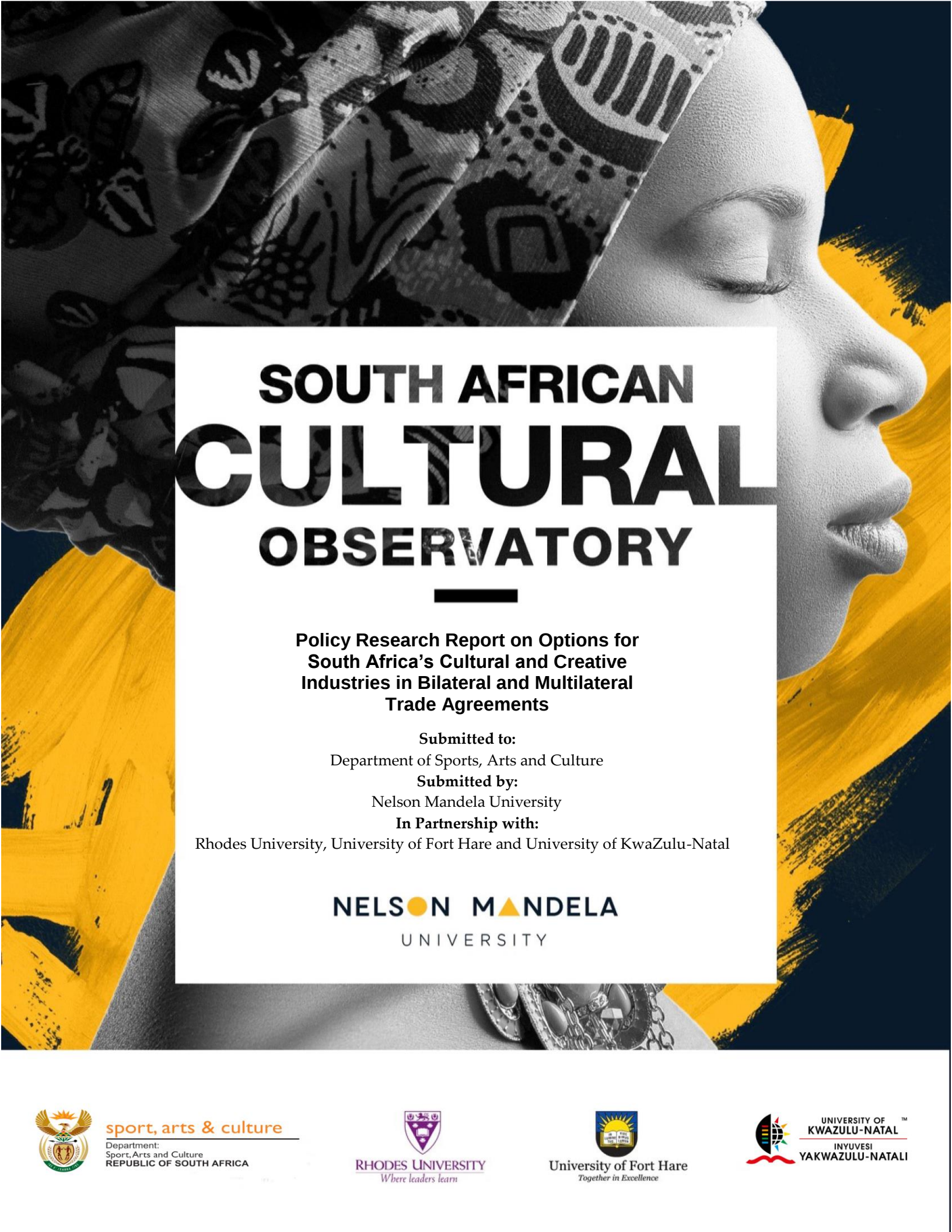




SOUTH AFRICAN CULTURAL OBSERVATORY

**Policy Research Report on Options for
South Africa's Cultural and Creative
Industries in Bilateral and Multilateral
Trade Agreements**

Submitted to:

Department of Sports, Arts and Culture

Submitted by:

Nelson Mandela University

In Partnership with:

Rhodes University, University of Fort Hare and University of KwaZulu-Natal

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**South African Cultural Observatory
Report**

**POLICY RESEARCH REPORT ON OPTIONS FOR
SOUTH AFRICA'S CULTURAL AND CREATIVE
INDUSTRIES IN BILATERAL AND
MULTILATERAL TRADE AGREEMENTS**

December 2020

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1 SECTION 1

2 INTRODUCTION

This section introduces the Report on Options for South Africa's Cultural and Creative Industries in Bilateral and Multilateral Trade Agreements

The report has been commissioned by the South African Cultural Observatory (SACO), a national research centre established by the former Department of Arts and Culture, and which continues under the sphere of responsibility of the Department of Sports, Arts and Culture (DSAC). The SACO is hosted by Nelson Mandela University in partnership with Rhodes University, University of KwaZulu-Natal and the University of Fort Hare.

The study forms one of several to be initiated by SACO under the National Research Agenda of DSAC. All such studies will aim to focus research efforts and resources towards the development of Cultural and Creative Industries (CCIs) in South Africa, and further serve to support the many policy imperatives of the department, the South African Government and its stakeholders.

1.1. AIM AND OBJECTIVES OF THE STUDY

The aim of the current study is to explore the policy options regarding the prospects, challenges and opportunities of South Africa's CCIs in Bilateral and Multilateral Trade Agreements in terms of the African Continental Free Trade Area agreement (AfCFTA). The following objectives will be further be pursued towards the fulfilment of the main aim:

- To highlight the importance of building capacity to engage in trading under the AfCFTA
- To define the immediate implications of AfCFTA commitments for South Africa
- To identify long term ramifications of the AfCFTA Protocol
- To highlight the importance of building consensus and expertise for the second phase of AfCFTA for the CCIs and in respect of intellectual property rights, strategic national consensus is important in respect of copyright trademark performers' rights and indigenous knowledge.
- Modelling of an optimal strategy to inform negotiations
- Proposal of a strategy to be used during negotiations

1.2. RATIONALE AND ALIGNMENT TO SACO RESEARCH AGENDA

The SACO sets a five-year research agenda for its studies, with last covering the period from 2015 to 2020 (SACO, 2019). The introduction to the agenda notes that it should be “treated as a dynamic and ongoing work-in-progress, which will be continuously subjected to review and updating as new data and challenges emerge”. Accordingly, updated forms of the agenda are published annually. The most recent deals with the 2019/ 2020 Financial Year in June 2019.

The 2019/ 2020 update of the Research Agenda identifies 15 themes around which research is required. The themes having the closest relationship to the current study are Theme 7, which deals with Intellectual Property, and Theme 14, which addresses International Relations and Cultural Diplomacy.

Theme 7 includes 9 agenda items. Those that relate closely to the current study are the following:

- Item 97. Develop a strategic and policy framework for protecting and expanding the value of Intellectual Property within the South African arts, heritage, creative and cultural sectors.
- Item 98. Develop a position paper on how to protect Intellectual Property within the Design Sector in South Africa.
- Item 99. Determine best practice for managing Intellectual Property Rights within the context of Developing Countries.
- Item 101. Develop a working paper on the role and inclusion of indigenous knowledge systems within the context of intellectual property rights.

Theme 14 contains the agenda item referring most directly to the current study. This is Item 181, which calls for development of policy and negotiating positions to assist international negotiations within the CCI and Cultural Diplomacy domains. A total of 15 agenda items are proposed under Theme 14, including Item 181. Other items under the theme also have a bearing on the subject matter of the study.

These are as follows:

- Item 176. Develop Cultural and Creative Industry Country Briefings to inform Cultural Diplomacy efforts aimed at accelerating economic development.
- Item 177. Quantify the impact of international protocols in advancing the Cultural, Heritage, Arts and Creative sectors in South Africa.
- Item 178. Develop a baseline paper on the role of Cultural Diplomacy within the broader Foreign Policy portfolio and identify possible policy mechanisms that could support the practice of Cultural Diplomacy.
- Item 179. Develop a mechanism that would be able to track and share data pertaining to developments within the cultural diplomacy domain.
- Item 180. Develop a position paper on the CCIs in terms of the South African National Interest.

The study further deals with the terrain of several other items on the research agenda, while not being specifically directed towards them. The following items can be identified among these:

- Item 5, under Theme 1: “Document the available Body of Knowledge pertaining to Cultural and Creative Industries”. The Theme relates primarily to the establishment of the intellectual and academic base to lead research and implementation, but the specific terms can be understood to extend to certain objectives of the current study. In particular, a need is identified to establish a “robust intellectual, academic and technical base to inform interventions within the Arts, Culture and Heritage sectors”, while the agenda further notes that meeting this need would “empower the sector to effectively and efficiently respond to emerging trends emanating from local, national, regional, continental and global discourses” (Research Agenda). The study can therefore be said to contribute to these aims by creating a foundation of knowledge to enable discourse on inter-African trade and the impact on artists and creative or cultural products that should be promoted or avoided.

- Item 29, under Theme 3: “Determine the degree of policy integration across all spheres of government and the requirements to increase more effective and efficient levels of integration pertaining to the sector”. The study is required to inform a strategy which calls for a national position to be taken in engagements with other African countries.
Thereafter, local CCI enterprises should be able to trade more freely in Africa. However, integrated support by various government agencies is likely to be required to support this on either an ongoing or ad hoc basis. The current study proposes a strategy that includes such support.
- Items 46 and 50 under Theme 4: Item 46 calls for benchmarking of the Live Events Technical and Production Services Industry (LETPSI) against international trends and practices, in order to identify competitive and comparative advantages as well as opportunities for inclusion in an international and continental strategy for the sector.
While not able to deliver directly to this item, the study may contribute background information for the international context and opportunities for the industry. Item 50 relates to determination of the capacity and future requirements of municipalities in order to advance the development of CCIs. Since the study aims to identify areas for integrated services and the skills that will be required to engage in and support international commerce relating to CCIs, areas of development are identified which may find advantageous location at the local sphere of government.
- Items 51, 52, 56, 57 and 58 under Theme 5: Under the theme of the Economic Perspective of Arts, Culture and Heritage, these research agenda items call for, respectively, a Value Chain Analysis to assist in policy development for a clustering of CCIs, development of a mechanism for the recycled beading, corporate gifts and souvenir craft sectors, assessment of the status and development of a strategy for the design sector, and development of a clustering model for the Cultural and Creative Industries. The availability of new markets can be foreseen to create new opportunities for clustering, as well as in design, corporate gifts, and souvenirs. However, the compromises required for entry to these markets may also raise new or heightened threats. The study is intended to inform an approach that to both promote and protect South African products and ideas.

Figure 1: KwaZulu-Natal's distinctive Ardmore Ceramics, such as the sculpture below by Victor Shabalala with Roux Gwala, may attract both new buyers and the attention of skilled emulators in other countries.



- Source: Ceramic Arts Network, 2016

Item 66, 67, 68 and 72 under Theme 5 also relate to the subject matter within the ambit of the study. Item 66 calls for identification of best-practices to assist the effective and efficient commercialisation of indigenous knowledge systems within the South African CCIs. As noted by Masango (2010), indigenous knowledge has previously led to the development by international companies of commercial products based on plants. Commercialisation of unique indigenous designs, styles, imagery and themes similarly requires consideration to be given to adequate protection against appropriation by artists or manufacturers from other countries. Items 67, 68 and 72 relate to the requirements of creatives in the CCIs, creation of a mechanism to measure economic derivatives for marginalised cultural groups, and development of mechanisms to encourage creativity, foster emergence of cultural industries, alleviate poverty, and promote economic and cultural development. Export of goods and greater access to African markets for performers can be considered to constitute one of the means by which cultural industries can be promoted and developed.

However, while the study is not limited to marginalised groups or those in poverty, the enquiry must consider ‘danger areas’ in negotiations that may lead to terms being agreed to that leave economically underdeveloped participants in CCIs to be worse off than they were before.

- Items 88, 89, 91, 92, 93, 94 under Theme 6: The Theme deals with innovation and technology, including disruptive technologies that may promote or constrain the arts, culture, heritage and creative sectors. The six items are interrelated and relate to determination of the role of innovation, the requirements to establish a culture of innovation, the support mechanism for innovation, the role of social media and networking, the place of culture in the context of new technologies, and the implications of digitalisation. Certain aspects of these new fields of expression must necessarily be considered in the national position in AfCFTA negotiations, especially in respect of protection of South African ideas that are depicted or realised through technological means. Provision must further be made for future developments in this area.
- Item 108 under Theme 8: “Conduct a skills audit and develop a skills development plan that would assist in increasing the competitive and comparative advantages of the South African arts, heritage, creative and cultural sectors”. The study considers the skills that will be needed to engage in international trade after the AfCFTA has been finalised.
- Item 146 under Theme 11: “Identify protocols to manage high risk collections and information”. Although only a subsidiary consideration in the context of international; trade agreements, sales of antiques and historical items are included in the CCIs. Some significance to this item lies in the possibility that free trade agreements may allow loopholes through which items of historical significance may be sold outside the country.
- Items 151, 152, 158, 160, 165, 168, 169, 170, and 172 under Theme 12: Item 151 pertains to the inclusion of the cultural and creative economy in main-stream policy and strategy development, while Item 152 relates the development of a White Paper for the arts, heritage and cultural and creative sector in South Africa. These items would require consideration of international trade aspects of policies and strategies, informed by the AfCFTA protocols. Item 158 calls for quantification of the policy contribution of culture in

implementing the policy imperatives of the AU Agenda 2063. The establishment of the AfCFTA is one of the flagship projects under Agenda 2063 (African Union, 2018).

- Item 160 deals with the role of culture in achieving the policy imperatives of the 2030 Agenda on Sustainable Development, which will be influenced by the attitudes and approach embodied in the AfCFTA. Similarly, an integrated strategy and policy for the development of the craft industry, Research Agenda item 165, will be required to consider the parameters of the AfCFTA. Agenda item 168, which call for the placement of the arts, culture, heritage and the creative sector within the framework of the South African National Interest, including policy implications, will be highly influenced by the national attitude and approach to African free trade. The following items, item 169 relating to the policy implications of arts, culture, heritage and the creative sector in advancing sustainable human development, and item 170 dealing with policy options for mainstreaming the cultural and creative economy into provincial economic planning, will need to take into account international trade opportunities and risks of the AfCFTA. The final related item under this theme, item 172, targets a study on the impact of the Industrial Policy Action Plan (IPAP) on international trade in Visual Arts and Crafts in the context of jewellery manufacturing. The AfCFTA agreement can be expected to be a significant factor influencing future directions that the IPAP should take, especially given the existing and potential value of the industry.
- Item 191, under Theme 15: “Develop a skills profile and development framework within the arts, heritage, creative and cultural sectors”. The current study involves an element of skills development due to the requirement that it should seek to determine the skills needed to engage in international trade.

1.3. LOCATION WITHIN UNESCO DOMAINS

The creative economy can be defined as an evolving concept based on creative assets potentially generating economic growth and development (SACO Research Agenda, UNDP 2010). For purpose of practice and collection of comparable statistics on activities that fall within the concept of culture, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) has developed a set of standardized definitions and international economic and social classifications (UNESCO, 2009). According to the Capstone Report of SACO, which summarises data on the value of the South African CCIs collected through a series of studies, the country does not yet have an officially recognised definition of the cultural and creative industries (SACO Capstone

Report, 2020). However, the report notes that many policy and discussion documents have tended to adhere to the UNESCO system. Among these policy documents is the Revised White Paper on Arts and Culture (2017), which provisionally serves as the guiding source of national policy on Arts, Culture and Heritage, pending its approval and adoption.

As noted by the Capstone Report, South Africa has broadened its definition of the cultural and creative industries over time, but the common feature is that the goods and services produced are symbolic in nature. This is also in line with the UNESCO approach. Creative products are therefore not confined only to culturally related occupations and industries, but also include the products of commercial creative sectors, such as architecture and industrial design.

To cater for both services and products, most items and activities are accommodated in the framework through use of the familiar International Standard Industrial Classification (ISIC) Codes and the Harmonised System (HS) Codes used by customs services. A table presenting these activities and products is shown in the Annexure. To complement these items, cultural occupations and their related domains are reflected through use of the International Standard Classification of Occupations (ISCO) system of the International Labour Organisation (ILO), while transversal domains and related domains are captured with the United Nations International Classification of Activities for Time-Use Statistics (ICATUS).

A study on the implications of the AfCFTA for the CCIs within the various domains has been undertaken previously under the auspices of SACO. The study examined South Africa's cultural trade with selected SADC and non-SADC African countries for the period 2007 to 2017, and considered the cultural policy environment within the African Union and at regional levels in Africa (Cattaneo & Snowball, 2018).

The report further explored the growth and structure of South Africa's total cultural goods trade, including bilateral cultural trade with selected African partners, to gain an indication of the sectors and domains which might of interest to the country. In addition, the study sought to identify the countries with which there might be potential for increased trade after establishment of the AfCFTA.

The main findings of the study were:

- South Africa has a trade deficit in cultural goods trade. This narrowed after 2014 due to both accelerating growth in cultural goods exports and low or negative import growth. Notable growth occurred in Visual Arts and Craft, while significant declines occurred in imports in the Books and Press and Audio-visual and Interactive Media domains, which are affected by digitisation.
- The rate of cultural export growth in cultural goods has exceeded growth in total commodities since 2011.
- Among the domains, South Africa's trade deficit has improved significantly in Visual Arts and Crafts, although the only domain with a surplus in total cultural goods trade is Cultural and Natural Heritage. This is a domain with a relatively small value. The report further pointed out that cultural and natural heritage goods are free from tariffs, and therefore already not limited by regulated barriers to trade.
- Exports of South African cultural goods were found to be highest to Namibia and Botswana, followed by Kenya, Nigeria and Ghana. The highest imports were found to be from Botswana, Namibia, Kenya, Egypt, Nigeria and Ghana.
- Among the countries examined, the domains with the highest exports from South Africa were Books and Press, Visual Arts and Crafts, and Performance and Celebration. The most significant import domains were Visual Arts and Crafts, Books and Press, and Cultural and Natural Heritage.
- Growth in cultural exports was highest to Ethiopia, Kenya and Zambia, while positive import growth occurred in the cases of Namibia, Zambia, Botswana and Ghana.
- South Africa was found to hold a surplus in cultural goods trade among all the African countries studied, with the exception of Egypt. The highest surpluses were with other Southern African Development Community (SADC) members. These were Namibia, Botswana and Zambia.
- In terms of cultural goods trade as a share of total bilateral trade with South Africa, the leading countries were Namibia and Ethiopia, while Kenya, Botswana, Egypt and Ghana led cultural goods imports. Kenya and Botswana appeared as the most significant competitors to retention of positive trade balances.

South Africa was found to import a greater share of cultural products out of total imports from these two countries than from all other countries globally, while their cultural goods

share of total imports to South Africa was higher than their cultural goods share of total exports.

- While South Africa was found to have notable trade deficits in Books and Press, Performance and Celebration, and Visual Arts and Crafts globally, the country was found to have trade surpluses in these domains in its bilateral trade with the selected African countries studied. An exception was a deficit in Visual Arts and Crafts in trade with Botswana. The SACO report suggested that South Africa should adopt an offensive stance in negotiations in these areas in order to further reduce its global cultural goods deficit.
- A defensive negotiating stance was suggested for Cultural and Natural Heritage. As noted above, South Africa was found to hold a global trade surplus in this domain, but experienced either deficits or weak surpluses in bilateral trade with Namibia, Egypt, Nigeria and Botswana.
- In considering intra-industry trade by domain, significant percentages were found in Visual Arts and Crafts with Botswana, Kenya, Nigeria and Ghana. Although significant percentages of intra-industry trade occurred in other domains, including Cultural and Natural Heritage, the value of the trade flows was found to be low. Nevertheless, intra-industry trade at domain level was revealed to be more extensive with several African trade partners than with partners in the BRICS (Brazil, Russia, India, China, South Africa) bloc. The study further examined trade-weighted intra-industry flows and found significant areas of advantage in Jewellery, Craft and other high value subdomains within Visual Art. High import tariffs on wood articles, textiles and jewellery were further considered to illustrate that these are sensitive local manufacturing sectors for South Africa, suggesting that a defensive negotiating stance might be preferable for the country.
- In regard to the aforementioned sensitive sectors, the study notes that South Africa further has reason to take into account existing trade agreements through which the European Union and European Free Trade Area have preference over non- SADC African countries. This was said to hold implications for South Africa's support for development integration on the continent. In this regard, the Secretary General of the AfCFTA Secretariat has stated that the agreement allows signatory countries to enter into agreements with third parties, provided they give other African countries similar or better treatment than they are giving to the third party. However, although such outside agreements are allowed, the Secretary General has also stated that it is undesirable for the AfCFTA countries to enter

into them in view of the agreement's political objective of integrating and consolidating markets (Ighobor, 2020).

A notable recommendation arising from the report was that the profile of the cultural goods trade should be raised in the AfCFTA. A defensive approach was further explained to mean that a cautious approach should be taken to regional liberalisation in the sub-sectors concerned, rather than that tariffs should be raised. The study further called for the established of a bilateral services trade database for those sectors in which cultural trade is conducted, as this would recognise the growing significance of digitization in some sub-domains, such as film, music and books.

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1.4. SCOPE OF THE STUDY

The study primarily focusses on the implications of the AfCTFA for the CCIs and preparation of industry participants for the period of free trade expected to follow. However, general aspects of international multiparty and bilateral trade negotiations are included where these contribute to the study objectives.

In addition, the study examines general areas of knowledge and skills required to participate in international trade.

1.5. METHODOLOGY

The study is primarily based on secondary sources, supplemented by inputs from informants from the CCIs and the organisations that support their development. As part of the literature review, the following were studied:

- The status of the CCI sector, existing national policies, and alignment to international conventions.
- Prospects and opportunities for CCIs through bilateral and multilateral agreements. A particular goal was to clarify and define the advantages and goals of international trade that the strategic elements of the project should seek to achieve for CCIs.
- Key challenges and concerns that may face CCIs in international trade, and which should therefore be reflected in negotiating strategies and captured in agreements.
- The capabilities needed for trading under AfCFTA generally, and in cultural and creative industries specifically.

Goals, objectives, challenges, capabilities for international trade, and processes of stakeholder engagement for a national consensus were further to be confirmed or examined through

engagements with organisations that deal with international trade such as the Department of Trade, Industry and Competition (**the dtic**), and through interviews with members of CCI bodies.

Findings from the above steps form the basis for a Policy Research Report.

1.6. ARRANGEMENT OF THE REPORT

The report continues in Section 2 with an overview of national policy relating to African trade, the AfCFTA, and market access for CCIs. Thereafter, Section 3 considers the opportunities and challenges of the agreement. Finally, section 4 proposes the principal elements of a negotiating strategy and the preparatory steps that may be taken to prepare CCIs for free trade.

3 SECTION 2

4 NATIONAL POLICY AND THE AFRICAN CONTINENTAL FREE TRADE AREA

2.1. INTRODUCTION

This section examines the national policy considerations surrounding the AfCTFA. Although there may be factors relating to specific domains or products that should be included in the agreement, the terms and conditions reached in the implementation agreements and the Phase 2 protocols should ultimately be in line with, or at least not be detrimental to, national development goals and the intended contribution of the CCIs.

The national policies having a bearing on the AfCFTA are therefore considered firstly below. Thereafter, an overview is provided of the African Free Trade area to describe the agreement, its current status, and what it seeks to achieve. Lastly, the section examines the policy framework pertaining to achieving market access for the CCIs.

2.2. NATIONAL POLICIES RELATED TO INTERNATIONAL AGREEMENTS AND AfCFTA

The South African dispensation regarding foreign policy and international relations derives from the Constitution, which assigns responsibility for this area of government to the President. However, although the President has the power to enter into some agreements relating to the administration, international agreements other than those of a purely technical, administrative or executive nature must be approved by Parliament. Parliament is furthermore required to ratify multinational agreements or approve accession to them. All international agreements, including those which can be entered into without Parliamentary approval, must be tabled before Parliament for information purposes (South African Government, 2020).

The formulation, promotion, execution and daily conduct of South Africa's foreign policy falls under the responsibility of the Ministry and Department of International Relations and Cooperation (DIRCO). The strategic objectives of DIRCO are:

- To protect and promote South African national interests and values through bilateral and multilateral engagements,
- To manage the country's international relations and promote foreign policy objectives,
- To monitor and advise government on international developments, foreign policy and related domestic matters,
- To support the formulation of international law and to promote compliance with provisions,
- To promote multilateralism and ensure an orderly system for international engagement,
- To deliver State protocol services.

The overall source of guidance for conduct of international relations is the National Development Plan Vision 2030 (NDP). The plan calls for the positioning of South Africa to facilitate socioeconomic development and to foster strong international ties. This broad aim is given implementable expression through successive Medium Term Strategic Frameworks (MTSFs), with the current edition (as of December 2020) being for the period 2019 to 2024 (DPME, 2020). Priority 7 of the MTSF ("A Better Africa and World") contains the following interventions which relate to international agreements and export promotion:

- Implementation of AfCFTA and other trade agreements in order to grow intra-Africa trade. Noting that Intra-African exports accounted for 26% of South African exports and 12% of imports in 2018, The MTSF sets a target increase in exports to other African countries of 50%. No target is set for imports, but a goal is set of establishing a framework for trade in services in priority sectors. The MTSF further resolves to eliminate tariffs upon imports from African countries within five years of the finalisation of tariff concessions under the agreement.
- Facilitation of exports through the Export Marketing and Investment Assistance Scheme (EMIA) fund. The MTSF calls for increased and diversified exports to contribute to an export orientated economy, with a target increase of R3 billion per year on top of the R22 billion baseline.
- Contribution to the Implementation of identified African Union Agenda 2063 flagship projects (of which the establishment of the AfCFTA is one).
- Advancement of South Africa's national interest and safeguarding of the country's national positions within all international engagements. This intervention further calls for promotion of an equitable rules-based multilateral system for international engagement. The MTSF resolves to establish a National Interest Framework by 2022.

- Promotion of regional and global integration, with peace, security and stability on the continent.
- Ensuring compliance with international protocols and commitments. The MTSF sets a target for the period of 100% compliance with all international protocols and commitments.
-

The MTSF recognises several challenges facing South Africa in the sphere of international relations, which are noted to have changed rapidly due to globalisation. The framework notes that international agreements are complex and require clearly articulation of foreign policy objectives and establishment of relationships for favourable geo-political impacts. In this context, the Government has found that number of missions and posted personnel not sustainable and that policy uncertainty in this area is affecting the country's influence, ability to implement policies and agreements, and latitude to improve integration and increase cooperation, particularly in Southern Africa and the wider continent. This uncertainty is in turn said to reduce investor confidence and the incidence of inward direct investment (DPME, 2020).

2.3. OVERVIEW OF THE AFRICAN CONTINENTAL FREE TRADE AREA

The decision to adopt a Continental Free Trade Area was reached in the 18th Ordinary Session of the Assembly of Heads of State and Government of the African Union, held in January 2012. The summit further approved the related Action Plan on Boosting Intra-Africa Trade (BIAT). The plan identified seven priority clusters for further action. These were trade policy, trade facilitation, productive capacity, trade related infrastructure, trade finance, trade information, and factor market integration (Trade Law Centre, 2020).

The primary objective of the ACFTA is to create a single economic area in Africa, which will ultimately constitute the single largest market in the world, comprising 1.2 billion people (Mustapha, 2019) with a combined Gross Domestic Product of approximately R50 trillion (US \$3.4 trillion). It is envisaged that the economic area will facilitate the free movement of goods, services, people and investment. As of 7 December 2020, 54 of 55 African countries had signed the principal agreement and 33 of these had deposited instruments of ratification. Eritrea remained the only country that had not signed the agreement (Trade Law Centre, 2020).

The Free Trade Area agreement is to be implemented in five stages. The principal agreement to create the Free Trade Area and first phase negotiations in respect of the trade in goods and services have been completed. This phase focused substantially on the removal of tariffs and other trade barriers between African countries. The resulting operating instruments consist of the Rules of Origin, an online negotiating forum, a mechanism for monitoring and eliminating non-tariff barriers, a digital payments system and the African Trade Observatory.

Finalisation of conditions for variable application and promotion of least developed countries has had the effect that the rules will not initially be applied uniform across all countries. This factor has contributed to the delay in implementation, however, as of December 2020, free trading under the First Phase protocols was scheduled to commence on 1 January 2020 (Trade Law Centre, 2020).

Administration of the AfCFTA is undertaken by a Secretariat hosted in Ghana. Duties of the Secretariat include convening of meetings, monitoring and evaluation of the implementation process, and fulfillment of other responsibilities assigned by the Committee of Senior Officials, Council of Ministers, or the Assembly of the African Union.

According to the Secretary-General of the AfCFTA, a short-term milestone for the organisation will be the establishment of a dispute settlement mechanism, which will serve to create confidence in the common market. Long term goals focus on the establishment of value chains in priority sectors to create jobs and promote economic growth (Ighobor, 2020).

The second stage of negotiations are to focus on the adoption of protocols for investment, competition policy, and intellectual property rights. Negotiations on intellectual property rights will include the proposal of a single registration through which rights holders will be able to protect their intellectual property across the continent (Mustapha, 2019). Erasmus (2020) points out that the Preamble to the AfCFTA Agreement requires “clear, transparent, predictable and mutually-advantageous rules” to govern the relevant sectors, but that indications from the negotiations have suggested that the protocols for Phase 2 will only provide for cooperation arrangements.

According to the United Nations Economic Commission for Africa (UNECA), intellectual property rights offer potential for greater innovation, foreign investment, trade, and transfer of technology. These advantages can in turn promote African manufacturing and the movement towards a knowledge-based economy. However, UNECA further points out that the current intellectual property regime on the continent suffers from fragmentation, weak institutions, low levels of compliance to rules, wide differences in national legal frameworks, and uneven monitoring and enforcement capacities (UNECA, 2018).

In addition, UNECA notes that the internationally accepted approach of strengthening individual rights may not be the most suitable for a geographic region that is still building an industrial base, where innovation takes place in environments at low levels of economic development, and in which ideas are of a low-technology nature.

Currently, two apex institutions in Africa deal with intellectual property matters. These are the African Regional Intellectual Property Organization (ARIPO), based in Zimbabwe and serving 19 members states, and the Organisation Africaine de la Propriété Intellectuelle (OAPI), serving 17 states from the francophone bloc. According to UNECA, their mandates are not clearly aligned to regional integration agenda. In terms of regional policies, only the Common Market of East and Southern African States (COMESA) has an overall intellectual property policy, which was reportedly in the process of implementation as of 2018, while the East African Community (EAC) and SADC were deciding upon models for their member States (UNECA, 2018).

In respect of recommendations for the second phase negotiations, UNECA proposes the following:

- Adoption of the approach of World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in allowing a degree of flexibility to accommodate policy-based measures within developing countries. This flexibility takes the form of exceptions and transition periods. Such an approach is suggested to allow technological advancement through innovation and technology transfer according to the context.

- Definition of priorities, competitive interests and advantages, since needs and priorities may differ between countries, regions and different types of intellectual property. UNECA suggests that a more balanced approach might be followed in terms of patents and copyrights, while provision may also be made for innovative and less conventional trademarks, such as those for individual communities. Geographical indications and traditional knowledge are further suggested by UNECA as matters for consideration, in view of their potential role in economic development.
- Utilising the protocol to set a benchmark for negotiations with external partners. UNECA notes that the commitments on intellectual property protection contained in trade and investment treaties are usually more stringent than the TRIPS requirements. (UNECA, 2018).

UNECA ultimately summarises the issue facing the second phase negotiations in respect of intellectual property rights as a question of the best strategy for protecting intellectual property in the light of current and future development needs and the importance of promoting the free flow of goods and services across the Free Trade Area. A second question raised by UNECA that has relevance to the CCIs is how institutional arrangements can be established to enable cooperation on e-commerce?

The Protocols on Investment, Intellectual Property Rights, Competition Policy and other Instruments under the AfCTFA agreement will enter into effect thirty days after the deposit of the twenty second national instrument ratifying the agreement (Erasmus, 2020).

2.4. POLICY FRAMEWORK FOR MARKET ACCESS

The five-year period for the current Research Agenda expires with the close of 2020, however the agenda refers to the Revised White Paper on Arts, Culture and Heritage. This is a draft document that has resulted from an extensive process of re-alignment to accommodate changes in priorities and circumstances since the adoption of the previous White Paper in 1996. The Fourth Revision of the White Paper dates from 2018 and is the most recent released for public comment

as of December 2020. The document dedicates Chapter 5 to Cultural and Creative Industries. This section highlights the main points of policy direction contained in the White Paper regarding CCIs.

The White Paper does not separate the Creative and Cultural Industries from the sub-sectors of art, culture and heritage, but views the industries as strategic components of an integrated approach that combines the social, cultural and economic values that form the foundation of the policy (DSAC, 2017). The policy further takes into account that a variety of government policy instruments can create and sustain CCIs, including favourable taxation measures, market-based instruments, consumption policies, and adequate training in the establishment and management of cultural enterprises. An approach is therefore advocated that seeks to analyse and gain access to value chains in prioritised industries.

Another significant departure in the approach adopted by the White Paper in regard to the CCIs is the use of African Knowledge Systems that exist in townships and villages. While centrally planned approaches have been applied in the past, the White Paper prescribes an emphasis on local economic priorities and community involvement. The focus is therefore more greatly placed on local action and investment in innovations for the strengthening of local sectors (DSAC, 2017).

The detailed measures envisaged by the White Paper are therefore based on the five areas briefly discussed below:

2.4.1. Establishment of a transformation agenda to create links between cultural knowledge and enterprise development

This focus area concentrates on creating links between cultural knowledge and cultural enterprise development with a view to transforming such knowledge into marketable goods and services. Cultural knowledge is considered to include science, technology and innovation, while the assets required for building CCIs are recognised by the White Paper to include knowledge assets, capital for investment, operational and technical support services, and a favourable regulatory framework for small enterprise development and market expansion. The transformation agenda proposed by the White Paper therefore consists of the following measures:

- Examination of the effectiveness of the transformation agenda in promoting small, micro and medium enterprises (SMMEs) in respect of critical issues, such as acquiring means of production and enabling productive operations, facilitating access to markets and opportunities, and addressing barriers to trade, including skills deficits and project ownership.
- Investigation of available funding mechanisms in respect of their ability to promote the growth and success of SMMEs, as well as development of a funding model that included a Specialist Industry Fund with a social emphasis.
- Development of markets within existing or future institutions and structures.
- Development of African systems of innovation, aimed at applying township creativity and indigenous knowledge to the creation of cultural goods and commodities (DSAC, 2017).

2.4.2. Formulation of sub-sectoral strategies to meet the specific needs of each domain, as well as cross-cutting strategies

This focus area resolves that the CCI subsectors should be aligned to the UNESCO Framework for Statistics and that sector strategies should be built up from strategies for each subsector. The following additional measures are further prescribed in respect of sub-sector and cross-cutting strategies:

- Adoption of a supportive and facilitative role for the DSAC the department's support for the CCIs by maximising opportunities through creation of an enabling environment for innovation and creativity.
- Undertaking of oversight, monitoring and evaluation activities for programmes.
- Undertaking stakeholder consultations for purposes of deciding on policy directions and programme interventions, and for purposes of delivering feedback on existing interventions.
- Provision of business and management skills training for beneficiaries of funding programmes and financial incentives, as well as providing training for officials for purposes of programme oversight, monitoring and evaluation.
- Collaboration and partnerships between the DSAC, other relevant government departments, and all other cultural and creative industry role-players, within the developmental role envisaged by the White Paper.

- Collaboration with the Department of Trade, Industry and Competition, and with other relevant stakeholders, to ensure that copyright and other intellectual property rights issues are adequately addressed.
- Development of a database of all funding provided by the DSAC, its entities, and other government departments and entities to the CCIs.
- Provision of incentives to tertiary institutions to enable them to undertake research on optimal policy and programme selection, and to improve the performance of the CCIs.
- Provision of suitable and sufficient support to sectors by allocating resources to entities of the DSAC to enable them to develop, implement, monitor and evaluate relevant programmes and projects.
- Provision of technical and financial support to ensure adequate representation of the CCIs through membership-based organisations.
- Formulation of sustainable plans for the provision of infrastructure for the CCIs based on their needs and defined programmes.
- Engagement of the private sector to secure collaboration and support for the development of the CCIs. Roles are envisaged for the private sector in financing, campaigns, events, exhibitions, provision of creative spaces, and in support for awards and competitions (DSAC, 2017).

2.4.3. Use of digital technologies and response to their potential impact on the CCIs

The White Paper recognises that digital technology has given rise to new opportunities, challenges, barriers, occupations and modes of production. Obstacles noted in entering this field of expression include costs of broadband access and limitations in digitising materials.

Lack of language diversity, dominance of large platforms, and difficulties that emerging artists may encounter in making themselves heard among others, present further challenges.

Measures to be taken by the DSAC in this regard include:

- Ensuring that digitisation is implemented and that local content is available online.
- Implementation of digital literacy plans and creation of opportunities for learners at schools to interact with artists in various domains through interactive tools.
- Monitoring and promoting linguistic diversity within digital media.

- Maximising opportunities presented by lower production costs for new content to be created, especially by young artists, while addressing barriers such as skills deficits and avoiding legal implications associated with piracy.
- Ensuring that creators and artists receive compensation for use of their work in the digital environment and combating copyright piracy.
- Preservation of cultural creations through a digital library and establishment of an electronic deposit system for online content that is not otherwise archived.
- Provision of training, networking and Research and Development programmes for digital artists and entrepreneurs.
- Addressing digital rights protection and investigating business models that are suitable to digital technology applications.
- Building digital growth strategies and new management and distribution models into sub-sectoral strategies and policies.
- Provision of grants for digitisation and innovation for sectors that are suitable for digital and online distribution, such as books, music, audio-visual material and video games.
- Provision of support for institutions that are conducting experiments, performing research and development, or facilitating networking in digital entrepreneurship for the cultural industries.
- Provision of support to assist entrepreneurs within the CCIs to implement electronic payment methods, to promote the development of emerging digital markets, and to simplify processes of digital production and distribution.

The White Paper further calls for the DSAC to support the export of the products of the CCIs. This is to be achieved through measures such as incentivisation of networks and cluster development, collaboration with the private sector on financing, and facilitation of business incubation and access to infrastructure.

At the local level, the department will co-operate with local government and the private sector to bring products into the rest of the economy and to focus on areas such as innovation, productivity, education, tourism, branding, regional development and environmental sustainability (DSAC, 2017).

2.4.4. Harnessing of Culture and creative industries to support urban development

The White Paper acknowledges that CCIs follow a trend of spatial concentration and agglomeration, and recognises the value of major centres in providing markets, promoting creativity and attracting talent, however a need is recognised to ensure equity in resourcing for smaller centres for both purposes of inclusion and promotion of cultural diversity.

The policy therefore prescribes a role for the DSAC in:

- Assisting city government in major centres to ensure that venues, workspaces and accommodation are available and affordable for artists and workers in creative industries, despite rising pressure on real estate pricing and rentals in such areas.
- Supporting the cultural works produced by smaller urban areas and ensuring equitable access to funding and cultural infrastructure.
- Nurturing and strengthening local cultural in cultural and creative agglomerations in townships and suburbs on the periphery of the metropolitan areas (DSAC, 2017).

2.4.5. Use of new and innovative funding and financing schemes

The policy calls for investigation of the role that banks and financial institutions can play in the cultural and creative industries, including through use of venture capital to support innovation and investment in township cultural businesses.

2.5. CONCLUSION

The above overview of the principal policies regarding international agreements and the promotion of the cultural and creative industries reveals that South Africa has set goals for the benefits that the country seeks to achieve from the AfCFTA, particularly in terms of export promotion. In addition, sound planning is in place for the CCIs with a strong and growing role for technology and innovation being recognised.

Although digital and online forms of expression are to play a key role in the development of South Africa's CCIs, they are highly vulnerable to piracy.

The overview of the AfCFTA, and the current regime for intellectual property rights protections suggests that both measures and enforcement will have to be included in the agreement in order

to safeguard future advances that South Africa may make in promoting the country's CCIs in this arena.

5 SECTION 3

6 CHALLENGES AND OPPORTUNITIES OF THE AfCFTA

3.1. INTRODUCTION

As further discussed below, while the concept of an All-Africa free trade area presents obvious benefits, the AfCFTA agreement was not wholeheartedly welcomed by all countries. Notably, Nigeria and South Africa, the first and second largest national economies, expressed initial concerns surrounding the exposure to its developing industries to free trade.

This section examines the opportunities and challenges presented by the AfCFTA with a view to ensuring that both are included in the strategy elaborated upon in Section 4. The section begins with a brief overview of the current performance of the CCIs in South Africa to gauge the strength which they will hold as they enter the competitive free trade environment.

3.2. THE CURRENT STATUS OF CULTURAL AND CREATIVE INDUSTRIES

In 2020, the SACO undertook an Economic Mapping Study on the CCIs. The overall goal was to update information on how the cultural and creative industries contribute to the national economy according to such indicators as Gross Domestic Product (GDP), GDP growth, employment and transformation. The report further aimed to examine the cultural domains and to identify those showing potential or facing challenges, in order to assess the policy implications. This section reviews the major points arising from the summary report on the study.

The Mapping Study found that the total production value of the CCIs in 2018 amounted to R204.7 billion. This figure however excluded informal enterprises, of which the economic contribution remains difficult to assess (SACO, 2020). The direct impact, or value added, was estimated at R74.39 billion, representing for 1.7% of GDP. This was an improvement over 2016, when the contribution was 1.5%. The report further found that the contribution of the CCIs had risen by an average of 2.4% per annum between 2016 and 2018. This compared favourably with overall

average annual growth at 1.10% for the period. The growth performance was also an improvement of that of the entire tertiary sector, into which most CCIs fall. The sector grew at 1.14% per annum for the period 2016-to 2018.

Due to strong multiplier effects, the CCIs were further fund by the study to generate indirect and induced impacts that amounted to a combined 69% of their total contribution to Value Added. By adding these effects to the direct impact, the industries were shown to generate a GDP value of R241.8 billion in 2018, or 5.2% of GDP.

In terms of job creation, the report found that 448 000 people worked in cultural occupations in 2017, being either in the CCIs or in other industries, while approximately 689 000 worked in support occupations in the creative industries. The total contribution amounted to approximately 1.14 million jobs, or 7.03% of all jobs. In addition to this sound contribution to national employment, the growth rate in employment in cultural occupations was found to be rising (as of 2017), with a rate of 2.52% recorded in 2015. The rate in 2017 was 2.77%. The vast majority of cultural occupations (over 99%) were however created outside the CCIs.

Table 1: Contribution of the CCIs to GDP and growth trend between 2016 and 2018

Domain	Estimated GDP Contribution (Rm)	Growth Rate
Design and Creative Services	37 484	0.3%
Books and Press	10 168	3.1%
Audio-Visual and Interactive Media	8 530	5.2%
Cultural Education (transversal Domain)	8 513	5.9%
Performance and Celebration	5 187	3.4%
Visual Arts and Crafts	2 294	5.3%
Cultural and Natural History	2 214	-2.4%

Source: SACO, 2020

Regarding the domains, the contributions to GDP in 2018 and growth trends between 2016 and 2018 are shown on the table above. As may be noted, Design and Creative Services offers the greatest contribution, but low growth. The transversal domain of Cultural Education showed the

highest growth at 5.9% and offers a relatively high value. This may be considered significant to African trade, since education and training are exportable services. Visual Arts and Crafts was relatively low in GDP value, but offered the second highest growth rate. The significance can be considered to lie in the nature of the products, which often take physical form and are less likely to be affected by digitisation for purposes of export.

3.3. OPPORTUNITIES OF AfCFTA

The UNCTAD Creative Economy Outlook report (2018) listed South Africa as one of the top 10 developing country exporters of visual arts. However, the domain makes up only 8% of the cultural economy contribution to GDP. While the objective of reaching 50% intra-African trade between 2020 and 2030 may assist to raise this contribution, the Secretary-General of the AfCTFA Secretariat has also pointed out a benefit of the AfCFTA that is of immediate importance to the continent, in that countries in Africa will not enjoy the same access to large bailouts for economic recovery from the COVID Pandemic as their counterparts on other continents will (Ighobor, 2020). The AfCFTA itself may therefore be regarded as the continent's stimulus package, as this may drive economic development in the post-COVID-19 era.

The AfCFTA offers further benefits due to the demographics of Africa. The continent has a young population and a growing middle class with increasing purchasing power. In this environment, the free trade area will allow investors to do business according to a uniform set of trade and investment rules, allowing greater trade volumes, improved economies of scale, and opportunities to overcome challenges associated with fragmented markets (Ighobor, 2020).

To the above advantages, Akeyewale (2018) adds that lower or absent tariffs, free market access, improved market information, and elimination of trade barriers made possible by the AfCFTA will favour small and medium-sized businesses. These enterprises provide over 80% of employment and 50% of GDP in Africa. Akeyewale further summarises the benefits of the AfCFTA as follows:

- New markets: The AfCFTA will allow African-owned companies to enter new markets. This will expand their customer base and lead to new products and services, making greater investment in innovation possible.

- Economic growth: Manufacturing represents approximately 10% of total GDP in Africa, a figure well below that of other developing regions. The large free trade area could reduce this difference, and offer more and better paid jobs, especially for the youth.
- Foreign direct investment: Reduced restrictions on trade will attract foreign investors, leading to expanded industry and greater domestic volumes of business. Greater levels of capital investment will furthermore increase productivity throughout the continental economy, while inflow of funds can lead to greater development of banking systems, additional investment and greater consumer borrowing and lending.
- Reductions in input costs: The agreement will reduce costs of imports from other countries, and enable a greater number of firms to establish production facilities in other countries. Lower costs of production will in turn allow firms to improve profit margins.
- Increased efficiency and sales: By attracting a greater number of multinational companies with expertise in developing resources sourced locally, partnerships for development of raw materials will lead to learning of best practices and to technology transfer.
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In commenting on the impact of the AfCTFA on Nigeria, Mustapha (2019) predicted that the first stage of the AfCFTA would mainly affect African CCIs that were based on the trade of physical products, in particular the clothing industry. However, the impact was expected to be positive, as Nigerian goods had previously been overpriced in outside markets due to import tariffs. In addition, new territories would be opened up to Nigerian goods. Positive benefits were also expected due to lower costs of textiles for manufacturers since they would have greater scope to seek alternative, lower-cost suppliers. Mustapha further foresaw benefits in the establishment of a single digital payments and settlement system. A greater impact was predicted for the implementation of the second stage. The general outlook was however again foreseen to be positive due to the following:

- Availability of a unified jurisdiction for administration of Intellectual Property in Africa,
- The ability to enforce intellectual property rights through a single judicial mechanism,
- A greater value for intellectual property generated in Africa, which would in turn promote further innovations and creativity,
- Harmonisation of laws and policy across countries, a
- Greater certainty, stability, and confidence regarding rights of respective citizens.

- A more harmonised system of valuing, licensing and transferring intellectual property rights.

3.4. CHALLENGES OF AfCFTA

Akeyewale (2018) lists several challenges that may face the AfCFTA. Principal among these is considered to be the wide disparity in levels of development, with Egypt, Nigeria and South Africa contributing over 50% of the continent's GDP. In addition, the AfCFTA has levels of income disparity among members states that are more than double those found in other multinational developing-nation trading areas such as the Association of South East Asian Nations (ASEAN) and the Caribbean Community (CARICOM). This creates a need for preferential treatment to be given to the continents least developed economies.

Aside from this challenge at the foundation of the Free Trade Area, Akeyewale further lists the following potential areas of complication:

- Increased competitive pressure and choking of local small enterprises: Akeyewale mentions the many economies in Africa whose small industries will have to compete against large businesses from higher income countries as part of the AfCFTA. Since consumers prefer cheaper products, local producers may lose significant sales to foreign suppliers, who will no longer have their prices artificially raised by tariffs.
- Adverse working conditions and job losses: Workers from poorer countries may be forced to seek work in wealthier countries, where they may have no control over their working environments, be deterred from joining unions for fear of losing their work, and have to accept poor living conditions. In this regard, Akeyewale reports that the Nigerian Labour Congress (NLC) refused to support the AfCFTA, referring to it as "renewed, extremely dangerous and radioactive neo-liberal policy initiative" (Akeyewale, 2018).
- Environmental depletion: Increased competition may lead firms to ignore environment laws and concerns in their operations in order to ensure their survival. This danger is particularly foreseen to apply in the case of small enterprises.
- Theft of intellectual property: Akeyewale notes the many African countries that do not have laws to protect patents, inventions and new processes, and that where laws exist, they are not always strictly enforced. This leads to theft of intellectual property, with AfCFTA possibly leading to a greater incidence. As a result, even lower levels of investment in research and development might result.

To the above, Mustapha (2019) adds that the greater access to markets made possible by the AfCFTA will necessarily have a reciprocal effect, in that producers from other countries will have equal non-discriminatory access to the domestic markets, with the result that local firms will have to compete against imports on an equal footing in their traditional markets.

Mustapha suggests that, to address the challenges, the agreement should include industrial policies, especially those to support small enterprises and manufacturing. These should focus on productivity, competition, diversification and economic complexity. In addition, Mustapha suggests that individual members should prepare for how they can capitalise on the AfCFTA and cater for the various territories on the continent.

In addition, they should introduce policies that take into account the concerns of unions, protect intellectual property, and encourage competition without destroying local industries. The costs of failure to prepare are pointed out to extend not only to an unfavourable trading position in the enlarged African market, but also to increased risk of competition from other African countries.

3.5. CONCLUSION

The above discussion suggests that South Africa is generally in a far better position than most other countries on the continent in regard to the AfCFTA, with strong industries that may dominate several sectors, at least in the earlier years of the agreement. However, this fact alone may place the country's CCI at risk, since South Africa may have to make concessions for the benefit of less developed countries, or abandon defensive measures in some domains, in order to protect free market access in non-CCI sectors which enjoy high national priority.

The sources further illustrate that intellectual property will be at risk in the AfCFTA and suggest that an ability for South Africa to insist that intellectual property rights must be enforced in all members states is critical.

7 SECTION 4

8 STRATEGY DEVELOPMENT AND RECOMMENDED PREPARATORY STEPS FOR FREE TRADE

4.1. INTRODUCTION

This section seeks to identify the main elements that should be contained in a negotiating strategy in the light of the foregoing sections. The discussion begins with an examination of common factors found in international bilateral and multinational negotiations with a view to incorporating lessons from practice.

4.2. COMMON PROCESSES AND TACTICS FROM INTERNATIONAL CASES

Processes by which international agreements are negotiated may vary from one to another, however the fundamental features and common stages which a negotiating strategy should take into account can be examined from case studies. The following principles have been extracted from a study of the negotiations for several agreements, including TRIPS, by Devereaux et al. (2006):

- Negotiations should allow room for creating and claiming value, i.e. establishing agreements where the solutions reached are closest to the maximum value that can be feasibly be achieved for the parties through the agreement.
- Negotiations may be broken down into smaller clusters of issues to ensure progress.
- Issue sequencing can be important for achievement of a party's goals. Parties compete to shape both the agenda for negotiations and the content to be negotiated.
- Multiparty negotiations create possibilities for coalitions to be formed on various issues. The coalitions may be targeted at winning or blocking agenda items.
- In multiparty negotiations, negotiators face the 'Negotiator's Dilemma' of balancing co-operative efforts to maximise the value of the outcome against the competitive considerations of winning the largest share.

- Alliances based on strongly aligned interests and long-term relationships are inherently stable, whereas those that are opportunistic and based on short-term interests tend to be more vulnerable.
- Patterns of deference become established in multiparty negotiations, where the interest of some parties come to be represented by others in their group.
- It is important to understand decision-making processes within other negotiating parties. International negotiations are usually two-level processes, since there may be internal negotiations within a party's organisation. Different factions may have to convince others to agree to a stance that will be then negotiated for with international parties. Their positions therefore result from internal agreements reached through networks away from the negotiating table.
- Ambiguous language may be used to secure agreements. A different interpretation may be 'sold' to different parties, with the final interpretation being determined by later negotiation. This tactic is particularly used to secure internal agreement within a party.
- Stronger parties that are in a position to drive negotiations and win concessions in their interests make use of action forcing events, such as setting of key deadlines for agreement.
- Prior relationships, whether good or bad, tend to shape negotiation outcomes. It is therefore necessary for a country to build relationships and to safeguard its reputation. These steps may however lead to expectations regarding reciprocity in return for support previously provided by other parties.
- Stronger parties may be in a position to dishonour agreements or to insist on questionable interpretations of agreed terms. Weaker parties should therefore argue for stronger enforcement mechanisms.
- Clarifying rounds of agreements (such as the negotiations regarding implementation of Phase I of the AfCFTA agreement) present areas of risk to a party since all gains made at negotiations can be lost in the clarifications. A danger further exists that negotiations may never end – new rounds may be needed to settle disputes over previous agreements.
- In multi-round, multi-lateral negotiations, participants tend to place greater emphasis on relationship building and most of the negotiation happens away from the table. Devereux et al. present the matrix shown below to illustrate the common goals and strategies in complex negotiations.

Table 2: Strategies in Complex Negotiations

	Accepting the structure Working with existing parties, agendas and linkages	Shaping the structure Seeking to alter who participates and what the issues are
At the table Advancing interests through agreement with other players	Learning and bargaining	Negotiating the game
Away from the table Advancing interests through unilateral actions	Analysis and preparation	Unilateral game-changing moves

- **Source: Devereaux et al., 2006**

In designing negotiation strategies, parties seek to determine how the other parties will perceive their interests and alternatives. A combination of seven well-established tactical elements are drawn upon to achieve favourable outcomes. These are:

- **Organising to influence:** This element involves not only the internal team, but use of lobbyists and interactions through industry organisations locally and in other countries to lay the groundwork for influencing outcomes.
- **Selecting the forum:** This element can determine who will be participating, the rules for negotiation and later engagement, and the enforcement mechanisms that will be available. For the AfCFTA negotiations, the forum has already been set, however the entity tasked with enforcement of rules may remain in issue, given that a supranational intellectual property protection regime already exists for some African countries.
- **Shaping of the agenda:** Those who control the agenda and the sequence in which items are negotiated can control the outcomes. Early successes for some parties can lead to limited choices for others later in the negotiation process. As an example, the ‘early harvest’ approach of Phase I of the AfCFTA negotiations means that later negotiations must necessarily take place within the resolutions of the winners in the earlier phase.
- **Building coalitions:** This element involves identifying groups with similar objectives, creating alliances with them, and using collective resources to achieve outcomes beneficial to the group.

- In this regard, Devereaux et al. notes that the United States has a standing broad coalition group, USA Engage, which consists of several major corporations and business interest groups, to promote international economic involvement and to prevent politically motivated sanctions by the US Government. During negotiations, it is necessary for negotiators to continually ensure that the support of their coalition is maintained, while also seeking to extend their persuasive influence.
- Leveraging linkages: Negotiations, or parties' perceptions of them, may be influenced by other negotiations. These relationships may be synergistic, antagonistic, sequential, competitive, or reciprocal. As an example of one negotiation being used to influence the outcome of another, threats of tariffs on products have been applied to gain concessions on intellectual property rights.
- The 'Frame Game': This tactic involves competition to define the public understanding of the debate and to present choices surrounding the items being negotiated in order to bring pressure on opponents to make a favourable concession.
- Creating Momentum: Parties may exercise control over negotiations through directing the ebb and flow of the discussions. Methods included face-saving compromises and new formulae for agreements to overcome deadlocks (2006).

4.3. ADVANTAGES AND GOALS TO BE PURSUED

The principal threats that can be identified from the AfCTFA are that South African industries might be undercut in South African markets by other African competitors, intellectual property might be used without authorisation, and works may be pirated or styles and distinctive designs might be appropriated by citizens of AfCFTA partner countries. Popular and unique themes in products may furthermore be difficult to protect in the law, since deliberate copying may be difficult to prove. In addition, exceptions allowed to some countries to assist their development may result in unauthorised use of intellectual property without recourse.. Clear definitions and enforcement mechanisms therefore appear as a significant goal that should be pursued.

In respect of South Africa's current areas of strength in exports, and in potential future growth areas, the country may have to advocate for inclusion of temporary exceptions as protective

measures, particularly where the industries concerned primarily employ people who may experience difficulty in enforcing their rights.

Although the timing of the second phase of negotiations may not allow time for substantial consultation with South African CCIs in the AfCFTA negotiations, awareness of the benefits of the agreement and strategic national consensus appears to be important in such areas as copyright protection, trademarks, performers' rights, and indigenous knowledge. This may allow for terms in implementation agreements or interpretations of protocols to be agreed to internally for purposes of lobbying.

4.4. KEY CHALLENGES AND CONCERNS THAT SHOULD BE ADDRESSED IN THE STRATEGY

From the foregoing overview of the features and conduct of international negotiations, the examination of the South African CCIs and related policy, and the risks and opportunities presented by the AfCFTA, the following key items for inclusion in negotiations can be identified:

- Certain key domains and product/ service categories hold advantages for South Africa. These have been identified in a previous study. However, other export domains in which South Africa is strong internationally may be relevant. Since Africa has a growing middle class – a trend that is likely to increase as a result of the AfCFTA itself. This may result in some African markets gradually gaining similarity to European or American demand patterns.
- Formation of alliances has been shown from the above discussion to be important in multiparty negotiations. Linking with groups that hold common interests to South Africa may prove advantageous. As the wealthiest country in Africa and a country that has previously expressed concerns over the impact of the AfCFTA on its industries, Nigeria may have as much to lose and to gain from the agreement as South Africa, and may be amenable to collaboration on some defensive issues.
- Groups that are competitors in exports of certain products or services may also share interests with South Africa in protecting relatively strong export domains. These countries may therefore also represent possible coalition partners.
- In regard to preparation of CCI businesses and artists, training on forms and means of protecting of intellectual property, negotiation skills, terms and conditions of the AfCFTA,

its subsidiary agreements, and benefits and dangers, appear as preliminary matters which may be considered for imparting to the industry.

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9.1 ANNEXURE

Cultural productive activities and goods and services defined with the CPC (Central Product Classification) Version 2 and ISIC (International Standard Industrial Classification) 4 codes

CULTURAL DOMAINS						
Domain	Productive activities ¹			Goods and services		
	ISIC 4		Description	CPC 2		Description
A Cultural and Natural Heritage	9000		Creative, arts and entertainment activities	38962		Postage or revenue stamps, stamp-postmarks, first-day covers, postal stationery (stamped paper) and the like; collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, ethnographic or numismatic interest; antiques
	9102	4	Museums activities and operation of historical sites and buildings	96411 96412		Museum services except for historical sites and buildings Preservation services of historical sites and buildings
	9103		Botanical and zoological gardens and nature reserves activities	96421 96422		Botanical and zoological garden services Nature reserve services including wildlife preservation services
	4774	5	Retail sale of second-hand goods	621 **	6	Non-specialized store retail trade services

CULTURAL DOMAINS						
Domain	Productive activities ¹			Goods and services		
	ISIC 4		Description	CPC 2		Description
B. Performance and Celebration	9000	7	Creative, arts and entertainment activities	96210 96220 96230 96290 96310 95997		Performing arts event promotion and organization services Performing arts event production and presentation services Performing arts facility operation services Other performing arts and live entertainment services Services of performing artists Cultural and recreational associations (other than sports or games)
	3220		Manufacture of musical instruments	38310 38320 38330 38340 38350 38360		Pianos and other keyboard stringed musical instruments Other string musical instruments Wind musical instruments (including pipe organs, accordions and brass-wind instruments) Musical instruments, the sound of which is produced, or must be amplified, electrically Other musical instruments (including percussion instruments, musical boxes and fairground organs); decoy calls; whistles, call horns and other mouth-blown sound signalling instruments Parts and accessories of musical instruments; metronomes, tuning forks and pitch pipes
	5920		Sound recording and music publishing activities	32520 47610 96111 96112 96113 84321 73320	8	Music, printed or in manuscript Musical audio disks, tapes or other physical media Sound recording services Live recording services Sound recording originals Musical audio downloads Licensing services for the right to use entertainment, literary or acoustic originals

	4762		Retail sale of music and video recordings in specialized stores	62242		Specialized store retail trade services Radio and television equipment and recorded audio and video disks and tapes
C. Visual Arts and Crafts	9000	9	Creative, arts and entertainment activities	38961		Paintings, drawings and pastels; original engravings, prints and lithographs; original sculptures and statuary, in any material
	7420	10	Photographic activities	83811 83812 83813 83814 83815 83819 83820 38942 38941		Portrait photography services Advertising and related photography services Event photography and event videography services Specialty photography services Restoration and retouching services of photography Other photographic services Photography processing services Photographic plates and film, exposed and developed, other than cinematographic film Photographic plates, film, paper, paperboard and textiles, exoosed but not developed
	5819		Other publishing activities	32540		Printed pictures, designs and photography
	3211		Manufacture of jewelry and related articles	38220 38240 38210	11	Cultured pearls, precious or semi-precious stones, and reconstructed precious or semi-precious stones (except industrial diamonds) Jewelry, other articles of precious metal/metal clad with precious metal, articles of natural or cultured pearls or precious or semi-precious stones Pearls, natural or cultured and unworked
	7220		Research and experimental development on social sciences and humanities	81229	12	Research and experimental development services in other humanities
	9101		Library and archives activities	84510 84520		Library services Archive services
D. Books and Press	5811		Book publishing	32210 32220 32291 32292 32299 32510 32511 32530 47691 47692 84311 89110		Educational textbooks, in print General reference books, in print Professional, technical and scholarly books, in print Children's books, in print Other books n.e.c., in print Maps, similar charts, and wall maps other than in book-form Maps and hydrographic or similar charts (including wall maps, topographical plans and maps for globes), printed, other than in book-form Printed or illustrated postcards; printed cards bearing personal greetings or messages, with or without envelopes or trimmings Audio books on disk, tape or other physical media Text-based disks, tapes or other physical media On-line books Publishing, on a fee or contract basis

E. Audio-Visual and Interactive Media	5813		Publishing of newspapers, journals, and periodicals	32300 32410 32420 32490 84312		Newspapers, journals, and periodicals, appearing at least four times a week General interest newspapers and periodicals, other than daily, in print Business, professional, or academic newspapers and periodicals, other than daily, in print Other newspapers and periodicals, other than daily, in print On-line newspapers and periodicals
	5819		Other publishing activities	84399		Other on-line content n.e.c.
	4761		Retail sale of books, newspapers, and stationery in specialized stores	62251 62151 62451 62551 62351		Specialized store retail trade services, of books, newspapers, magazines, and stationery Non-specialized store retail trade services, of books, newspapers, magazines, and stationery Other non-store retail trade services, of books, newspapers, magazines, and stationery Retail trade services on a fee or contract basis, of books, newspapers, magazines, and stationery Mail order retail trade services, of books, newspapers, magazines, and stationery
	6391		News agency activities	84410		News agency services to newspapers and periodicals
	6399		Other information service activities n.e.c.	85991		Other information services
	4649*	13	Wholesale of other household goods*	61251 61151		Wholesale trade services on a fee or contract basis, of books, newspapers, magazines, and stationery Wholesale trade services, except on fee or contract basis, of books, newspapers, magazines, and stationery
	9000	14	Creative arts and entertainment activities	96320 96330	15 15	Services of authors, composers, sculptors, and other artists, except performing artists Original works of authors, composers, and other artists except performing artists, painters, and sculptors
	5820		Software publishing	38582 47822 84391		Software cartridges for video <i>game</i> consoles Computer <i>game</i> software, packaged On-line games
	5911		Motion picture, video, and television programme production activities	38950 47620 84331 84332 96121		Motion picture film, exposed and developed, whether incorporating soundtrack or consisting only of soundtrack Films and other video content on disks, tape or other physical media Films and other video downloads Streaming video content Motion picture, videotape, and television programme production services

					96123	Motion picture, videotape, television, and radio programme originals	
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	5912	Motion picture, video and television programme post-production activities	96131 96132 96133 96134 96135 96136 96139		Audio-visual editing services Transfers and duplication of master's services Colour correction and digital restoration services Visual effects services Animation services Captioning, titling and subtitling services Other post-production services
	5913	Motion picture, video, and television programme distribution activities	96140		Motion picture, videotape, television, and radio programme distribution services
	5920	Sound recording and music publishing activities	96137 47699 84322		Sound editing and design services Other non-musical audio disks and tapes Streamed audio content
	5914	Motion picture projection activities	96150 96152		Motion picture projection services Videotape projection services
	6010	Radio broadcasting	84611 84621 96122		Radio broadcast originals Radio channel programmes Radio programme production services
	6020	Television programming and broadcasting activities	84612 84622 84631 84632 84633 84634		Television broadcast originals Television channel programmes Broadcasting (programming and scheduling) services Home programme distribution services, basic programming package Home programme distribution services, discretionary programming package Home programme distribution services, pay-per-view
	6312	Web portals	84394		Web search portal content
	7722	Renting of video tapes and disks	73220		Leasing or rental services concerning videotapes and disks
	6391	News agency activities	84420		News agency services to audiovisual media
	4762*	<i>Retail sale of music and video recordings in specialized stores</i>	62542 62242		Retail trade services of radio and television equipment and recorded audio and video disks and tapes Specialized store retail trade services, of radio and television equipment and recorded audio and video disks and tapes
	4791	Retail sale via mail order houses or via Internet	62342		Mail order or internet retail trade services, of radio and television equipment and recorded audio and video disks and tapes

F. Design and Creative Services	7410	16	Specialized design activities	83911 83919 83920		Interior design services Other specialty design services Design originals
	7110*		<i>Architectural and engineering activities and related technical consultancy</i>	32550 83211 83212 83213 83214 83231 83232 73390	17 18	<i>Plans and drawings for architectural, engineering, industrial, commercial, topographical or similar purposes, being originals drawn by hand; handwritten texts; photographic reproductions and carbon copies of the foregoing</i> Architectural advisory services Architectural services for residential building projects Architectural services for non-residential building projects Historical restoration architectural services Landscape architectural advisory services Landscape architectural services Licensing services for the right to use other intellectual property products
	7310		Advertising	83611 83619		Full-service advertising Other advertising services
	TRANSVERSAL DOMAINS					
Cultural Education ¹⁹	8522* 8530* 8542		<i>Technical and vocational secondary education*</i> <i>Higher education*</i> Cultural education	92911		Cultural education services

RELATED DOMAINS					
Domain	Productive activities			Goods and services	
	ISIC4	Description	CPC 2	Description	
G. Tourism	4911*	Passenger rail transport, interurban*	64131	Sightseeing services by rail	
	4922*	Other passenger land transport*	64132	Sightseeing services by land, except rail	
	5011	Sea and coastal passenger water transport	64133	Sightseeing services by water	
	5110	Passenger air transport	64134	Sightseeing services by air	
	5510	Short-term accommodation activities	63111	Room or unit accommodation services for visitors, with daily housekeeping services	
			63112	Room or unit accommodation services for visitors, without daily housekeeping services	
			63113	Room or unit accommodation services for visitors, in time-share properties	
			63114	Accommodation services for visitors, in rooms for multiple occupancy	
	5520	Camping grounds, recreational vehicle parks and trailer parks	63120	Camp site services	
			63130	Recreational vacation camp services	
	7911	Travel agency activities	85511	Reservation services for air transportation	
			85521	Reservation services for accommodation	
			85523	Reservation services for cruises	
			85524	Reservation services for package tours	
	7912	Tour operator activities	85540	Tour operator services	
	7990	Other reservation service and related activities	85512	Reservation services for rail transportation	
			85513	Reservation services for bus transportation	
			85514	Reservation services for vehicle rental	
			85519	Other transportation arrangement and reservation services, n.e.c.	
			85539	Reservation services for event tickets, entertainment and recreational services and other reservation services	
			85550	Tourist guide services	
			85561	Tourism promotion services	
			85562	Visitor information services	
	5520	Campina arounds, recreational vehicle parks and trailer parks	63130	Recreational vacation camp services	
	7721	Renting and leasing of recreational and sports goods	73240	Leasing or rental services concerning pleasure and leisure equipment	
	9311	Operation of sports facilities	96520	Sports and recreational sports facility operation services	
	9312	Activities of sports clubs	96512	Services of sports clubs	

H. Sports and Recreation	9319	Other sports activities	96511 96590 96610 96620	Sports and recreational sports event promotion services Other sports and recreational sports services Services of athletes Support services related to sports and recreation
	9200	Gambling and betting activities	96921 96929	On-line gambling services Other gambling and betting services
	9321	Activities of amusement parks and theme parks	96910	Amusement park and similar attraction services
	9329	Other amusement and recreation activities n.e.c.	96990 96930	Other recreation and amusement services n.e.c. Coin-operated amusement machine services
	9609	Other personal service activities n.e.c.	97230	Physical well-being services
	8541	Sports and recreation education	92912	Sports and recreation education services

EQUIPMENT AND SUPPORTING MATERIALS OF CULTURAL DOMAINS						
Domain	Productive activities			Goods and services		
	ISIC4		Description	CPC 2		Description
B. Performance and Celebration	1820		Reproduction of recorded media	89123		Reproduction services of recorded media, on a fee or contract basis
	3290*		<i>Other manufacturing n.e.c.</i>	38991	1	Festive, carnival or other entertainment articles, including conjuring tricks and novelty jokes
	2640*		<i>Manufacture of consumer electronics</i>	47321		Sound recording or reproducing apparatus
C. Visual Arts and Crafts	2022*		<i>Manufacture of paints, varnishes and similar coatings, printing ink and mastics*</i>	35120		Artists', students' or signboard painters' colours, modifying tints, amusement colours and the like
	2670*		<i>Manufacture of optical instruments and photographic equipment*</i>	46520 48321 48322 48324		Photographic flashbulbs, flashcubes and the like Objective lenses for cameras, projectors or photographic enlargers or reducers Photographic (including cinematographic) cameras Photographic flashlight apparatus, including flashbulbs; photographic (except cinematographic) enlargers and reducers. apparatus and equipment for photographic laboratories n.e.c.; neqatoscopes and projection screens
	2029*		<i>Manufacture of other chemical products n.e.c.*</i>	48341 48342		Photographic plates and film and instant print film, sensitized, unexposed Chemical preparations for photographic uses
D. Books and Press	5813		Publishing of newspapers, journals and periodicals	83631		Sale of advertising space in print media (except on commission)
	1811		Printing	89121		Printing services
	1812		Service activities related to printing	89122 32800		Services related to printing Composed type, prepared printing plates or cylinders, impressed lithographic stones or other impressed media for use in orintina
	2829*		<i>Manufacture of other special-purpose machinery*</i>	44914		Bookbinding machinery; machinery for typesetting and the like; printing machinery and machines for uses ancillary to print (except office type sheet fed offset printing machinery)

E. Audio-Visual and Interactive Media	2610*		<i>Manufacture of electronic components and boards*</i>	45281	Sound, video, network and similar cards for automatic data processing machines
	2620		Manufacture of computers and peripheral equipment	45221 45222 45230 45240 47550 45250 45261 45271 45272 45289 45290 47314 47315 88742	Portable automatic data processing machines weighing not more than 10 kg, such as laptop and notebook computers Personal digital assistants and similar computers Automatic data processing machines, comprising in the <i>same</i> housing at least a central processing unit and an input and output unit, whether or not combined Automatic data processing machines presented in the form of systems Solid-state non-volatile storage devices Other automatic data processing machines whether or not containing in the <i>same</i> housing one or two of the following types of units: storage units, input units, output units Input peripherals (keyboard, joystick, mouse etc.) Fixed media storage units Removable media storage units Other units of automatic data processing machines Parts and accessories of computing machines Monitors and projectors, not incorporating television reception apparatus and not principally used in an automatic data processing system Monitors and projectors, principally used in an automatic data processing system Computer and peripheral equipment manufacturing services
	2630*		<i>Manufacture of communication equipment</i>	47211 47212 47213 47403	Transmission apparatus incorporating reception apparatus Transmission apparatus not incorporating reception apparatus Television cameras Parts for the goods of subclasses 47211 to 47213, 47311 to 47315 and 48220

	2640*		Manufacture of consumer electronics*	47214 47311 47312 47313 47323 47330 47402	Video camera recorders Radio broadcast receivers (except of a kind used in motor vehicles), whether or not combined with sound recording or reproducing apparatus or a clock Radio broadcast receivers not capable of operating without an external source of power, of a kind used in motor vehicles Television receivers, whether or not combined with radio-broadcast receivers or sound or video recording or reproducing apparatus Video recording or reproducing apparatus Microphones and stands; loudspeakers; headphones, earphones and combined microphone/speaker set, audio-frequency electric amplifiers; electric sound amplifier sets Parts for the goods of subclasses 47321, 47323 and 47330
	2670*		Manufacture of optical instruments and equipment*	47215 38581 48323	Digital cameras Video game consoles Cinematographic projectors, slide projectors and other image projectors, except microform readers
	2680*		Manufacture of magnetic and optical media*	47530 47540 47910	Magnetic media, not recorded, except cards with a magnetic stripe Optical media, not recorded Cards with a magnetic stripe
	3290*		Other manufacturing n.e.c.*	47590	Other recording media, including matrices and masters for the production of disks
	5820		Software publishing	47812 47814 47829 73311 83143 84341 84342 84392	Network software, packaged Development tools and programming languages software, packaged Other application software, packaged Licensing services for the right to use computer software Software originals System software downloads Application software downloads On-line software
	6201		Computer programming activities	83141	IT design and development services for applications

	6202		Computer consultancy and computer facilities management activities	83142 83161	IT design and development services for networks and systems Network management services
	6020		Television programming and broadcasting activities	83632	Sale of TV/radio advertising time (except on commission)
	6110		Wired telecommunications activities	84210 84221 84222	Internet backbone services Narrowband Internet access services Broadband Internet access services
	6120		Wireless telecommunications activities	84290	Other Internet telecommunications services
	6311*	2	<i>Data processing, hosting and related activities*</i>	83151 83152 83159	Website hosting services Application service provisioning Other hosting and IT infrastructure provisioning services
	6312		Web portals	83633	Sale of Internet advertising space (except on commission)
	7730*		<i>Renting and leasing of other machinery, equipment, and tangible goods*</i>	73124 73210	Leasing or rental services concerning computers without operator Leasing or rental services concerning televisions, radios, video cassette recorders and related equipment and accessories
	4742		Retail sale of audio and video equipment in specialized stores	62242	Specialized store retail trade services of Radio and television equipment and recorded audio and video disks and tapes
	4651 4652*	3	Wholesale of computers, computer peripheral equipment and software <i>Wholesale of electronic and telecommunications equipment and parts*</i>	61184 61185	Computers and packaged software Electronic and telecommunications equipment and parts
	9511		Repair of computers and peripheral equipment	87130	Maintenance and repair services of computers and peripheral equipment
	3320*		<i>Installation of industrial machinery and equipment*</i>	87340	Installation services of radio, television and communications equipment and apparatus
	6209		Other information technology and computer service activities	87332	Installation services of personal computers and peripheral equipment
F. Design and Creative services	7310		Advertising	83620 83639	Purchase or sale of advertising space or time, on commission Sale of other advertising space or time (except on commission)

EQUIPMENT AND SUPPORTING MATERIALS OF RELATED DOMAINS					
Domain	Productive activities				
	ISIC 4		Description	CPC 2	Description
H. Sports and Recreation	1410*		Manufacture of wearing apparel, except fur apparel*	28228 28236	Track suits,ski suits,swimwear, and other garments, knitted or crocheted n.e.c. Track suits,ski suits,swimwear, and other garments, of textile fabric, not knitted
	2829*		Manufacture of other special-purpose machinery*	38600	Roundabouts, swings, shooting galleries and other fairground amusements
	1520*		Manufacture of footwear*	29420 29490	Tennis shoes, basketball shoes, gym shoes, training shoes and the like Other sports footwear, except skating boots
	3012		Building of pleasure and sporting boats	49410 49490	Sailboats (except inflatable), with or without auxiliary motor Other vessels for pleasure or sports; rowing boats and canoes
	3230		Manufacture of sports goods	38410 38420 38430 38440 38450 29410	Snow-skis and other snow-ski equipment; ice-skates and roller-skates Water-skis, surfboards, sailboards, and other water-sport equipment Gymnasium or athletics articles and equipment Other articles and equipment for sports or outdoor games Fishing rods and other line fishing tackle; fish landing nets, butterfly nets and similar nets Ski-boots, snowboard boots and cross-country ski footwear
	4763		Retail sale of sporting equipment in specialized stores	62255	Specialized store retail trade services, of sports goods (incl. bicycles)
	4290*		Construction of other civil engineering projects*	53270	Outdoor sport and recreation facilities
	4791*		Retail sale via mail order houses or via Internet*	62355	Mail order or Internet retail trade services, of sports goods (incl. bicycles)

International trade of cultural goods and services defined with the Harmonised System (HS) 2007 codes

CULTURAL GOODS				
Domain	HS07	Description	SITC 4	Description
A. Cultural and Natural Heritage				
Antiques	970500	Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, paleontological, ethnographic, or numismatic interest	89650*	Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, paleontological, ethnographic, or numismatic interest
	970600	Antiques of an age exceeding one hundred years	89660	Antiques of an age exceeding one hundred years
B. Performance and Celebration				
Musical Instruments	830610	Bells, gongs, and the like	69952	Bells, gongs and the like, non-electric and parts thereof, of base metal
	920110 920120 920190	Upright pianos Grand pianos Harpsichords and other keyboard stringed instruments (<i>excl.</i> pianos)	89813	Pianos (including automatic pianos); harpsichords and other keyboard stringed instruments
	920210 920290	Other string musical instruments (for example violins, harps) played with a bow Guitars, harps and other string musical instruments (<i>excl.</i> with keyboard and those played with a bow)	89815	Other string musical instruments (e.g., guitars, violins, harps)
	920510 920590	Brass wind instruments (for example, clarinets, trumpets bagpipes) Wind musical instruments (<i>excl.</i> brass-wind instruments)	89823	Other wind musical instruments (e.g., clarinets, trumpets bagpipes)
	920600	Percussion musical instruments (for example drums, xylophones, cymbals, castanets, maracas)	89824	Percussion musical instruments (e.g., drums, xylophones, cymbals, castanets, maracas)
	920710	Keyboard instruments other than accordions	89825	Keyboard instruments (other than accordions), the sound of which is produced or must be amplified electrically (<i>e.a.</i> organs)
	920790	Accordions and musical instruments without keyboards, the sound of which is produced, or must be amplified, electrically	89826	Musical instruments, n.e.s., the sound of which is produced or must be amplified electrically (e.g., guitars, accordions)
	920810 920890	Musical boxes Fairground organs, mechanical street organs, mechanical singing birds, musical saws and other musical instrument; decoy calls of all kinds; whistles, call horn and other mouth blown sound signaling instruments	89829	Music boxes, fairground organs, mechanical street organs, mechanical singing birds, musical saws, and other musical instruments, n.e.s.; decoy calls of all kinds; whistles, call horns and other mouth-blown sound signaling instruments

Recorded Media	852321 852329		Cards incorporating a magnetic stripe Magnetic media for the recording of sound or of other phenomena (excl. cards incorporating a magnetic stripe and goods of chapter 37)	89842	Magnetic media
	852351 852359		Solid-state non-volatile storage devices Semiconductor media, unrecorded, for the recording of sound or of other phenomena	89846	Semiconductor media
	852380		Gramophone records and other media for the recording of sound or of other phenomena, whether or not recorded, incl. matrices and masters for the production of discs	89849	Other discs, tapes, solid-state non-volatile storage devices, "smartcards" and other media for the recording of sound or of other phenomena, whether or not recorded, including matrices and masters for the production of discs, but excluding products of group 882
	490400		Music, printed or in manuscript, whether or not bound or illustrated	89285	Music, printed or in manuscript, whether or not bound or illustrated
C. Visual Arts and Crafts					
Paintings	970110		Paintings, drawings, and pastels, executed entirely by hand, other than drawings of heading 4906 and other than hand-painted or hand-decorated manufactured articles, collages, and similar decorative plaques	89611	Paintings, drawings and pastels
	970190		Collages and similar decorative plaques	89612	Collages and similar decorative plaques
	491191	2	Pictures, designs and photographs	89287	Pictures, designs and photographs
Other visual arts	970200		Original engravings, prints and lithographs	89620	Original engravings, prints and lithographs
	970300		Original sculptures and statuary, in any material	89630	Original sculptures and statuary, in any material
	392640		Statuettes and other ornamental articles in plastic	89399*	Other articles of plastics, n.e.s.
	442010		Statuettes and other ornaments, of wood		Wood marquetry and inlaid wood; caskets and cases for jewelry or cutlery, and similar articles; statuettes and other ornaments; wooden articles of furniture not falling within division 82
	442090		Wood marquetry and inlaid wood; caskets and cases for jewelry or cutlery, and similar articles, of wood; wooden articles of furniture	63549*	
	691310		Statuettes and other ornamental ceramic articles of porcelain or China	66621	Statuettes and other ornamental ceramic articles of porcelain or china
	691390		Statuettes and other ornamental ceramic articles, n.e.s. (excl. of porcelain or china)	66629	Other statuettes and other ornamental ceramic articles
	701890		Glassware articles including statuettes	66593*	Glass beads, imitation pearls, imitation precious or semiprecious stones and similar glass small wares, and articles thereof (other than imitation jewelry); glass eyes (other than prosthetic articles); ornaments and other fancy articles of lamp-worked glass micro spheres not exceeding 1 mm in diameter

	830621	Statuettes and other ornaments, of base metal plated with precious metal	69782*	Statuettes and other ornaments, of base metal; photograph, picture or similar frames, of base metal; mirrors of base metal
	830629	Statuettes and other ornaments, of base metal, not plated with precious metal (excl. works of art, collectors' pieces and antiques)		
	960110	Worked ivory and ivory articles	89911*	Worked ivory, bone, tortoiseshell, horn, antlers, coral, mother-of-pearl and other animal carving material, and articles of these materials (including articles obtained by molding)
	960190	Bone, tortoiseshell, horn, antlers, coral, mother-of-pearl and other animal carving material, and articles of these materials (including articles obtained by molding)		
Craft	580500	Hand-woven tapestries of the type Gobelins, Flanders, Aubusson, Beauvais and the like and needle-worked tapestries	65891	Tapestries, hand-woven, of the Gobelins, Flanders, Aubusson or Beauvais type and the like, and needle-worked tapestries (e.g., petit point, cross-stitch), whether or not made up.
	580610	Narrow woven fabrics: Woven pile fabrics (including terry toweling and similar terry fabrics) and chenille fabrics	65611	Woven pile fabrics (including terry toweling and similar woven terry fabrics) and chenille fabrics
	580620	Narrow woven fabrics: Other woven fabrics, containing by weight 5% or more of lastomeric yarn or rubber thread	65612	Other woven fabrics, containing by weight 5% or more of lastomeric yarn or rubber thread
	580631 580632 580639	Narrow woven fabrics: Other woven fabrics of cotton Narrow woven fabrics: Other woven fabrics of man-made fibres Narrow woven fabrics: Other woven fabrics of other textile materials	65613	Other woven fabrics
	580640	Fabrics consisting of warp without weft assembled by means of and adhesive (bolducs)	65614	Fabrics consisting of warp without weft assembled by means of an adhesive (bolducs)
	580810 580890	Braids in the piece; ornamental trimmings in the piece, without embroidery; other than knitted or crocheted Other braids in the piece; ornamental trimmings in the piece, without embroidery; other than knitted or crocheted	65632	Braids in the piece; ornamental trimmings in the piece, without embroidery, other than knitted or crocheted; tassels, pompons and similar articles
	580900	Woven fabrics of metal thread and woven fabrics of metallised yarn of heading 5605 of a kind used in apparels as furnishing fabrics or for similar purposes	65491	Fabrics, woven of metal thread or of metallised yarn of heading 651.91, of a kind used in apparel, as furnishing fabrics or for similar purposes, n.e.s.
	581010	Embroidery in the piece, in strips or in motifs without visible ground	65651	Embroidery in the piece, in strips or in motifs without visible ground
	581091 581092 581099	Embroidery in the piece, in strips or in motifs: Other embroidery of cotton Embroidery in the piece, in strips or in motifs: Other embroidery of man-made fibers Embroidery in the piece, in strips or in motifs: Other embroidery of other textile materials	65659	Other embroidery in the piece, in strips or in motifs

	581100	Quilted textile products in the piece	65740	Quilted textile products in the piece, composed of one or more layers of textile materials assembled with padding by stitching or otherwise, n.e.s.
	600240 600290 600310 600320 600330 600340 600390	Knitted or crocheted fabrics of a width not exceeding 30 cm, containing by weight 5% or more of lastomeric yarn but not containing robber thread Other knitted or crocheted fabrics of a width not exceeding 30 cm, containing by weight 5% or more of lastomeric yarn or robber thread Knitted or crocheted fabrics of a width not exceeding 30 cm of wool or fine animal hair Knitted or crocheted fabrics of a width not exceeding 30 cm of cotton Knitted or crocheted fabrics of a width not exceeding 30 cm of synthetic fibres Knitted or crocheted fabrics of a width not exceeding 30 cm of artificial fibres Other knitted or crocheted fabrics of a width not exceeding 30 cm	65521	Other knitted or crocheted fabrics, not impregnated, coated, covered or laminated of a width not exceeding 30 cm
	600410 600490	Knitted or crocheted fabrics, of a width exceeding 30 cm containing by weight 5% or more of lastomeric yarn but not containing robber thread Other knitted or crocheted fabrics, of a width exceeding 30 cm containing by weight 5% or more of lastomeric yarn or robber thread	65522	Other knitted or crocheted fabrics, not impregnated, coated, covered or laminated of a width exceeding 30 cm, containing 5% or more by weight of lastomeric yarn or rubber thread
Jewellery	711311	Articles of jewelry and parts thereof of silver, whether or not plated or clad with other precious metal	89731	Articles of jewelry and parts thereof, of precious metal or of metal clad with precious metal (except watches and watchcases)
	711319	Articles of jewelry and parts thereof of other precious metal, whether or not plated or clad with precious metal		
	711320	Articles of jewelry and parts thereof of base metal clad with precious metal		
	711411	Articles of goldsmiths' or silversmiths' wares and parts thereof of silver, whether or not plated or clad with other precious metal	89732	Articles of goldsmiths' or silversmiths' wares and parts thereof, of precious metal or of metal clad with precious metal (other than goods of heading 897.31)
	711419	Articles of goldsmiths' or silversmiths' wares and parts thereof of other precious metal, whether or not plated or clad with precious metal		
	711420	Articles of goldsmiths' or silversmiths' wares and parts thereof of base metal clad with precious metal		
Photography	711610 711620	Articles of natural or cultured pearls Articles of precious or semi-precious stones (natural, synthetic, or reconstructed)	89733	Articles of natural or cultured pearls or of precious or semiprecious stones (natural, synthetic or reconstructed)
	370510 370590	Photographic plates and film, exposed and developed, other than cinematographic film for offset reproduction Photographic plates and film, exposed and developed (excl for offset production)	88260*	Photographic plates and film, exposed and developed, other than cinematographic film
D. Books and Press				
Books	490110	Printed reading books, brochures, leaflets, and similar printed matter whether in single sheets whether or not folded	89215	Printed books, brochures, leaflets and similar printed matter, in single sheets, whether or not folded
	490191	Dictionaries and encyclopedias and serial instalments thereof	89216	Dictionaries and encyclopedias, not in single sheets
	490199	Printed books, brochures, and similar printed matter	89219	Other books, brochures and similar., printed, excluding sheets

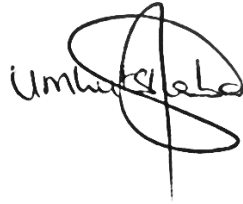
Newspaper	490210	Newspapers, journals and periodicals, whether or not illustrated or containing advertising material appearing at least four times a week	89221	Newspapers, journals, and periodicals, whether or not illustrated or containing advertising material appearing at least four times a week
	490290	Other newspapers, journals and periodicals	89229	Other newspapers, journals and periodicals, whether or not illustrated or containing advertising material
Other printed Matter	490300	Children's picture, drawing or colouring books	89212	Children's picture, drawing or colouring books
	490591	Maps and hydrographical or similar charts of all kinds in book form	89213	Maps and charts in book form
	490510 490599	Maps and hydrographical or similar charts of all kinds in globes Other maps and hydrographical or similar charts of all kinds	89214	Maps and hydrographical or similar charts of all kinds (including wall maps, topographical plans and globes), printed, not in book form
	490900	Postcards, printed or illustrated; printed greeting cards	89242	Printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings.
	491000	Calendars of any kind, printed, including calendar blocks	89284	Calendars of any kind, printed (including calendar blocks)
E. Audio-visual and Interactive Media				
Film and Video	370610	Cinematograph film, exposed and developed whether or not incorporating soundtrack or only consisting of soundtrack of a width of 35 mm or more	88310	Cinematographic film, exposed and developed, whether or not incorporating soundtrack or consisting only of soundtrack of a width of 35 mm or more
	370690	Cinematographic film, exposed and developed, whether or not incorporating soundtrack or consisting only of soundtrack, width < 35 mm	88390	Other cinematographic film, exposed and developed, whether or not incorporating soundtrack or consisting only of soundtrack
	950410	Video games used with a television receiver	89431	Video games used with a television receiver
F. Design and Creative Services				
Architecture and design	490600	Plans and drawings for architectural, engineering, industrial, commercial, topographical, or similar purposes, being originals drawn by hand; hand-written texts; photographic reproductions on sensitised paper and carbon copies of the foregoing	89282*	Plans and drawings for architectural, engineering, industrial, commercial, topographical, or similar purposes, being originals drawn by hand; handwritten texts; photographic reproductions on sensitized paper and carbon copies of the foregoing
RELATED CULTURAL GOODS				
G. Tourism³				
H. Sports and Recreation⁴				

EQUIPMENT AND SUPPORTING MATERIALS OF CULTURAL GOODS					
B. Performance and Celebration					
Celebration	950510		Articles for Christmas festivities	89445	Other articles for Christmas festivities
	950590		Festival, carnival or other entertainment articles, incl. conjuring tricks and novelty jokes, n.e.s.	89449	Other entertainment articles
	950810	5	Travelling circuses and travelling menageries	89460*	Roundabouts, swings, shooting galleries and other fairground amusements, travelling circuses, travelling menageries and travelling theatres
Music	851920		Sound recording apparatus operated by coins, banknotes, bank cards, tokens or by other means of payment	76331	Apparatus operated by coins, banknotes, bank cards, tokens or by other means of payment
	851930		Turntables (record decks)	76335	Turntables (record-decks)
	851810		Microphones and stands therefore	76421	Microphones and stands therefore
	851821		Single loudspeakers, mounted in their enclosure's	76422	Loudspeakers, mounted in their enclosures
	851822		Multiple loudspeakers, mounted in the same enclosure		
	851829		Other microphones and stand therefore	76423	Loudspeakers, not mounted in their enclosures
	851830		Headphones and earphones, whether or not combined with a microphone, and sets consisting of a microphone and one or more loudspeakers	76424	Headphones, earphones and combined microphone/speaker sets
	851840		Audio-frequency electric amplifiers	76425	Audio-frequency electric amplifiers
	851850		Electric sound amplifier sets	76426	Electric sound amplifier sets
	920930		Musical instrument strings		
	920991		Parts and accessories for pianos		
	920992		Parts and accessories for the musical instruments of heading 9202		
	920994		Parts and accessories for the musical instruments of heading 9207		
	920999		Parts and accessories for musical instruments "e.g., mechanisms for musical boxes, cards, discs and rolls for mechanical instruments" n.e.s.; metronomes, tuning forks and pitch pipes of all kinds	89890	Parts and accessories of musical instruments (e.g. mechanisms for music boxes, perforated cards, discs and rolls for mechanical instruments); metronomes, tuning- forks and pitch-pipes of all kinds
C. Visual Arts and Crafts					
Photography	370120	6	Instant print film		
	370130		Other plates and film, with any side exceeding 255mm		
	370191		Photographic plates and film in the flat sensitised, unexposed for colour photography		
	370199		Photographic plates and film in the flat for monochrome photography, sensitised, unexposed, of any material other than paper, paperboard or textiles (excl. X-ray film and photographic plates, film in the flat with any side > 255 mm, and instant print film)	88220*	Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in the flat, sensitized, unexposed, whether or not in packs

	3702	7	Photograph film, rolls, sensitised, unexposed, of any material other than paper, paperboard or textile	88230*	Photographic film in rolls, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitized, unexposed
	3703	8	Photographic paper, paperboard, and textiles, sensitised, unexposed	88240*	Photographic paper, paperboard, and textiles, sensitized, unexposed
	370400		Photographic paper, paperboard, and textiles, exposed but not developed	88250	Photographic plates, film, paper, paperboard, and textiles, exposed but not developed
	370710		Sensitisation emulsions	88210	Chemical preparations for photographic uses (other than varnishes, glues, adhesives, and similar preparations); unmixed products for photographic uses, put up in measured portions or put up for retail sale in a form ready for use
	370790		Other chemical preparations for photographic uses		
	9006	9	Photographic cameras (except cine), accessories	8811*	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flash bulbs (other than the discharge lamps of subgroup 778.2); parts and accessories thereof
	901010 901050 901060		Apparatus and equipment for automatically developing photographic (including cinematographic) films or paper in rolls or for automatically exposing developed film to rolls of photographic paper Other apparatus and equipment for photographic (including cinematographic) laboratories; negatoscopes Projection screens	88135	Apparatus and equipment for photographic (including cinematographic) laboratories (including apparatus for the projection of circuit patterns on sensitized semiconductor materials), n.e.s.; negatoscopes; projection screens.
	901090		Parts and accessories for apparatus and equipment for photographic laboratories	88136	Parts and accessories for the apparatus and equipment of heading 881.35
D. Books and Press					
	844314		Letterpress printing machinery, reel fed, excluding flexographic printing	72661	Letterpress printing machinery
	844315		Letterpress printing machinery, other than reel fed, excluding flexographic printing		
	834316		Flexographic printing machinery	72663	Flexographic printing machinery
	834317		Gravure printing machinery	72665	Gravure printing machinery
E. Audio-visual and Interactive Media					
Audio-Visual	852110		Video recording and reproducing apparatus, magnetic tape-type	76381	Videorecording or reproducing apparatus, whether or not incorporating a video tuner magnetic tape-type
	852190		Video recording or reproducing apparatus, whether or not incorporating a video tuner (excl. magnetic tape-type and video camera recorders)	76384	Other videorecording or reproducing apparatus, whether or not incorporating a video tuner
	852550		Transmission apparatus	76431	Transmission apparatus
	852560		Transmission apparatus incorporating reception apparatus	76432	Transmission apparatus incorporating reception apparatus
	852580		Television cameras, digital cameras, and video camera recorders	76484	Television cameras, digital cameras and video camera recorders

Audio-Visual	8527	Reception apparatus for radiobroadcasting, whether or not combined in the same housing, with sound recording or reproducing apparatus or a clock	762	Reception apparatus for radio broadcasting, whether or not combined in the same housing with sound recording or reproducing apparatus or a clock
	8528	Monitors, projectors, not incorporating television reception apparatus;reception apparatus for TV, whether or not incorporating radio-broadcast receivers or sound video recording reproducing apparatus	761	Television reception apparatus;reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus
	9007	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus	8812	Cinematographic cameras and projectors, whether or not incorporating sound-recording or reproducing apparatus; parts and accessories thereof.
	900820	Microfilms, microfiche, or other microform readers, whether or not capable of producing copies	88131	Microfilm, microfiche or other microform readers, whether or not capable of producing copies
	900810 900830	Image projectors Other image projectors	88132	Image projectors, n.e.s.
	900840	Photographic (other than cinematographic) enlargers and reducers	88133	Photographic (other than cinematographic) enlargers and reducers
	900890	Parts and accessories of image projectors, heading 9008	88134	Parts and accessories for the equipment of headings 881.31 through 881.33
Computer and Related Equipment	847130	Portable automatic data processing machines	75220	Portable automatic data processing machines, weighing not more than 10 kg, consisting of a least a central processing unit, a keyboard and a display
	847141 847149 847150	Other automatic data processing machines comprising in the same housing at least a central processing unit and an input and output unit Other automatic data processing machines presented in the form of systems Processing units other than those of subheading 847141 or 847149, whether or not containing in the same housing one or two of the following types of unit: storage units, input units output units	75230	Other automatic data processing machines
	847160	Input or output units, whether or not containing storage units in the same housing	75260	Input or output units, whether or not containing storage units in the same housing
	847170	Storage units	75270	Storage units
	847180	Other units of automatic data processing machines	75280	Other units of automatic data processing machines
	847330	Parts and accessories of the machines of heading 8471	75997	Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or Principally with the machines of group 752.

APPROVALS FOR THE SOUTH AFRICAN CULTURAL OBSERVATORY – Policy Research Report on Options for South Africa’s Cultural And Creative Industries In Bilateral And Multilateral Trade Agreements – December 2020

	NAME	TITLE	SIGNATURE	DATE
Prepared and recommended by:	<i>Ms. Unathi Lutshaba</i>	<i>SACO Executive Director</i>		December 2020
Approved by:	<i>Ms. Lisa Combrinck</i>	<i>DSAC SACO Project Manager</i>		
Approved by:	<i>Dr. Stella (CN) Khumalo</i>	<i>DSAC DDG: Arts, Culture Promotion and Development</i>		

