CO-PRODUCTION TREATIES NEWSLETTER

30-08-17 Volume 1

In this quarter's newsletter we are taking a cursory look at Co-production Treaties.

Co-production treaties are agreements entered into by two or more countries to articulate mutual benefits arising from party countries working together to produce a film.

The advantages of co-production treaties far outweigh any difficulties a country may encounter in trying to enter into one. One of the major advantages, is it brings in foreign direct investments (FDI) into a country in addition to acting as a foundation for increase in job creation ad wealth distribution.

It also makes it easy for co-producers to pool financial resources, have access to the partner government's incentives and subsidies, access to the partner's market or third party markets, exposure of co-producers to other cultures etcetera.

Some difficulties that could arise in seeking to enter into a co-production treaty may be language barrier, cultural sensitivities, partner governments being too rigid and wanting to make decisions for co-producers in areas such as budget, location, casting, etcetera.

It is our view however that Nigeria must sign co-production treaties as part of the strategy to grow Nigeria's creative industries. The United Kingdom has co-production treaties with at least 14 countries. Co-production treaties for films being agreements between two or more leading film nations will as earlier stated attract FDI and offer Nigerians access to foreign talents, funds and foreign markets as films made between treaty nations will enjoy the same incentives and access that domestic films of treaty nations enjoy. Such treaties cannot be signed unless Nigeria offers the relevant framework outlined below.

1. **Custom Import/Export Tariff Waiver for co-production equipment**: Nigerian regulations (import/export tariffs) must be changed to make it permit co-producers to temporarily import cinematograph equipment for the making of co-production films, without the payment of import duties/taxes provided the equipment will be exported after the co-production.
2. **Immigration/Employment Visas for co-productions**: Nigeria must ease immigration/employment visas to enable nationals or residents of contracting parties to co-production treaties to enter and remain in

Nigeria to make or exploit a "co-produced film", subject to the laws and regulations relating to entry and residence.

3. **Incentives to promote film production and distribution**: Nigeria must provide incentives that national and foreign film producers and distributors from countries party to the co-production treaties can enjoy.
4. **Minimum production input threshold**: Nigeria must set a minimum threshold that co-producers from treaty states must contribute for the films to qualify to be treated as Nigerian films and access incentives. This may include levels of participation of crew, and cast.
5. **Access to Local Funding and Distribution**: Nigeria must ensure that treaty countries treat co-productions like domestic productions with equal access as local films on issues of funding and distribution of the co-produced film.
6. **Coordinating Agency**: Nigeria must designate an agency to drive and coordinate the operations of the treaty. Going by its statutory functions, the Nigerian Film Corporation is best suited to do this. The agency may issue regulations, and the regulations may provide that:

a. The credits must bear "this film is a Nigerian-XXX country Co-production".

b. Co-producers must have written agreements.

c. There must be subtitles in English or the language of a treaty country.

d. Film must not promote violence, must not be of blatantly pornographic nature or openly offend human dignity.

e. The majority of the work in film production (such as studio or location shooting, processing and dubbing on the sound track etc.) may be carried out in the country of the co-producer who has major financial participation.

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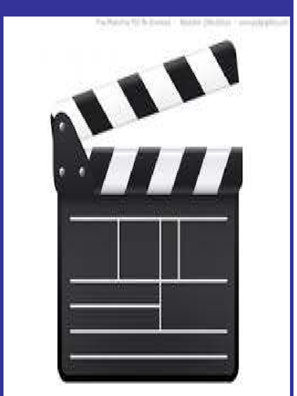

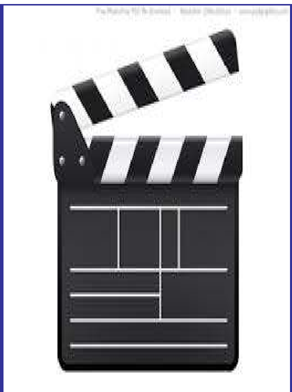

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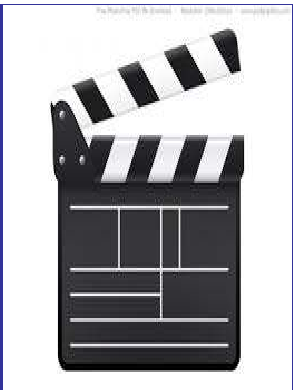

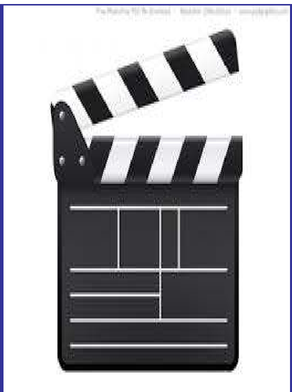

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