



## **South African Creative Practitioners in Unity**

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**171 Rebecca Street**

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**South Africa**

**His Excellence President Cyril Matamela Ramaphosa**

**Office of the President**

**Union Buildings**

**Government Avenue**

**Pretoria, 0002**

**South Africa**

**Subject: Request for an Urgent Audience Regarding the Copyright Amendment and Performers Protection Amendment Bills**

We refer to the above as the above-mentioned forum.

The South African Creative Practitioners in Unity (SACPU) is a formation derived from an amalgamation of well-established respected and seasoned creatives from various sectors in the industry.

South Africa has long identified the potential of the Cultural and Creative Industries (CCI) to contribute to both economic and social development. The continued focus is evident of the government's "formal recognition" of the cultural and creative industries and their importance to both sustainable social and economic development. The diverse and dynamic arts and culture heritage is one of the richest and most important resources, with capacity to generate significant economic and social benefit for the nation.

While the cultural and creative industries have been identified as a critical driver in economic development, policy interventions and support have not been effectively co-ordinated, sufficiently funded and consistently implemented.

While we acknowledge and appreciate the amendment to these two pieces of legislation, the Copyright Act and Performers Protection Act, the industry has been plunged into a perpetual state of uncertainty as we have been robustly engaging in various forms of advocacy, in rejection of the "fair-use" clause that is pervasive in the former. We also have been vocal about the need for the harmonisation of the two Bills.

An open letter to you in your capacity as the President of the Republic of South Africa by our Iconic Veteran Mam' Yvonne Chaka Chaka-Mhinga dated the 3rd of March 2024 echoes the voices of the collective practitioners. It expresses the practitioners' outmost shock by the behaviour of the ruling party in displaying utter contempt for the creative industry by its majority vote in parliament (236 votes) regarding the passing of both bills, while being fully aware of the concerns and objections of the industry through submissions to Parliament and meetings held with government officials expressing the rejection of the numerous inexplicable exceptions and in particular, the "fair-use" clause. This letter, we are advised was never acknowledged or responded to.

It is disheartening to witness a total silence from you as the President of the Republic of South Africa after receiving a letter from South Africa's Progressive Cultural and Creative Industry Organisations dated the 5th of March 2024. While we awaited a response from you, Luthuli house under the leadership of Mr Fikile Mbalula, the Secretary General ("the SG") of the ruling party, the ANC, convened a "workshop" which was organised for the 16th March 2024 at the Birchwood Hotel, where the cultural and creative industry was to ventilate its issues and objections to the Bills. This ended up being a talk shop at which the SG addressed the industry.

Further humiliation continued as the ANC SG made a public announcement at the workshop that a meeting between you as the President of South Africa and the cultural and creative industry will take place on 01 April 2024. He also specifically advised that the ANC would ensure that you would not sign the two Bills into legislation till our objections to these are sufficiently ventilated and addressed. We were relieved and believed that finally sanity would prevail. Sadly, this turned out to be an April fool's joke, as that meeting, we are reliably advised, was not in your diary. The SG clearly lied to us.

Practitioners are still awaiting formal communication from you and/or the Presidency regarding the letter addressed to you on the 5th of March 2024 and now more recently, the meeting promised to us by the SG of the ANC that failed to materialise.

There is an informal communication that has in the last few days been received from allegedly the Legal Advisors of the President of the Republic of South Africa and/or the Presidency stating that it will take approximately 3-4 months to "look with fresh eyes" at all submissions. What does this mean? Does it mean that you shall not be signing the Bills following the Parliamentary vote? The creative industry practitioners are not welcoming the informal communication and believe that we ought to be formally addressed and await a response to our letters are now insisting on having a meeting convened with you as promised by the SG of the ANC.

Please note that we are aware that you occupy two different leadership positions interchangeably, namely as President of South Africa and as President of the ANC. We addressed letters to you as the former. The SG never specified in what capacity we would be meeting you. What is clear though is that he promised that the ANC that had 236 votes in Parliament would ensure that you do not sign the Bills as the President of South Africa. It must be noted that the ANC used its majority in Parliament to vote for the passing of the Bills, taking direction from Luthuli house, knowing full well that the decision will destroy any strides made thus far by the industry and further plunge all the creatives to the levels of the apartheid regime era, to be colonised by the multi-nationals that have been continuously coming to our shores and stripping our country of its valuable resources.

We have huge turbulence and unrest within our industry that has been caused by Government officials. The Government of South Africa has failed to address the issues of the industry, and instead exacerbates them. The industry continues to be open to meet and discuss pertinent issues in the midst of the preparations to go to the voting polls on the 29th of May 2024.

We as the industry shall not be trifled with anymore.

The industry is giving you the President of the Republic of South Africa 48 hours to respond in writing with the date of the meeting, not with anyone but you Mr President in your capacity as the President of the Republic of South Africa. Failure to respond will result in the matter being handed over to our legal representatives to deal with matters in a legalistic manner on an urgent basis now that we realise we have been played and lied to about the meeting of the 1st of April 2024.

Thanking you in advance.

Transmitted electronically

Regards

Balungile Sokhulu

President of SACPU



A handwritten signature in black ink, appearing to be the initials 'BS' with a stylized flourish.

