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الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5511299

Website: www.Africa-union.org

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EX.CL/505 (XV)

**REPORT OF THE COMMISSION ON THE SETTING UP OF
THE PAN-AFRICAN MEDIA OBSERVATORY**

REPORT OF THE COMMISSION ON THE SETTING UP OF THE PAN-AFRICAN MEDIA OBSERVATORY

Background

1. The African Union Commission (AUC) and the European Commission (EC) jointly organized, from 11 to 13 September 2008 in Ouagadougou, Burkina Faso, the first Forum on "Media and Development", in cooperation with the International Organization of the Francophonie (OIF), the Commonwealth and the Community of Portuguese-Speaking Countries (CPLP).

2. Present at the Forum were African and European personalities from the political community (AU and EU Commissioners and African Ministers), the media community (Euronews, Deutsche Welle, the BBC, *Les Afriques*, Spectrum TV, TV5 ...), international organizations (UNDP, UNESCO, World Bank) and civil society (academics, NGOs, associations of journalists, and so on).

3. Launched within the framework of the Africa-Europe Strategic Partnership, Lisbon 2007, the Forum focused on four main themes, namely:

- ❖ The Media and governance: what connection?
- ❖ Freedom of the media: legal frameworks and realities on the ground;
- ❖ Fight against stereotypes: the image of Africa in Europe and Europe in Africa;
- ❖ The role of the local media: local action to succeed globally.

4. His Excellency President Blaise Compaoré, President of Burkina Faso, Chairperson of the Council of Ministers, officially opened the Forum, in the presence, among others, of the Chairperson of the African Union Commission, Mr. Jean Ping, the European Commissioner for Development and Humanitarian Aid, Mr. Louis Michel, the Executive Secretary of the Community of Portuguese-Speaking Countries, Mr. Domingos Simões Pereira, and the Deputy Secretary-General of the Commonwealth, Ms. Masire-Mwamba Gabaipone.

5. In his opening address, Mr. Jean Ping underscored the central place of the media in democratic governance enshrined in the Constitutive Act of the African Union, and added that it was necessary to reflect on the ways and means of supporting the media so as to enable them to fulfil their mission more effectively, including by funding, training and improving contents and curricula.

6. Mr. Ping noted that the African Union Commission intended to contribute to strengthening the capacities of the African press and to help this body to fully play its role in the socio-economic development of the continent. He stressed that the Commission's priority programmes for 2009 included the training of African journalists in the field of science and technology. The programme, aimed at addressing the shortcomings noticed in the specialized press regarding science and technology, would consist in granting African Union scholarships to 106 young African journalists, on the basis of two per country, to undergo training or

specialization for a period of 24 months in African or foreign institutions and media houses.

7. Mr. Ping paid tribute to information and communication professionals for their invaluable contribution, often in difficult circumstances, to the consolidation of the democratic process on the continent and the strengthening of transparency in the management of public affairs. He further stressed the need to reflect on the development of a comprehensive legal framework which spells out the duties and obligations of all stakeholders and on the establishment of new rules that should exclude, at the national and International levels, all forms of compartmentalization and inward-looking attitudes, in favour of the freedom to inform and be informed.

8. Concerning the issue of the continent's image as projected by most non-African media, Chairperson Ping stressed the urgent need for Europe and Africa to work more closely together to promote an image that is more reflective of the complexity of the processes at work on the ground with a view to promoting an image of Africa that also reflects the progress achieved in many areas.

9. In his closing speech, Chairperson Ping said that the Commission would submit a report on the conduct and outcomes of the Forum to Member States at the Ordinary Session of the Executive Council scheduled for Addis Ababa in January 2009. He also said that the Commission would use the opportunity offered by its future interactions with Regional Economic Communities to inform them of the outcomes of the Forum and to request them to take necessary measures to carry out monitoring at the regional level. The Chairperson further indicated that the African Union Commission and the European Commission must meet as soon as possible to articulate a plan for implementing the recommendations of the Forum and agree on the financial and human resources to be mobilized for that purpose.

10. The Forum afforded an opportunity to discuss various issues, including: the role of media in the consolidation of democratic processes; proposed regulations for this sector; legal instruments necessary to guarantee the independence of the media in the face of economic or political interests; action to be taken to change the stereotypes often portrayed by the media about Africa and Europe; the emergence of high-quality local, national and international media; and the role of each of the parties concerned. The participants highlighted the existing initiatives and introduced new ideas and concrete recommendations.

Main conclusions of the Forum

11. At the end of the proceedings, a number of proposals were put together in a "**Road Map for joint action on the media**" signed jointly by the Chairperson of the African Union Commission, Mr. Jean Ping, and the European Commissioner for Development and Humanitarian Aid, Mr. Louis Michel.

12. The road map, **a copy of which is attached to this report**, was sent to all AU Member States and Regional Economic Communities, for information, comments and ownership of the draft. To date, the Commission has received no official reaction to its content.

Recommendations of the Media and Development Forum

13. In the road map, the Forum made recommendations addressed to both African States and information and media professionals, identifying a number of actions to be undertaken in the short term.

14. The road map sets three short-term goals:

1. **The drawing up of a charter setting out the rights and duties of the media;**
2. **The establishment, setting up and updating of a pan-African portal for all media; and**
3. **The establishment of a pan-African media observatory.**

Monitoring the implementation of the recommendations

15. The AUC (Communication and Information Division), in collaboration with the EC (DG.DEV Information Unit), structured an implementation plan of the Forum recommendations, and agreed on the financial and human resources to be mobilised to this effect. The progress made, to date, is as follows:

1) Drafting of a Pan-African Media Charter

16. Following the adoption of the Windhoek Convention in 1991, adapted in 2001 into the African Charter on Broadcasting, the text needs to be updated and the provisions improved, or a new continental text needs to be promulgated. Hence the debate on the advisability of establishing a Pan-African Media Charter, and on the meetings to be held and related concrete actions to be undertaken.

17. In this respect, the African Union Commission intends to hold consultations with its Member States so as to collect their views on and reactions to the principle of establishing a Common Pan-African Charter.

18. In view of the legal vacuum on the matter, any progress on the subject will obviously call for the mobilisation of the Ministries of Information, qualified experts, lawyers specialising in Media Law, independent press organs, specialised NGOs and media managers and journalists so as to come up with a consolidated document. The financial and budgetary issues related to the realisation of this endeavour will, also, need to be taken into consideration. The matter will be addressed in 2010, depending on the outcome of the consultations and the availability of financial and human resources.

2) Creation of a Pan-African Media Portal

19. The Pan-African Media Portal will among other things make an appraisal of all the means of information existing on the African media landscape. It would serve as a local and international window that will federate the African media. This is an issue on which progress should be made during 2010, depending on the in-roads made at the level of the Pan-African Media Observatory.

20. It is worth noting that the first Media Dev website (<http://.media-dev.eu>), launched on the occasion of the Media and Development Forum in Ouagadougou, and functional today, is already the first exchange forum and a window on the subject. This site could be the nucleus of the Pan-African Portal to be built. The Pan-African Media Portal could indeed be created from the present Media Dev site completed thanks to the work the future Pan-African Media Observatory will carry out. In addition, a study on the issue will soon be launched, in cooperation with the European Commission and could be a source of information on the way towards the realization of the Pan-African project.

3) Establishment of a Pan-African Media Observatory

21. A special "Media & Development" round table organised on 16 November 2008, in the margin of the third edition of the European Development Days in Strasbourg, afforded the high personalities who participated in the round table (Chairperson J. Ping, Commissioner L. Michel, the French Secretary of State, A. Joyandet, the MD of Spectrum TV, Mactar Silla, the MD of Deutsche Welle, Erik Betterman...) the opportunity to discuss the necessary measures for the implementation of the priorities identified in the Ouagadougou Road Map.

22. A first sketch of the "Pan-African Media Observatory" project, (**Brief on the Observatory, attached**), prepared under the supervision of the AU Commission and the European Commission, was made public on this occasion and led, during a breakfast meeting, organised on 17 November in Strasbourg, to a discussion among African and European media professionals on the way forward, with the participation of AUC and EC representatives. The Brief was sent, first, to all the AU Member States as well as to the Economic Regional Communities for information, comments and ownership.

23. According to the outline, the observatory would, in principle, have to carry out the following:

- Establish an institutional framework guaranteeing the media their rights and duties, their independence and their freedom of expression;
- Guarantee public debate, equal access of political parties, Civil Society associations and representatives to public and private media;
- Guarantee journalists access to sources of information, the secrecy of their sources as well as a legal protection enabling them to carry out their profession independently and impartially;
- Conduct training programmes for press professionals based on a code of ethics and on information treated with integrity;
- Promote the creation of editors' societies;
- Help in the creation of independent control bodies with the necessary measures and which guarantee the rights and duties of the media;
- Promote programme exchanges among Africa/Africa and Africa/Europe information media.

24. At the moment, the Observatory project Brief is subject to on-line consultation on the Media Dev website, so as to gather criticisms and suggestions from the Civil

Society, journalists or media organisations and any other interested party. The ongoing consultation process will remain open until mid-July 2009.

25. At the end of the consultation, a summary report will be drawn up and will serve, if the outcome of the consultation is conclusive, to enrich or amend the initial project, by incorporating the pertinent proposals received in it.

26. A budget of USD150,000 (from the 55Million EU Fund) has been set aside for the first phase of the implementation, under the 2009 budget. This amount should be used to prepare the ground, specifying, among other things, the technical aspects, organisation, structures and functioning of the Observatory (studies, consultations, MoU, experts meeting, publicity).

27. Completion of the process of the practical setting up of the Observatory and its inauguration are expected to take place in the course of 2010.

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Annex I

**JOINT ACTION ROAD MAP OF THE AFRICAN UNION
COMMISSION AND THE EUROPEAN COMMISSION**



Commission
européenne

Commission
de l'Union
africaine



Conclusions of the Media & Development Forum

Joint Action Road Map of the African Union Commission and the European Commission¹

¹ Signed by H.E. Mr. Jean PING for African Union Commission and H.E. Mr. Louis Michel for European Commission, in Ouagadougou, 13 September 2008

**Joint Action Road Map of the African Union Commission and the
European Commission issued at the Close of the Media
and Development Forum**

The Media and Development Forum constitutes the first step towards the institution of a dynamic process between the media and development.

The media are an essential player in the successful development and in the building of democratic States.

This Forum addressed all the key issues relevant to this theme; namely: How to guarantee media independence in the context of economic and political interests; How to ensure legal protection for press institutions and journalists; How to finance a pluralistic press; How to organize adequate training for journalists in investigative techniques and in the quest for truth; How to define the rights and responsibilities of the press; How to get the media to contribute to devising effective development policies; How to combat the stereotyped projection of Africa in Europe, and Europe in Africa; and How to foster the emergence of quality media locally, nationally and internationally, etc.

The Media and Development Forum articulated common positions on the role of a free and principled media in the building of just and impartial States based on free and fair elections, and of an administrative, political, legal and economic system which guarantees equal access for all citizens to vibrant democracy and equitably shared prosperity.

The Media and Development Forum, co-organized by the African Union Commission and the European Union in partnership with the *Organisation Internationale de la Francophonie*, the Commonwealth and the Community of Portuguese Language countries, in Ouagadougou from 11 to 13 September 2008, put forward the following proposals, among others, for the attention of the States:

- **Establish an institutional framework that guarantees for the media its rights and responsibilities, as well as its independence and freedom of expression;**
- **Guarantee open debate and equal access for political parties and associations as well as civil society representatives to public and private media alike;**

Joint Action Road Map of the African Union Commission and the European Commission issued at the Close of the Media and Development Forum

- **Guarantee for journalists access to sources of information, the protection of their sources and legal protection to enable them exercise their profession independently and impartially;**

- **Implement training programmes for media professionals, structured on a code of ethics and integrity-driven information;**
- **Promote establishment of editors' guilds;**
- **Induce media, especially audio-visual media operators, to respect the principle of equal treatment, pluralism and non-discrimination;**
- **Establish independent regulatory bodies with the necessary resources to guarantee the rights and responsibilities of the media;**
- **Encourage the creation of print and audio-visual media to bolster ownership and social cohesion and foster the emergence of a vigilant civil society;**
- **Use government and/or private budget to finance press institutions to ensure freedom of expression and plurality of opinions;**
- **Encourage the development of independent audio-visual media enterprises; and**
- **Foster Africa /Africa and Africa/Europe media exchange programmes.**

Joint Action Road Map of the African Union Commission and the European Commission issued at the Close of the Media and Development Forum

The Media and Development Forum further proposed the following measures for the attention of media executives and representatives:

- **combat stereotypes and portray African realities in an objective and balanced manner;**
- **scrupulously adhere to the deliberate quest for truth and refrain from disseminating unauthenticated and baseless rumours;**
- **not indulge in partisan selection or concealing of vital information;**
- **not alter the meaning of texts and documents;**
- **refrain from all forms of partisan sensationalization aimed at inciting and institutionalizing violence; and**
- **encourage media executives and representatives to refrain from indulging in censorship, be it direct or indirect.**

The Forum also proposed, for immediate action, the following measures among others:

- **Finance multi-faceted programmes for training** not only of journalists, but also for training in new occupations and in new investigative and media management techniques. Upgrade regional level journalists training centers and institute in-service field training programmes for Africa;
- **Allocate part of the funds meant for governance to media development in view of the latter's role as a counter-balancing force in a democratic society;**
- **Launch pilot local media exchange projects for the African media in the spirit of sharing human, financial and material resources;**
- **Launch a permanent Media and Development Forum for continuous information sharing on the African, European, Pan-African, Pan-European and Africa-European media, to pursue the work already set in motion and enlist other proposals and comments on the subject;**

Joint Action Road Map of the African Union Commission and the European Commission issued at the Close of the Media and Development Forum

- **Facilitate media twinning, synergy-building and interaction between schools of journalism as well as between European and African media in a multi-support convergence;**
- **Organize follow-up on the implementation of recommendations through the most appropriate means and mechanisms (annual events, use of portals, periodic meetings, etc);**
- **Enlighten younger people and stakeholders, especially policy makers, on the importance of the media;**
- **Support media and journalist associations and organizations involved in the promotion of their interests and of press freedom;**
- **Finance the infrastructure that provide access to the New Information and Communication Technologies; and**
- **Create platforms for interaction between the media and NGOs to enable the civil society as well as the rural and disadvantaged people to make their voice better heard.**

Joint Action Road Map of the African Union Commission and the European Commission issued at the Close of the Media and Development Forum

The Forum set for itself the following short-term objectives:

- **Draw up a charter to spell out the rights and responsibilities of the media;**
- **Create, establish and operationalize a Pan-African window for all media** to facilitate the stock-taking of the present state of affairs and institute a local and international showcase bringing all African media together; and
- **Establish a Pan-African media observatory comprising eminent personalities recognized to be independent in their areas of competence and with responsibility to handle complaints and appeals through mediation, in the first instance. Such an observatory could be accorded the legal status of mediator.**

Work was expected to continue after this Forum. The next activity will be the European Development Days 2008 and the joint project for successful implementation of all these projects by our two institutions.

Done at Ouagadougou, 13 September 2008

For the African Union Commission,

Mr. Jean Ping
Chairperson
African Union Commission

For the European Commission,

Mr. Louis Michel
European Commissioner for
Development and Humanitarian Aid

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Annex II

**REPORT OF THE COMMISSION ON THE
SETTING UP OF THE PAN-AFRICAN MEDIA
OBSERVATORY**



Pan-African

Media Watch

Project [for consultation]

Follow up
on recommendations
of the MEDIA and Development Forum
Ouagadougou
11-13/09/2008

<http://media-dev.eu>

Background

At political and institutional level

The African Union Commission and the European Commission jointly sponsored the MEDIA & Development Forum from 11 to 13 September 2008 in Ouagadougou [Burkina Faso], in partnership with the Commonwealth, the Community of Portuguese speaking Countries [CPLP] and the International Organization of the French-Speaking World [OIF].

On the basis of their discussions and contacts, the Chairman of the African Union Commission, Jean Ping and the European Commissioner for Development and Humanitarian Aid, Louis Michel, signed a joint **roadmap** for action which identifies principles and sets out practical lines of action for the short and the medium term.

The short-term objectives include:

- the drafting of a Charter laying down the rights and responsibilities of the media;
- the development, implementation and updating of a pan-African **portal** for all media, which could be used to draw up a state of play on what exists to date while constituting a local and international showcase shared by all the media in Africa;
- the organization of a **Pan-African Media Watch** composed of eminent figures recognized for their independence in their sphere of competence and charged with addressing claims and applications for remedy with the objective of settling disputes first and foremost through mediation. The Media Watch could have the legal status of a mediator.

The role and support of the European Union result naturally from the Lisbon Declaration signed at the Africa-Europe Summit in December 2007. As a partner, the EU can provide support for the design, strategic orientation and organization of the Media Watch and contribute human and material resources.

The Commission of the European Union makes a commitment to work side by side with Africa, provided the African Union Commission is involved and shows the will to bring about change on the continent, in particular for the media.

It is participating in reflection and helping to establish programmes on subjects which summon up ideas and energy and which result in practical and pivotal actions and operations to the benefit of development.

At professional level

The context was described by the initiator of Media Watch Global, at the Social Forum in Porto Alegre in 2002, as follows; 'real power is now held by a small group of

global economic corporations and enterprises which sometimes appear to have greater influence over the world's affairs than governments and states'. As a result, it is important not to leave Africa at the mercy of one-track thinking, or standardize or imposed offering and content. In short, there is a need to ensure that African media enjoy pluralism, freedom and independence from political and economic powers and from all lobbies including professional lobbies, and that they bear the seal of creativity by developing their own original content, co productions and thematic series.

The Media Watch must be recognized and respected by all the parties and ensure responsibility, quality, professionalism and ethical principles at continental level, notably those set out in the declaration of principle of the International Federation of Journalists [IFJ] on journalists' conduct. The Media Watch must be able to bring all its influence to bear in combating corruption, poverty and fear in order to serve as a counterweight, watchdog, mediator and guarantor of the right to know, the right of expression and the inclusion of citizens' concerns on information and decentralization.

The Pan-African Media Watch, which does not imply the formal creations of a new legal body, is also meant to be a framework for contracts, permanent dialogue and training for journalist and other media professionals, with the following key missions:

- **mediation:** as a consultative and advisory body for individuals, the media and governments developing new regulatory proposals;
- **information:** publication of a regular newsletter [monthly to start] and intelligent and optimal use of the African media portal;
- **observation and documentation:** publication and official delivery of an annual report on the media to the Chairman of the African Union Commission;
- **stimulation:** award of an ANNUAL PRIZE FOR THE BEST AFRICAN REPORT [press/ radio/TV/online press];
- encouragement of multilingual **twinning** initiatives involving different media and different geographical areas, building on the most outstanding experiences and achievements.

To sum up, while Media Watch Global stemmed from the observation that the media were no longer playing their role of challenging established authority to the extent that the media system is both a player [through growing concentration in the sector] and a vector of neoconservative globalization, the background, motivations, needs and realities of the creation of the Pan-African Media Watch are totally different.

Competences and areas of action

1) A mechanism to take charge of, give impetus to and follow up the proposals of the Ouagadougou Forum set out in the roadmap, targeting both the states and media professionals, in particular:

States:

- to put in place the institutional framework which guarantees the media's rights and responsibilities, independence and freedom of expression;
- to guarantee the public debate and equal access for political parties, associations and representatives of civil society to the public and private media;
- to guarantee journalists' access to sources of information, the secrecy of their sources and the legal protection allowing them to practice their profession independently and impartially;
- to implement training programmes for press professionals based on a professional code of ethics and on information treated with integrity;
- to encourage the creation of societies of journalists;
- to oblige media operators, particularly broadcasters, to respect the principles of equal treatment, pluralism and non-discrimination;
- to create independent regulatory bodies to which sufficient resources are allocated and which guarantee the rights and responsibilities of the media;
- to encourage the creation of local broadcast and print media so that they may support take-up and social cohesion and contribute to the emergence of a vigilant civil society;
- to finance press organs out of public and/or private budgets to guarantee the freedom and plurality of opinions;
- to encourage the development of independent broadcast media;
- to encourage exchanges of programmes between different news media in Africa and between Africa and Europe.

Press managers and representatives:

- to combat stereotypes and report on African realities in an objective and balanced way;

- to respect scrupulously the systematic search for truth and to refrain from spreading rumours which have not been checked or which are groundless;
- not to select or eclipse essential news in a partisan manner;
- not to alter the meaning of texts and documents;
- to refrain from all forms of partisanship aiming to incite to violence or to make violence commonplace;
- not to practise direct or indirect censorship.

2) A tool for the harmonious and sustainable development of African media

The Pan-African Media Watch will assist the media in terms of studies, identifying opportunities for adapted training, forward analysis, availability of tools for drawing up financing applications, and possibly for the creation of a pan-African media planning structure or central buying offices.

3) A body serving African media through observation, follow-up, mediation and impetus

The Media Watch must stay informed and inform, constantly monitor the situation of African media, prevent conflicts, advise and act as a mediator as necessary.

As a third party, it will intervene to facilitate relations or understanding of a situation by providing input which will improve the relational quality of the parties concerned while also having general educational value.

INTRODUCING ALTERNATIVE DISPUTE RESOLUTION

As such, the Media Watch will introduce alternative (out-of-court) dispute resolution for the increasing number of conflicts between public or private authorities and the media on the one hand, and between the public and the media on the other, to say nothing of internal conflicts within the profession.

This is in keeping with the African tradition of dialogue. Mediation will thus form part of its support for change and assistance with decision-making. The Media Watch will gradually ensure the development of a structured and identified process to gain acceptance and establish case law in this respect.

AN INDEPENDENT, NEUTRAL, IMPARTIAL AND EDUCATIONAL PROCESS

The result of such a dispute resolution process will be to allow the parties alone to decide the agreement which will result from their discussions, moderated and facilitated by the Media Watch.

Independence and impartiality will serve as the philosophy and basic principles of mediation. Unlike a judge or arbitrator, the Media Watch will confine its role to seeking a concerted compromise solution between the parties.

As a mediator, the Media Watch will not take sides and will endeavour to encourage a 'win-win' approach allowing each of the parties to conclude that it has made concessions while obtaining an honorable solution.

As the expression says,

'The mediator takes the side of mediation.'

MAKING LEGAL TOOLS ACCESSIBLE

The Pan-African Media Watch may also propose solutions based on existing texts, case law and negotiation.

Through its newsletter and portal, the Media Watch will help disseminate codes, texts, laws and regulations governing the media sector in Africa. It will also provide information on the general evolution and legal approach to similar problems around the world.

This activity will provide a wealth of information and advice for the different countries interested in bringing about change in the legal environment of the media sector.

It will also be very useful for all media professionals, players, academics and researchers.

It will also contribute to better identification of all texts existing and in force, whether applied or not, and to their updating and rationalization in the context of the proposal for a **Media Charter** which is meant to be adaptive.

REFERRAL

Matters may be referred to the Pan-African Media Watch:

- by any of the parties to the dispute,
- by a group of African or European journalists or media managers,
- by own initiative within the framework of its own observations and analyses and the necessity of preventing certain abusive practices and conflicts.

In all cases, the Media Watch agrees to provide support for the reflection of both parties while enabling them to come to an agreement.

SCOPE

Mediation provided by the Media Watch will essentially have the following scope:

- disputes between public or private authorities and media (legal persons);
- disputes between public or private authorities and media (natural persons);
- disputes between individuals and media;
- disputes within media companies;
- economic disputes between media companies;
- disputes between public media services and their users which are not resolved by local ombudsmen.

MEDIATION CLAUSE

The Media Watch will ensure that a mediation clause is introduced, brought into general use and enforced. Under the clause, both states and the media will agree to refer disputes to the President of the Media Watch before taking legal action.

4) A structure to support and strengthen existing initiatives, organisations and bodies

The Pan-African Media Watch is not, nor is it meant to be, in competition with any other structure, institution, foundation or non-governmental organisation. Its mission is meant to be a 'public service', drawing conclusions from past experiences at African level to avoid waste of energy and the loss of information, and to centralise positively all relevant recommendations and the most significant and promising professional initiatives. In doing so, a 'continental media watch' will be put in place.

Building on a network of human/professional competences, the Pan-African Media Watch would be given a light and functional structure, and resources and instruments for knowledge, follow-up, action, research, analysis and reflection on the sector's activities and challenges, as well as for its development.

The Media Watch will make efficient use of modern communication tools.

For the sake of effectiveness and pragmatism, the Media Watch could start up as an independent advisory board of the African Union. Its statute and legal nature would be adaptive to enable it to become over the longer term a not-for-profit body, an autonomous association, as provided for by most laws and regulations in Africa.

The Media Watch will not have the role of replacing existing national or regional structures, particularly those concerned with regulation, self-regulation, defence of the media and mediation. Such structures must be its members, allies and partners, in the interests of the coordination of actions and efforts, coherence and the necessity of building a strong and convergent media area.

The Media Watch will draw its strength, legitimacy and uniqueness from its equidistant pan-African positioning and its independence. It will be neither a court nor another union and will build on the following structures:

- regulatory authorities
- trade unions and regional and sub regional groupings
- non-governmental organizations working in the area of media and development.

5) A catalyst for the creation, use and updating of the pan-African media portal

The creation of the portal is a priority. It will serve as a tool for the dissemination of information, content, directories of and from African media, as well as for the visibility of the sector's development and dynamism. The Portal will be the crucible and showcase for all African media, with links to various sites. It will also be a means of giving all media players and entities incentive to set up sites and to make the most of the opportunities offered by the internet.

Statutory elements

CONSTITUTION – OBJECT

Initial phase:

The Pan-African Media Watch will be an independent advisory body of the African Union Commission. This arrangement does not imply supervision, but rather start-up sponsorship which will help give the Media Watch, from its inception, a fair degree of recognition and legitimacy among the Member States.

Adaptive phase:

(after evaluation of the initial phase).

The Media Watch is meant to evolve over the longer term into a not-for-profit association. Its permanent objective will be to produce and communicate information and to carry out actions of all kinds with a view to promoting and guaranteeing pluralism and the development of African media, as well as the right to information and freedom of expression for media professionals, the public authorities and citizens.

To carry out its tasks, the Pan-African Media Watch will set up any working groups which may be necessary and will use all appropriate techniques of prevention, observation, studies, analysis, advice and mediation.

NAME

The Media Watch will have the following name:

Observatoire panafricain des médias (French)
Pan-African Media Watch (English)

Names will also be selected in Arabic and Portuguese

DURATION – SEAT

The Media Watch will be unlimited in duration. Its seat will be fixed from among the following options:

- at the seat of the African Union Commission in Addis Ababa;
- at the place of permanent residence of its President;
- at the place of permanent residence of its General Secretary;
- at any other place in Africa agreed by consensus among the founders.

It may be moved on a recommendation from its Advisory Committee and a joint decision of the Chairman of the African Union Commission and the President of the Pan-African Media Watch.

MEMBERS – MEMBERSHIP

The association will be composed of natural and legal persons on the basis of demonstrated objective criteria of competence and integrity, and of persons joining with the agreement of the Media Watch authorities empowered to examine them, notably the Advisory Committee.

The Media Watch will include five categories of members:

- founders: the legal persons who have founded the Media Watch and those they appoint to represent them;
- press/media groups, freelance or professional journalists, active or retired, from all types of media (print, broadcast or internet) or the legal persons (trade unions or associations) who represent them, ensuring regional, gender and age balance;
- academics and researchers, in particular specialists in media, information and communication;
- critical media observers: legal persons (associations of readers, listeners and viewers, consumer associations), natural persons, and generally public figures known for their intellectual, moral, professional or civic stature, and non-governmental organisations;
- the representative of African media regulation structures

FINANCING

In the initial phase, all financing will be provided by the founders, donors fund and partners.

For the longer term, in addition to the contributions from the above-mentioned donors, the following could be sources of financing:

- annual dues for all members, whose practical arrangements will be determined;
- direct subsidies;
- investments and other secondary sources.

In general, the Pan-African Media Watch may also benefit from any other resources and subsidies legally available to it and which do not divert it from its tasks and its independence.

NB: meeting allowances and reimbursement of expenses may be granted to Media Watch members and will be set by the Donors Fund Committee.

THE BODIES OF THE PAN-AFRICAN MEDIA WATCH ARE:

- **The General Assembly:** all duly and legally established African media and professional structures in the sector and all members, whether natural or legal persons.
- **The Advisory Council:** The Council is composed of at least 24 and no more than 30 members, half of whom shall be appointed by the Founders' Committee and the other half by the General Assembly.
- **The President:** The President of the Pan-African Media Watch chairs the General Assembly and the Advisory Council.

He (she) represents the legal personality of Pan-African Media Watch on the African and international public scene.

He (she) is appointed by the founding members (AU/EU), in a discretionary capacity, on the basis of a list of African figures of the highest stature and morality, recognized for their achievements, their action, their independence and their commitment to leading African causes. He (she) may not exercise any known political activity during the term of office.

The President directs the association and enjoys unlimited authority to ensure that it is represented, both in Africa and abroad, with the public authorities and third parties. He (she) leads the discussions by the Board, the Advisory Council and the General Assembly. He (she) oversees and ensures compliance with the statutes and rules of procedure. He (she) signs all acts, measures or extracts of deliberations of the Media Watch and opens accounts. He (she) may delegate all or part of these powers to the General Secretary.

The President represents the association in legal proceedings, either as plaintiff, defendant or a party claiming damages.

- **The Board:** The Advisory Council will elect from among its members, on a proposal from the President, a general secretary and treasurer and will fill any other posts, as needed. The Board will be charged with management of the affairs of the Pan-African Media Watch, within the framework of the guidelines set by the General Assembly and the Advisory Council.

- **The Committee of Founders and Fund Donors:** This committee, charged mainly with financial matters, will appoint the auditor and oversee all control functions and tasks.

- **Duration of the term of office:** The president's term of office will be three years renewable.

The term of office of members of the Advisory Council is set at four years renewable.

Founders

1) Institutions

The institutions will appoint **12 representatives** to the **Advisory Committee**

- African Union (AU/UA): **six representatives** (two from the media)
- European Union: **six representatives** (two from the media)

The other representatives of the two Unions could be appointed by the respective parliaments.

2) Professionals

Media professionals will appoint **seven representatives** to the **Advisory Committee**, including at least one representative of trade union structures, from among the following organisations. This list will be completed and reassessed once a year:

- **AFRICAN UNION OF BROADCASTERS (AUB, EX-URTNA) – Senegal**
- **PAN-AFRICAN NEWS AGENCY (PANA) – Senegal**
- **CONSEIL INTERNATIONAL DES RADIOS ET TÉLÉVISIONS D'EXPRESSION FRANÇAISE – Belgium**
- **RÉSEAU DES RADIOS ET TÉLÉVISIONS PUBLIQUES FRANCOPHONES (RAPAF) – Mali**
- **AFRICAN ASSOCIATION OF PRIVATE TV PRODUCERS (APPTA) – Cameroon/Gabon**
- **ASSOCIATION DES JOURNALISTES AU MAGHREB (Tunisia/Morocco/Algeria/Egypt)**
- **COOPÉRATIVE DES RADIOS COMMUNAUTAIRES**

- COOPÉRATIVE DES EDITEURS DE PRESSE
- SOUTHERN AFRICA BROADCASTING ASSOCIATION (SABA)
- INTERNATIONAL FEDERATION OF JOURNALISTS – Africa
- WEST AFRICAN JOURNALISTS ASSOCIATION (WAJA)
- ASSOCIATION DE LA PRESSE AFRICAINE (APA) – France
- AFRICAN PRESS ORGANISATION – Switzerland
- AFRICAN WOMEN’S MEDIA CENTER
- NETWORK FOR THE DEFENCE OF INDEPENDENT MEDIA IN AFRICA (NDIMA) – Kenya
- ASSOCIATION DES PROFESSIONNELLES AFRICAINES DE LA COMMUNICATION (APAC)
- GROUPING OF PORTUGUESE-SPEAKING RADIO AND TV BROADCASTERS

3) Researchers and academics

Researchers and academics will appoint **two representatives** to the **Advisory Committee**. The list will be completed and reassessed once a year.

NB: Professors, researchers, vice-chancellors of five universities/media schools representative of the regions:

- North Africa
- Central Africa
- West Africa
- East Africa
- Southern Africa

4) Consumer associations, non-governmental organisations and civil society

This group will appoint **two representatives** to the **Advisory Committee**. The list will be completed and reassessed once a year.

- ASSOCIATION DES CONSOMMATEURS AFRICAINS
- TRANSPARENCY INTERNATIONAL AFRICA SECTION
- INTERNATIONAL FEDERATION OF HUMAN RIGHTS (FIDH – Africa)
- MEDIA INSTITUTE OF SOUTHERN AFRICA (MISA) – Namibia
- AMNESTY INTERNATIONAL (Africa section)
- PANOS INSTITUTE: AFRICA OFFICE
- A MEDIA SPECIALIST OR A MEMBER OF
A REPRESENTATIVE MEDIA DEFENCE ORGANISATION
- ANY OTHER NON-GOVERNMENTAL ORGANISATION (NGO)
WITH AN INTEREST OR ACTIVE IN THE MEDIA SECTOR

5) Regulators

Regulators will appoint **one representative** to the **Advisory Committee**.

The appointment would be made by the Conseil des Instances de Régulation de la Communication en Afrique (CIRCAF – Council of Communication Regulatory Bodies in Africa), which represents all regulatory authorities and structures on the African continent, from all areas and representing all language groups.

2009

Report of the commission on the setting up of the Pan-African media observatory

African Union

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