



SOUTH AFRICAN CULTURAL OBSERVATORY

—
Review of Film

Co-Production Treaties – Progress Report

Submitted to:

Department of Arts and Culture

Submitted by:

Nelson Mandela University

In Partnership with:

NELSON MANDELA
Rhodes University, University of Fort Hare and University of KwaZulu-Natal
UNIVERSITY



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Researchers

Mr Odwa Mtati

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REPUBLIC OF SOUTH AFRICA

Progress Report: The Review of Film Co-Production Treaties

Film co-production agreements are generally treaty-level documents setting out the agreed terms for two governments to facilitate cooperation between their respective film and television industries and to assist those industries to grow. The idea of cultural exchange is also central to the agreements.

The objectives of the review are to:

- Analyse and review the text of four (4) treaties in the next quarter, starting with the most active ones.
- Review the most recent international co-production Treaties/ Agreements in other territories.
- Identify gaps in the text given the factors mentioned above.
- Consolidate the value (budgets) of the co-production projects to date.
- Provide a report and recommendation on the appropriate text given the context.

The review further has reported on the background of film co-production treaties, also taking note of the incentives and financial assistance available to the film industry, such as the schemes offered by the dti.

Attention has been placed on the South African co-production agreements with Canada, Germany, United Kingdom of Great Britain and Northern Ireland and France. These have been the four most active. Reviews of treaties focused on the value and volumes of co-productions, standard features and clauses, unique features and clauses, notable deficiencies, and recommended amendments to the agreements. A comparative table summarizing the agreements has further been added.

The review has also examined four recent international co-production agreements from other countries, namely those between France and Denmark, Morocco and Portugal, Israel and Portugal, and the Revised Council of Europe Convention on Cinematographic Co-Production. The last-mentioned is a multinational agreement but contains provisions similar to those of the bilateral treaties.

Comparison of the agreements suggests that common templates have been adapted by different countries, with considerable borrowing of terms between them. The differences noted indicate uniquely tailoring of some agreements to address specific concerns, including through use of more precise language in some agreements for items captured more simply in others. Other differences are possibly aimed at protecting local co-producers or national investment resources from exploitation or are directed towards national laws for protection of culture and language.

Despite differences in arrangement, phrasing and individual provisions, the treaty examples examined appear largely standard in their terms and to have remained largely unchanged from the older South African examples. Changes appear to be required predominantly in identification of the relevant authorities and in additions that will deal with new methods of recording, processing, storing and presenting filmed material.

Remaining items to be completed for the report are:

- Addition of a section on the policies which affect the film industry. This is currently in progress.
- Recommendations section. Recommendations are to be finalised, but items such as correct reflection of current parties and a provision to accommodate various media for filmed material are to be included.

