copyright is also a fundamental condition for creators to generate income which makes it possible for them, and future generations, to professionally contribute

to an active, continuously evolving culture and increased employment. On this matter, it becomes urgent to reinforce the protection of artists in the digital environment.

A UNESCO report on the implementation of the recommendation about the digital shift stated, “there is a global consensus that artists have lost income overall” (UNESCO, 207 EX/23.VI, para. 5), “while techno companies are making unprecedented amounts of money from the marriage of culture with technology, creating an economic imbalance” (UNESCO, 2019). There is also a huge imbalance in income distribution, as 5% of artists receive 95% of royalties (id., p. 35). Availability and discoverability of local content is another area of concern as a direct impact on the remuneration of artists.

The Guidelines on the Implementation of the Convention in the digital environment encourage Parties to implement legislative measures that allow for the fair remuneration of rightsholders. While significant efforts to support creation in the digital environment seem to have been made in all world regions, only a few State Parties reported using policies and measures to actively tackle the issue of fair remuneration for artists and creators in the changing digital environment.

To address the existing unfair remuneration for artists in Kenya, the government adopted measures, through the Kenya Copyright (Amendment) Act 2022, to raise musicians’ earnings to 52% of revenues earned by telecommunication operators from the sale of artists’ songs as ringtones for mobile phones. The government has further exempted ringtones from excise tax.

In 2018, the telecom company MTN Uganda launched a partnership with Tidal, an international entertainment platform, to bring music streaming to African customers. The partnership allows artists from Uganda to benefit from global content distribution reach, increase the shelf life of their music, and extend revenue generation periods. As of today, more than 300 Ugandan artists have signed up to the platform.

Emerging Cooperation at the Regional Level

An example of cooperation in developing digital transformation strategies at the regional level is that of the Forum on Artificial Intelligence in Africa, held in Morocco in 2018. The resolutions from the Forum included one on the need to use AI to foster the development of the creative economy by embracing the dynamism of young people and ensuring they are equipped with the skills to contribute to the development of the cultural and creative industries.

Following this, the African Union (AU) Ministers for Information and Communication Technologies adopted the 2019 Sharm El Sheikh Declaration, in recognition of the role of digital technologies and innovation in the achievement of the vision and goals of the AU’s Agenda 2063, including Aspiration 5: An Africa with a strong cultural identity, common heritage, values and ethics. The strategy also seeks to contribute to the achievement of the Sustainable Development Goals (SDGs). Action points within the strategy include establishment of a working group on AI to study the creation of a common African stance on AI, the development of an Africa-wide capacity-building framework and the establishment of an AI think tank to assess and recommend projects on which to collaborate in line with Agenda 2063 and the SDGs. The Working Group has since been established, chaired by Egypt with Uganda as Vice Chair and Djibouti as Rapporteur.

Partnering with Civil Society

Multi-Stakeholder Governance

‘Partnerships’ are widely acclaimed as being of central importance to development practice in the 21st Century. Article 11 of the Convention acknowledges the fundamental role of civil societies in protecting and promoting the diversity of cultural expressions. This ‘participation’ integrates a broad range of civic efforts aimed at opening up cultural governance, allowing joint decision-making and action in the implementation of the Convention.

A multistakeholder approach to cultural policy-making and governance encourages actors from across the cultural ecosystem to actively participate and contribute to the process. Involvement of civil society – from non-governmental organizations, non-profit organizations, professionals in the culture sector and associated sectors, and groups that support the work of artists and cultural communities – throughout the policy cycle fosters ownership and ensures sustainable and transparent policy responses in line with the needs and potential of the cultural and creative industries.

Ethiopia, Kenya, Rwanda, and Uganda showed a growing focus to go beyond the initial co-design of cultural policies and ensure ongoing dialogue and participatory monitoring, evaluation, and review of measures for the cultural and creative industries among government, non-government actors, civil society, and private sector.

Skills Development

Awareness-raising, training, capacity-building and mentoring are some of the catalysts for an enabling environment for CSOs. Strong capacities and skills ensure sustainability of the work undertaken and provide peer-learning opportunities. Developing new expertise is also necessary to address emerging trends and challenges. At government level, 71% of Member Parties from Africa have reportedly supported or organized training and mentoring opportunities to help CSOs build their skills in communication, advocacy or fundraising.

An analysis of the measures describing specific activities by civil society shows that 25% of the initiatives undertaken focus on capacity-building, workshops and education. Most aim to strengthen the creative skills of artists and cultural professionals in a broad range of cultural domains and in a lifelong learning perspective, with women and youth as main targets (Ethiopia, Kenya, Madagascar and Mauritius).

The strong involvement of CSOs in capacity-building can help complement public action (for instance by reaching new stakeholders, communities or territories and addressing more diverse topics). For example, it was noted that public programmes in cinema and audiovisual arts were less frequent. In contrast, there are many programmes in these areas initiated by civil society, which could suggest that CSOs invest in the fields of action least covered by public action and/or identified as priorities by cooperation partners.

In addition to capacity building on specific cultural domains, civil society also organizes training programmes on cultural management, business and related fields to enhance professionalization in the cultural and creative industries and raise awareness of the Convention.

One such initiative is the continent-wide three-year cultural leadership programme by Arterial Network and supported by the EU. The goal of the programme was to advance the cultural dimension of development and cultural diversity in Africa through improved cultural governance. It further aimed to develop skilled leadership able to effectively formulate and implement policies and strategies, and to effectively manage civil society organisations and public institutions responsible for implementing cultural policy. The training focused on Cultural Leadership, Train-the-Trainer, and Entrepreneurship. In Eastern Africa, Arterial Network partnered with GoDown Arts Centre in Kenya to implement the programme.

The University of Technology Mauritius (UTM) has collaborated with The Mauritius Film Development Corporation (MFDC) to offer a series of short courses under the National Skills Development Programme (NSDP) in Camera and Lighting, Sound for Cinematography, and Film Editing. The courses take four weeks and are followed by a one-month film placement at MFDC.

The International Film School Mauritius (IFSM), opened in 2019 by filmmaker Andreas Habermeyer and Identical Pictures, uses state-of-the-art studios, networks, post-production facilities, and film equipment facilities to offer Beginner Level, Advanced Level, Combined and Masterclass Short Workshop Courses in a variety of fields of study including film, camera work, lighting, screenwriting, film production, animation, sound engineering and cinematography. The courses take two to four weeks.

Programmes that support the professional development of musicians are essential for honing their skills as entrepreneurs and business owners. Music Business Academy for Africa provides training courses for those looking to acquire skills relevant to the music industry, such as talent management, media, content development, event organization, and production.

In April 2021, Sony Music Africa partnered with not-for-profit pan-African women empowerment platform, The Women of Music Business (WOMB), to launch a new Masterclass training programme that supports women working in the African music industry and helps build the next generation of senior female music executives in the continent. WOMB is supporting up to 30 female artists, producers and managers with a minimum of two years' experience in the music industry from across Africa.

Uganda's Media Women's Association, for its part, has developed training modules with a focus on gender perspective in programmes, development issues, and management. Culture and Development East Africa (CDEA), a Tanzanian civil society organization, created the Creative Economy Incubator and Accelerator to provide technical and business skills to almost 100 entrepreneurs in design, music, and film.

Recognizing Diversity of Employment

Creative entrepreneurs have unlimited potential to change the fabric of economies, the trajectory of communities, and the future of industries. Hence, governments have a key role in shaping the cultural and creative industries to make them as equitable, sustainable and competitive as possible, in line with SDG target 8.3 to “promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage formalization and growth of micro-, small- and medium-sized enterprises including through access to financial services.”

The East Africa Community (EAC) Secretariat reports that small and medium-sized enterprises (SMEs) represent the biggest part of all registered entities in nearly all activities in majority of the East African countries, averaging 60% in number or reaching 90% if the micro-enterprises are also considered. In Kenya, for example, SMEs contribute 80% of employment.

However, only a few of these firms grow into medium- and large-sized firms or expand to reach markets beyond their area of operations. Recognizing both the important role played by the SMEs in employment creation and development of the East Africa region, and also the challenges they face, the East African Community Secretariat has prioritised their development.

To support the growth and development of SMEs, the EAC Industrialisation Policy (2012-2032) calls for the provision of a framework that facilitates SME integration into regional and global value chains enhancing their prospects for effectively contributing to economic development goals. Further, Article 80(1) of the EAC Treaty calls upon the Partner States to “facilitate the development of (i) small-and-medium scale industries including sub-contracting and other relations between larger and smaller firms.”

To a large extent, the sustainability of the cultural and creative industries and their contribution to economic growth rely on their ability to create and maintain stable and diverse opportunities in the workforce. Although not updated, available global employment data from 2014 are indicative of the specificities and vulnerability of cultural employment.

According to the data, across 50 countries worldwide, an average of 6.2% of all employment is accounted for by the cultural and creative industries, with this average being 5.8% across developed countries and 6.9% in developing countries. Moreover, although the global rate of part-time work (22.1%) is lower in the cultural and creative industries than across the overall labour force (26%) (UIS, 2016), people employed in developing countries are almost twice as likely to work part-time (34.1%) compared to those in developed countries (17.4%).

Madagascar, with all its rich cultural diversity, had a sole film venue for artists to share their cinema productions and for exchange – the Recontres du Film á Madagascar (RFC). Under the leadership of film director Raymond Rajaonarivelo, Malagasy filmmakers started to tell stories about their homeland but faced major challenges, for lack of policy support and adequate networks.

Under the project “Encourage the use of cinema as a means of expression among youth with a view to developing a film industry,” supported by the International Fund for Cultural Diversity (IFCD) in 2017, not only did Malagasy film take off, but youth were offered a powerful professional destination as well. Further, new public policies have revitalized Madagascar’s cultural scene by enabling economic activities, capacity building for the film industry, and job creation.

Creating and Sustaining an Enabling Environment

While the Convention recognizes the role of governments and civil society in building sustainable systems of cultural governance, it is the responsibility of governments to craft enabling legislative and regulatory environments. As the United Nations Guidance Note ‘Protection and Promotion of Civic Space’ recalls, meaningful participation requires an open

civic space – openness being characterized by the diversity of voices in public debate and the security of the channels and the vitality of the media landscape ‘that allow for peaceful disagreement and dissent’ (Figure 3).

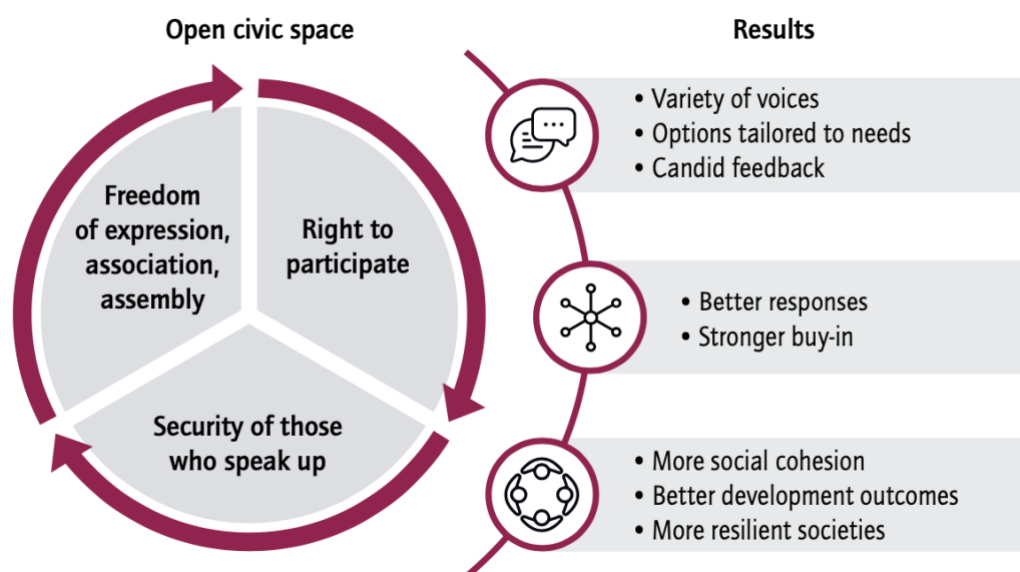


Fig. 3. Open civic space results in better outcomes (Source: UN, 2020)

Civil society’s interventions can help form highly inclusive spaces and address the barriers limiting the participation of specific groups and communities in the cultural and creative industries for open government principles to flourish. Even when such spaces begin as consultation bodies, they can lead to the formation of networks and new civic bodies, as in the United Republic of Tanzania, where the Stakeholders Opinion on Creative Industries Administration Review led to the creation of a national network to promote the creative industries.

Ethiopia also reported cultural policy co-design processes with CSOs that promote civic engagement at national and subnational levels. Also, the enactment of the Organization of Civil Societies Proclamation eased restrictions on funding sources, allowing CSOs in Ethiopia to mobilize domestic and foreign funds, and the establishment of an income-generating mechanism to support their sustainability.

In South Sudan, in the framework of the UNESCO/European Union programme “Supporting new regulatory frameworks to strengthen the cultural and creative industries and promote South-South cooperation,” grass-roots organizations involved in supporting creation (especially among young people) took part in consultations on the future Intellectual Property Bill – the first of its kind in the country.

Civil Society Action in Promoting Diverse Cultural Expressions

The Convention’s Monitoring Framework strives to measure the conditions and level of involvement of civil society in cultural governance. Involvement in the implementation of the Convention at the national and regional levels can be verified through policy dialogue

mechanisms with public authorities, participation in policy design, CSOs initiatives, and participation in the work of the Convention’s governing bodies. Participation in cultural governance starts with the ability to engage in policy debates at all levels.

Examples of participatory evaluation are not too common. Through its establishment of a Creative Economy Working Group, Kenya has provided an inspiring way forward. The Working Group brought together diverse stakeholders from the cultural and creative industries and organized a workshop to evaluate the Culture Bill, and proposed amendments (which were then presented to Parliament).

Summary of Strengths, Challenges, Gaps, and Opportunities

<p style="text-align: center;">S</p> <p style="text-align: center;">STRENGTHS</p>	<p style="text-align: center;">C</p> <p style="text-align: center;">CHALLENGES</p>	<p style="text-align: center;">G</p> <p style="text-align: center;">GAPS</p>	<p style="text-align: center;">O</p> <p style="text-align: center;">OPPORTUNITIES</p>
<ul style="list-style-type: none"> • Emerging trend of partnering with the civil society beyond co-design of policies to include continuing dialogue and participatory monitoring, evaluation and review of measures. • Domestic content regulation and support for local media outlets. • Adoption of new policies, action plans, and other regulatory frameworks. 	<ul style="list-style-type: none"> • Persistent data gaps. • Insufficient funding for the production of local content. • Non-prioritization of responsive policies and programmes for the cultural and creative industries. • Problems in formulating practical responses to digital transformation and its impacts on the cultural sectors. 	<ul style="list-style-type: none"> • Representation of women at all levels of the value chain and in senior positions. • Funding for community-based media. • Measures that allow for fair remuneration of rights holders. • Women and minorities are poorly or wrongly represented. • Institutional frameworks to implement measures. 	<ul style="list-style-type: none"> • Establishment of digital plans for the cultural and creative ecosystems. • Skills development for new (digitized) models of creative production. • Establishment of strong associations and guilds to help improve standards, harmonize compensation for artists, and serve as platforms for learning. • Community media in increasing representation of marginalised groups.



ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL

Mobility of Artists and Cultural Professionals

Uneven Support for Inward Mobility

For artists, mobility is often an intrinsic part of the creative process and the dissemination of their works. Mobility offers the chance of a larger public, an exposure to the world, and the development of different artistic techniques. It allows artists to experience diversity and to integrate it into the creative process. The main obstacles to the mobility of artists are fiscal, the visa regime, work permits or right of residence, and intellectual property issues.

By ratifying the Convention, developed countries commit themselves not only to supporting the transnational mobility of artists from their countries, but also to welcoming artists and cultural professionals from developing countries into their territory. Providing funding and opportunities, and ensuring that information and advice is comprehensive and readily available, would go a long way in reducing barriers to mobility for artists and cultural practitioners.

The fulfilment of this commitment could also be translated into achievements to meet SDG Target 10.7, in seeking to achieve orderly, safe, regular and responsible migration and mobility. Further, by implementing the principle of differential treatment for developing countries, developed countries would be contributing to achieving a balanced flow of cultural goods (SDG Target 10.a).

However, lack of adequate funding remains an oft-cited factor preventing artists in developing countries from working internationally. For those in the developing world, even travel within the artist's own region is not as easy as it should be.

The non-profit pARTage residency programme in Mauritius can attest to this – the scheme has an interest in bringing in artists from the Indian Ocean region and Africa but lacks sufficient funding. Instead, the scheme mainly hosts artists from developed countries, who can pay the costs of a residence in Mauritius, or find funding at home.

Kenya has negotiated and signed several bilateral agreements to foster cultural cooperation and promote the mobility of artists with China, Ghana, India, Korea, Nigeria and Venezuela, among other countries. The agreements include provisions to support the movement of artists and cultural professionals to and from Kenya, as well as the flow of cultural goods, notably film and music production equipment, through tax reductions.

Beyond these agreements, embassies of other countries have supported the travel of Kenyan artists abroad. For example, the Swedish Embassy and the Swedish Institute sponsored twelve Kenyan artists to travel to Stockholm to participate in capacity building activities on the cultural and creative industries.

Kenya also facilitated foreign artists from Brazil, China, France, India, Italy, Nigeria, Senegal, South Africa, United Kingdom and Venezuela to visit the country by easing access to visas, providing special passes, and waiving tax on equipment.

Another factor for poor connectivity among developing countries is the disproportionate emphasis traditionally placed on travel to developed countries.

Visa Policies: Still the Biggest Obstacle to the Mobility of Artists

Beyond funding and cultural infrastructure, visa policies remain the principal instrument for regulating the mobility of cultural professionals, despite the positive measures taken by States in the past four years.

Visa regimes remain a persistent impediment for cultural professionals, particularly those from developing countries. Time-consuming, costly and ever-changing visa application processes pose a challenge to lowering mobility imbalances. Artists may be required to show an employment contract or find a guarantor to vouch for their return to their country of residence.

Discrimination due to the low professional status of the artist has been frequently reported. Visa regimes are particularly difficult for artists without formal qualifications, making mobility even harder for self-made artists.

Artists also report longer waiting times for interview appointment slots at embassies. The outsourcing of visa issuance to external service providers has also negatively impacted mobility, as it reduces artists' ability to discuss their case directly with consular officials. Such visa processing centres also appear less familiar with the standards specific to cultural professionals.

Some countries provide for simplified access or the ability to work without a work permit if endorsed by the authorities. For example, in Mauritius, models and professional entertainers in the fields of theatre, motion picture, radio or television and music are exempt from the need to obtain a work permit.

While some countries apply sector-specific exemptions, such as film production units enjoying visa-free access, or work permit exemptions if an artist enters a country as a refugee, many countries do not however offer artist visas or visa exemptions. As such, cultural professionals from developing countries routinely use tourist visas for work travel.

Flow of Cultural Goods and Services

Trade Measures

The 2009 UNESCO Framework for Cultural Statistics (FCS) classifies cultural goods and services into different cultural domains that cover books, music, magazines, multimedia products, recordings, films, videos, audiovisual programmes, crafts, and fashion (UIS, 2009).

Trade tariffs, a tax imposed on a good imported into a country or on products exported from developing countries, applies an additional rate that increases the price of the exported good,

resulting in reduced competitiveness in the market of the importing country. They are one of the most frequent preferential treatment measures in international flows of goods. Eliminating tariffs for products originating from developing countries is also an SDG indicator 10.a.1 – “proportion of tariff lines applied to imports from LDCs and developing countries with zero-tariff.”

The trade agreement between Mauritius and China offers customs tax exemption for cultural goods. As the agreement entered into force in January 2021, tariffs on products from Mauritius are lifted for 96% of Chinese tariff lines, thereby benefiting cultural goods in a de facto way.

In many multilateral or bilateral trade agreements, trade tariffs are partially or fully lifted to facilitate exchanges among member countries. Under the African Continental Free Trade Agreement, which established the African Continental Free Trade Area (AfCFTA), tariffs were eliminated in the trade of cultural goods produced in the continent, effective January 1, 2021.

The flow of cultural goods measures the value of physical goods that are crossing borders. However, cultural services are intangible in nature, in the sense that they do not represent cultural material goods in themselves. Instead, they facilitate production and distribution of the material goods (UIS, 2009). They encompass cultural service transactions between two entities or persons in two different countries. They cover, for example, music groups performing abroad, the establishment of foreign affiliates of an international movie or music company or downloading music purchased from a foreign company.

A good example of this is Busara Promotions, a non-profit NGO established in 2003 with the main aim of promoting and professionalising African music. Its flagship annual event is the Sauti za Busara Festival, one of East Africa’s most respected music events. The event is held at Stone Town in Zanzibar, a major tourist destination attracting local and international visitors with its eclectic mix of African, Arabic, European and Asian influences.

The 3-day festival hosts up to 400 artists and brings together diverse audiences of all ages and backgrounds, with about 7,000 people attending each day, of which 60% are from East Africa and 40% from other parts of Africa, Europe, and beyond.

Uganda signed a Culture Cooperation Agreement with the Democratic Republic of Algeria in 2019 whose main features include: participation in the international music, art, theatre and cinema festivals of either country; cooperation in the field of library and publishing work; cooperation between Higher Schools of Art; and organising cultural and cinematographic days.

As a result, the two countries have organized joint cultural days with such key features as cinematographic exhibitions and networking among artists and cultural professionals. Further, artists from both countries attended and exhibited their products in cultural events hosted by each country, facilitating mobility of artists and flow of cultural goods and services.

Summary of Strengths, Challenges, Gaps, Opportunities

<p style="text-align: center;">S</p> <p style="text-align: center;">STRENGTHS</p>	<p style="text-align: center;">C</p> <p style="text-align: center;">CHALLENGES</p>	<p style="text-align: center;">G</p> <p style="text-align: center;">GAPS</p>	<p style="text-align: center;">O</p> <p style="text-align: center;">OPPORTUNITIES</p>
<ul style="list-style-type: none"> • Elimination of tariffs in the trade of cultural goods under the African Continental Free Trade Area (AfCFTA). • Growing market with an increasingly youthful population, an expanding middle class, and growing hunger for value-adding and personalized goods and services. 	<ul style="list-style-type: none"> • Uneven support for inward mobility of artists and cultural practitioners. • Time-consuming, costly, and discriminatory visa regimes. • Limited commercialization of African cultural and artistic creations. • Limited market access to developed countries. • Inadequate cultural infrastructure. 	<ul style="list-style-type: none"> • Funding of cultural infrastructure and mobility of artists and cultural practitioners. • Vibrant artistic communities and hubs that can ensure artists get the requisite training and access markets. • Arts councils to promote the vibrancy of the cultural and creative industries. • Research on the impact of the CCIs on national economies. 	<ul style="list-style-type: none"> • The East African Culture and Sports Council has potential to boost the cultural and creative industries in the region. • Creation of local and international markets for cultural goods and services through the tourism boards. • Improvement of production and distribution infrastructure, including access to international advertising. • Re-imagining of mobility in more digitally accessible and sustainable ways.



INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS

National Sustainable Development Policies and Plans

For cultural expressions to play their full role in building diverse, inclusive and sustainable societies, key planning documents at all government levels need to support the emergence of dynamic cultural and creative industries. Assessing the integration of culture in such documents is therefore crucial for examining the extent to which culture is mobilized to generate cultural, social, and economic and environment outcomes.

In Africa, 76% of Member States have declared that they specifically recognize the cultural and creative industries as strategic. These State Parties consider the cultural and creative industries as vectors of economic growth and innovation. Therefore, targets related to employment and revenue in those sectors feature in many planning documents.

Identified as one of the rapidly growing sectors in the United Republic of Tanzania, the cultural and creative industries have been included in the National Five Year Development Plan for the first time.

Kenya recognizes the cultural sector through the three key national instruments namely, the Constitution of Kenya 2010, the Kenya Vision 2030, and the National Policy on Culture and Heritage.

Given that culture is most often associated with education, it is no surprise to see it strongly mobilized for educational purposes. Comoros, for example, reports measures strengthening their library systems, which contribute both to social inclusion and education. Comoros also reported measures to boost cultural tourism as an incentive to include support mechanisms for the cultural and creative industries in the development plans.

Kenya's revised National Curriculum Policy establishes the first arts and sports track at secondary school level to better prepare learners wishing to pursue further professional training. This supports SDG Target 4.4 "By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship."

Participation and Access to Diverse Cultural Expressions

Article 12(1) of the Charter for African Cultural Renaissance commits States to "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."

Under Article 119 of the East African Community (EAC) Treaty, Partner States undertook to promote close cooperation amongst themselves in culture and sports. The 20th Meeting of East African Community Council of Ministers, held in March 2010, directed the Secretariat to hold

regular EAC Arts and Culture Festivals, in partnership with the private sector, NGOs, and development partners.

Subsequently in September 2011, the 23rd Council of Ministers Meeting adopted the decision of 9th Sectoral Council for Education, Science and Technology, Culture and Sports to hold an EAC Art and Culture Festival by Partner States on rotation basis. Thus, the *Jumuiya ya Afrika Mashariki Utamaduni Festival* (JAMAFEST) was born.

The first JAMAFEST edition was held in February 2013 in Kigali, Rwanda. It attracted an audience of over 17,500 people drawn from the EAC Partner States as well as diplomatic missions, tourists, and journalists from the international community. Kenya hosted the second edition in 2015, Uganda the third edition in 2017, and Tanzania the fourth edition in 2019.

The fifth edition did not take place in 2021 due to the COVID-19 crisis, instead, it will take place in September 2022 in Bujumbura, Burundi under the theme, “Harnessing cultural resources to mitigate the impact of COVID-19 in the EAC.”

Inclusivity

Even in a city or rural area with a good cultural offering, if there are no special measures then vulnerable groups (young people, older adults, marginalized racial groups, immigrants, persons with disabilities and Indigenous Peoples) may not be able to access or contribute to this offering. Only about 76% of developing countries implement measures to facilitate access to culture for disadvantaged or vulnerable groups.

The Publishers Association of Madagascar (AEdiM) promotes reading among disadvantaged and autistic children.

In the United Republic of Tanzania, the Zanzibar Film Actor Association builds capacities of rural film practitioners and provides access to rural cultural archives, to decentralize filmmaking from urban voices and visions.

In 2005, Rwanda’s leading filmmaker Eric Kabera, founded the Rwanda Film Festival, nicknamed “Hillywood” and presented by the Rwanda Cinema Centre. The festival began as a mobile cinema initiative taking films to communities in the countryside (‘thousand hills’), and has become a key event in the local creative industry. Hillywood attracts industry players who want to interact and help Rwanda’s film industry develop an international reputation.

Hillywood showcases African films (from the continent and the diaspora) and a selection from international (PANORAMA) highlighting the best in African filmmaking and potential newcomers in the industry and arts of cinema.

International Cooperation for Sustainable Development

The COVID-19 pandemic has highlighted the centrality of culture in sustaining individual well-being, connectedness, and social harmony at the community level. Local and municipal administrations in the Eastern Africa region can begin to integrate cultural sustainability thinking into their planning, their administrative structures, and in their day-to-day practice.

With the acceleration of urbanisation, it is essential to align the way in which local, national and international institutions work to achieve a more sustainable and inclusive economy and society.

Support for Cultural and Micro SME Development

HEVA Fund, a dedicated finance, business support and knowledge facility for creative industries is active in investing in African creative businesses in fashion, digital content, TV, music, and gaming value chains.

In 2019, the Agence Française de Développement (AFD) Group, through the Heva Fund, supported cultural entrepreneurs in Kenya and other East African countries by offering loans for growth financing to the mature cultural businesses. The facility targeted businesses operating in three creative economy value chains/sub-sectors, namely:

- Fashion, apparel and accessories.
- Live cultural events (music, shows, venues, festivals).
- Digital media content production and distribution.

The facility invested a minimum of US \$50,000 and a maximum of US \$100,000 million in each successful applicant. The support also included a component of strengthening the entrepreneurial skills of project leaders.

The International Finance Corporation (IFC) invested \$6.4 billion in Africa in fiscal year 2021 through projects that support entrepreneurship, growth, poverty reduction, and job creation. Currently, IFC is exploring investments in Africa's creative space and are already undertaking a mapping of the market.

One of the ideas IFC is exploring is how to leverage on Africa's amazing economies of scale to help the continent's creative companies expand and even go global. IFC argues that by building up the core of the industry, ancillary services will also grow, leading to job creation opportunities.

To better understand how Africa's creatives can be better supported, IFC hosted its first-ever high-level virtual event in November 2021, highlighting the importance of Africa's creative economy and opportunities for investment and collaboration.

Summary of Strengths, Challenges, Gaps, and Opportunities

<h1>S</h1> <p>STRENGTHS</p>	<h1>C</h1> <p>CHALLENGES</p>	<h1>G</h1> <p>GAPS</p>	<h1>O</h1> <p>OPPORTUNITIES</p>
<ul style="list-style-type: none"> • Cultural distinctiveness, strong traditions, and real flair across the cultural and creative industries and, increasingly, digital content industries. • 76% of Member States from Africa have declared specifically that they recognize the cultural and creative industries as strategic. • Inclusion of cultural and creative industries in national planning documents. 	<ul style="list-style-type: none"> • Limited efforts by governments and the private sector to transform the abundance of talent and cultural assets into thriving creative sectors. • Limited earmarking of international cooperation to support cultural and creative industries and market development in the region. • Official Development assistance for culture remains dramatically low. 	<ul style="list-style-type: none"> • Measures to facilitate access to culture for disadvantaged or vulnerable groups. • Absence of a common strategy amongst national, regional and international development agencies in programme development to promote SMEs of the cultural sectors. • Funding for culture and creativity in international cooperation, including COVID-19 recovery plans. 	<ul style="list-style-type: none"> • Increase global competitiveness by helping Eastern Africa’s cultural producers to focus not just on quantity, but also on quality. • The role of major cities as aggregators and hubs; and the role of smaller cities and rural areas as key to sustainable development. • A Majority of Eastern Africa’s cultural industries are structured around project-based micro enterprises, with few global players. For these micro firms to operate in global markets, they require business and financial support to ensure their economic and social value while ensuring that they retain their local specificity.



PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

It is essential that women's contribution to creativity is recognized and gender equality in all cultural fields is actively promoted. The under-representation of women in key creative roles and decision-making positions and the substantial gaps in pay and access to funding need to be addressed by integrating a gender perspective into all cultural policies and measures.

Further, restrictions on artistic freedom and access to a diversity of artistic expressions generate major cultural, social and economic losses. Such restrictions deprive artists and cultural professionals of their means of expression and livelihood, and creates an unsafe environment for audiences. Promotion of the diversity of cultural expressions is only possible if human rights and fundamental freedoms are guaranteed. Indeed, artistic freedom is a prerequisite for creativity.

Gender Equity

Female creators and women working in the culture and media sectors are at the forefront of making gender equality a reality. However, all too often, achieving gender equality in the cultural and creative industries is not high on the list of government priorities. While 81% of African Member States reported policies or measures to support women's full participation in cultural life, only 71% reported policies or measures that support the recognition and advancement of women as artists, cultural professionals and/or creative entrepreneurs, for example, by ensuring equal pay for equal work or equal access to funding, coaching, and mentoring schemes, or implementing anti-discrimination measures.

In this regard, however, the government of Comoros revised its National Policy for Gender Equality in 2018 to incorporate culture in the government's approach to sustainable development.

Addressing the Gender Gap in Cultural Employment

In terms of addressing the disparities in representation between men and women and promoting access to funding and opportunities in the cultural and creative industries, the adoption of policies and measures can be seen to contribute to SDG target 5.c., "Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels."

In Rwanda, the Urusaro International Women Film Festival, which has been organized by CinéFEMMES RWANDA since 2015, attempts to change the perception of women in society, promote the role of creative industries for economic growth and invest in training new female talent in film production.

Calling for Equal Opportunities

On the African continent, gender equality in film stands out as one of the greatest challenges. In the Eastern Africa region, the proportion of women in the film industry is estimated to be less than 10%. However, countries like Kenya and Rwanda showed encouraging dynamics, with 30% or more female professionals behind and in front of the camera. In general, however, most of the technical roles are held by men.

Artistic Freedom

The Global Report provides evidence of a worrying disconnect between law and practice – as demonstrated by the persistently high levels of abuses of freedom of expression against artists. While the violation of artistic freedom has obvious consequences for the diversity of cultural expressions, the ability of artists to contribute and the ability of audiences to enjoy it, it can also have far-reaching consequences for society in general.

The Ethiopian artist Hachalu Hundessa was shot dead in June 2020 by unknown assailants, probably because of his songs focusing on historical injustices (Ayana, 2020). His death resulted in violent uprisings that led to the death of more than 280 people. This case illustrates the importance of States protecting artists from violent groups, not only to protect artists' lives and their freedom of expression, but also because the killing of an influential and politically exposed artist may have terrible repercussions.

Legislative Steps in the Right Direction

In the past four years, there have been important improvements in legislation, specifically in terms of removing legislation harmful to freedom of artistic expression. The Declaration of Principles on Freedom of Expression and Access to Information in Africa, which was published in 2019 by the African Commission on Human and Peoples' Rights (ACHPR), calls on African Union Member States to remove criminal defamation from their statute books in favour of civil remedies (ACHPR, 2019).

States are reporting on various measures aimed at strengthening new or existing copyright legislation in their countries. Tanzania, for instance, reports on the implementation of training programmes or workshops to train the public and government officials on copyright-related matters, having realised that legislation is worth little if creators and officials alike do not understand how it works. Also, several States report on the improvement in the organization of copyright-related matters. In Ethiopia and Djibouti, for example, new collective management organizations have been created.

A crucial problem for collective management organizations in most States is the lack of capacity to enforce copyright policies and laws. In this regard, Comoros and Uganda report on measures aimed at improving enforcement of copyright legislation. In Uganda, for example, an inspiring collaboration between the national police and the Uganda Federation of Movie Industry has led to the establishment of the Intellectual Property Enforcement Unit under the Ugandan police force.

In Kenya, copyright legislation was amended in 2019 to include Internet Service Providers (ISPs) as being liable for copyright infringement. The revision of the act also includes the reorganization of collective management organizations and includes provisions for an artist’s resale royalty right, which, together with the provisions for copyright for online sales, has led to copyright holders benefiting more from royalties than it was before the revision.

The new Rwandan Penal Code, adopted in 2018, removed some articles that criminalized defamation (Office of the President, Rwanda, 2019).

Summary of Strengths, Challenges, Gaps, and Opportunities

<p style="text-align: center;">S</p> <p style="text-align: center;">STRENGTHS</p>	<p style="text-align: center;">C</p> <p style="text-align: center;">CHALLENGES</p>	<p style="text-align: center;">G</p> <p style="text-align: center;">GAPS</p>	<p style="text-align: center;">O</p> <p style="text-align: center;">OPPORTUNITIES</p>
<ul style="list-style-type: none"> • 81% of Member States from Africa have implemented policies and measures to support women’s full participation in cultural life. • Improvements in legislation, specifically in terms of removing legislation harmful to freedom of artistic expression. 	<ul style="list-style-type: none"> • Lack of effective protection for rightsholders. • Disconnect between law and practice, demonstrated by high levels of the abuse of freedom of expression against artists. • CMOs lack of capacity to enforce copyright policies. • Wide gender imbalances in creative positions. • Attacks on freedom of artistic expression and digital censorship. 	<ul style="list-style-type: none"> • Only 71% of Member States reported policies or measures that support the recognition and advancement of women as artists, cultural professionals, or creative entrepreneurs. • Disparities in representation between men and women in the cultural and creative industries 	<ul style="list-style-type: none"> • Benefits accruing from digital transformation and innovation. • Measures aimed at strengthening new or existing copyright legislation. • Measures to support international human rights frameworks with local monitoring systems and concrete implementation mechanisms, including online. • Only 17% of African States regularly collect and share data to monitor gender equality in the cultural sector.

Recommendations

Eastern Africa's cultural richness and diversity serve as a foundation for the region's sustainable development. To tap into this immense potential and foster dynamic cultural and creative industries for sustainable development, it is recommended that States, with the active participation of civil society and the private sector:

1. Significantly increase the region's share of global exports of cultural goods and services by transforming the abundance of talent and cultural assets into thriving sectors, strengthening the region's human and financial capacities, and increasing global competitiveness by helping the region's cultural producers to focus on quality.
2. Films and TV shows are valuable cultural and economic resources. Support their production and distribution through incentives like funding (subsidies and tax credits) and content quotas, strengthening of the film and digital infrastructure, deployment of mechanisms to encourage co-production, and bolstering of the policy and legal framework to discourage pirating and infringement of intellectual property.
3. Prepare national digital roadmaps with the participation of a diverse and intersectoral range of actors, increase access and build digital skills, design business models that fairly remunerate creators online, and enhance discoverability of local content on digital platforms.
4. Adopt and strengthen policies and enforceable legislation for the promotion of gender equality, as well as make continuous efforts to measure and monitor progress towards gender equality and gender diversity.
5. Invest in the collection of quantitative and statistical data for the cultural and creative industries to support informed policy and decision making.

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