

**FRAMEWORK FOR CO-OPERATION
ON THE INFORMATION SOCIETY**

BETWEEN

THE GOVERNMENTS OF

THE REPUBLIC OF SOUTH AFRICA

THE FEDERATIVE REPUBLIC OF BRAZIL

AND

THE REPUBLIC OF INDIA

PREAMBLE

The Governments of the Republic of South Africa, the Federative Republic of Brazil and the Republic of India (hereinafter, referred to in the singular as “a Party” and jointly as “the Parties”);

RECOGNISING the emergence and consolidation of the Global Information Society and wishing to strengthen South-South co-operation, the three countries acknowledge that joint efforts and collaboration will position them as active players in helping to direct the Global Information Society towards democratic values, development and social inclusion;

HIGHLIGHTING the strategic role of information and communication technologies (ICTs) in the promotion of social and economic development;

DESIRING to promote co-operation on Information Society and Development in accordance with their respective national legislation and on the basis of equality and mutual benefit;

RECOGNISING the necessity of diverse co-operation in the field of ICTs;

CONSIDERING ICTs as essential tools to job-creation, economic growth, and poverty eradication;

CONSIDERING that the development of ICTs will promote and contribute to trilateral trade and exchange of technologies, as well as the economic and social development of the three countries;

INTENDING to promote and exchange experiences and to enhance close co-operation in the field of ICTs;

CONSIDERING that the strengthening of national ICT industries is essential to promote competitiveness of the three national economies and to boost national capabilities in foreign trade;

EMPHASISING the urgent need for joint action in combating the fast growing Digital Divide not only between developed and developing, but also within countries, and recognising that the Digital Divide widens other social divides, such as the income, educational, scientific and cultural;

TAKING INTO ACCOUNT the outcome of the Brasilia Meeting of 12 and 13 February 2004; the Agenda for Co-operation and the Plan of Action, adopted in the first Meeting of the Trilateral Commission of the IBSA Dialogue Forum (New Delhi, the 4th and 5th March 2004); and the Ministerial Communiqué of the second Meeting of the Trilateral Commission of the IBSA Dialogue Forum (Cape Town, the 10th and 11th March 2005);

HEREBY AGREE as follows:

Article 1

Objective and Competent Authorities

- 1) The purpose of this Framework is to promote co-operation between the three countries in issues relating to the Information Society and ICTs.
- 2) The competent authorities responsible for co-ordinating the implementation of the actions of this Framework shall be:
 - a) for the Republic of India, the Ministry of Communications and Information Technology;
 - b) for the Federative Republic of Brazil, all the ministries and governmental agencies directly involved with the Information Society and ICTs, under the co-ordination of the Ministry of Foreign Affairs; and
 - c) for the Republic of South Africa, the Department of Communications.

Article 2

Fields of co-operation

Trilateral co-operation and capacity-building of the three countries shall be promoted in the following project areas:

- 1) Digital Inclusion
 - a) promoting the development of public policies related to sustainable multi-purpose community public access centres and projects of TV and Radio based on communities;
 - b) promoting the availability of low-cost equipment;
 - c) developing innovative solutions aimed at extending public access to computers and ICT skills to under-privileged people; and
 - d) developing frameworks, as well as ICT tools and applications aimed at promoting local content development.
- 2) E-Government and Governance
 - a) developing e-government frameworks, as well as ICT tools and applications aimed at improving public administration at different levels of government, taxation management, public financing and delivery of public services;
 - b) co-operating and sharing experience and expertise to enhance national capabilities in handling the ever increasing policy and regulatory challenges facing the three countries; and

c) enhancing the capacity of policy makers and public service officials from the three countries on the issues of Information Society.

3) ICTs for development

a) enhancing the capacity of the three countries on the use and development of different software models, including open-source and free software;

b) using ICTs to impart literacy skills;

c) harnessing Human Computer Interaction Technologies to address development challenges, especially those related to illiteracy and disability;

d) conduct research on affordable connectivity, including wireless and satellite technologies to extend access to ICTs, especially to under-privileged people and those located in rural and remote areas;

e) harnessing technologies such as grid and cluster computing, high performance computing and broadband communication networks for advancing research, development and competitiveness;

f) conduct research on the use of ICT to overcome language barriers within and amongst the three countries;

g) conduct research on interoperability frameworks to enable secure and fast exchange of data within and between the three countries; and

h) conduct research on the use of ICTs to improve the delivery and access to health services, education, promotion and support for Small Medium and Micro Enterprises (SMMEs).

4) World Summit on the Information Society

The three countries shall continue to co-ordinate positions for the World Summit on the Information Society follow-up mechanisms, as well as for other fora and organisations related to Information Society and ICTs.

Article 3

Modes of co-operation

This Framework shall be implemented through the following modes of co-operation:

a) co-ordination of initiatives;

b) sharing of experience and expertise through, inter alia, exchange of technical missions and information;

- c) sharing information on the evaluation of projects and the development of ICT indicators, Planning and implementation of projects;
- d) human resources development in the identified areas of co-operation; and
- e) sharing of information amongst technicians, scientists, research centres and academic institutions.

Article 4

Promotion of partnerships

In the trilateral co-operation, multi-stakeholders partnerships will be promoted, with the participation of the private sector and civil society based in the three countries, particularly of research institutes, operators, manufacturers, service providers and other related agencies.

Article 5

A Joint Committee

1) In order to enhance the efficiency of the co-operation, a Trilateral Joint Committee of Co-operation on the Information Society (hereinafter referred to as the "Committee") is hereby established, in which operators, manufacturers, service providers and other stakeholders will be invited to participate, as appropriate.

2) The Committee shall:

- a) set up a Joint Action Program;
- b) Set up procedures of supervision and implementation of the jointly planned actions;
- c) examine the possibilities for expansion and diversification in the fields of ICT between the three countries; and
- d) discuss and review any issue related to this Framework.

3) The Joint Action Program, which is considered integral part of this document, shall define specific initiatives to be taken in the fields of co-operation concerned by this Framework.

4) The Committee shall meet alternately in India, Brazil or South Africa, as required.

Article 6

Intellectual Property

1) The Parties shall adopt the appropriate measures to protect intellectual property rights, according to national legislation and international agreements in force in their territories.

2) The conditions for the acquisition, maintenance and commercial exploitation of intellectual property rights over possible products and/or processes that might be obtained under this Framework will be defined in the specific programs, contracts and working plans approved by the Parties.

3) Without the specific written consent of the other Party, the Parties shall not disclose information which might jeopardize the acquisition, maintenance and commercial exploitation of intellectual property rights obtained under this Framework.

4) The specific programs, contracts and working plans shall establish the rules and procedures concerning the dispute settlement on intellectual property matters under this Framework.

Article 7

Dispute Settlement

Any dispute between the Parties arising out of the interpretation or implementation of this Framework shall be settled amicably through consultations or negotiations between the Parties to the dispute.

Article 8

Amendment

This Framework may be amended by consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel.

Article 9

Entry into Force, Duration and Termination

1) This Framework shall enter into force on the date on which the third Party has notified the other Parties, in writing, through diplomatic channel, of its compliance with the constitutional requirements necessary for its implementation.

2) This Framework shall remain in force unless terminated by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel. The effective date for termination shall be six months after the date of the last diplomatic Note.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed and sealed this Framework for Co-operation in triplicate in Hindi, Portuguese and English, all texts being equally authentic. In the case of diversion of interpretation the English text shall prevail.

DONE at.....*Brasilia*.....on this...*13th*.....day of...*September*.....2006

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FOR THE GOVERNMENT OF
THE REPUBLIC OF
SOUTH AFRICA


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FOR THE GOVERNMENT OF
THE FEDERATIVE REPUBLIC
OF BRAZIL

Qawad
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FOR THE GOVERNMENT OF
THE REPUBLIC OF INDIA