

# CONCEPT NOTE ON SPECIALIZED INSTITUTIONS AND AGENCIES OF THE AFRICAN UNION

## I. INTRODUCTION

In pursuit of expanding the institutional capacity of the African Union and improving its governance system, proposals are being made to delineate clearly the constitutive elements of a specialized institution and a specialized agency. The purpose of this concept note is therefore to lay out the legal requirements for the establishment of a specialized institution and a specialized agency to help guide the African Union in their establishment.

## II. REVIEW OF THE TYPES OF INSTITUTIONAL BODIES OF THE AFRICAN UNION

It is noted that the African Union, in carrying out its mandate under the Constitutive Act and other relevant statutory instruments, operates through the following types of institutional bodies:

- i. Organs
- ii. Specialized Institutions
- iii. Specialized Agencies

## III. DEFINITION OF THE INSTITUTIONAL BODIES OF THE AFRICAN UNION

### i. **African Union Organ:**

This is an autonomous body specifically established by the African Union Assembly in accordance with Article 5 (2) of the Constitutive Act to carry out a specific mandate. Examples are AUC, PAP, AfCHPR, ACHPR, AUCIL and the Board of Corruption.

The Constitutive Act also defines STCs as organs but these are essentially policy organs working with other organs and institutions in providing a policy framework for the implementation of their respective mandates. They are not

organs operating in the implementation of mandates as like the AUC and PAP.

**African Union Commission Specialized Institution:**

- ii. This is an institution or program established under a Department of the African Union Commission to carry out specific responsibilities related to a mandate of a Department in accordance with the rules and regulations of the African Union Commission. The following is a list of the Specialized Institution of the African Union:

1. Inter African Bureau for Animal Resource (IBAR)
2. Pan Africa Veterinary Vaccine Center (PANVAC)
3. Semi-Arid Food Grain Research and Development (SAFGRAD)
4. IPED (Transformed into Watchdog in Africa)
5. Integrated FOUTA DJALLON Project
6. African Rehabilitation Institute(ARI)
7. New Partnership for Africa's Development (NEPAD)
8. Inter-African Phytosanitary Council (IAPC)
9. Pan Africa Tsetse and Trypanosomiasis Eradication Campaign (PATTEC)
10. International Center for Girls and Women Education in Africa (CIEFFA)

**iii. African Union Specialized Agency**

This is an independent body established by Member States of the Union outside the managerial and budgetary rules and regulations as well as control of the African Union or the Commission to carry out a specific or specialized but related function of the mandate of the African Union. A specialized

agency of the African Union may not be necessarily created by the African Union but it has to be incorporated or affiliated or linked by way of Assembly decision in to the African Union system. It is linked with a Department of the Commission or an organ to carry out a specific mandate. Example of such institution is PAFU. The following is a list of the Specialized agencies of the African Union

1. Pan-African Telecommunications Union(PAFU)
2. Pan African Postal Union (PAFU)
3. Union of African Railway (UAR)
4. African Civil Aviation Commission (AFCAC)
5. Supreme Council for Sport in Africa
6. African Risk Capacity (ARC)
7. African Accounting Council

#### **IV. REVIEW OF EXISTING SPECIALIZED INSTITUTIONS**

Specialized Institutions are by definition subsidiary bodies under the structure and processes of the African Union Commission. Their roles and functions are not well defined in any instrument and derive their legal personality from the African Union Commission. They are set up or established by Policy Organ decisions more specifically the African Union Assembly. Its structures comprise a secretariat design to implement its mandate. For purposes of governance, specialized institutions report to the Commission through a relevant Department. They do not have any separate instrument establishing them, rather they are established by an Assembly decision which clearly delineates its mandates, functions and structure and funding.

## **V. REVIEW OF EXISTING SPECIALIZED AGENCIES**

A Specialized agency is an autonomous body created independent of the African Union with a mandate to execute specialized functions or activities. They have their own legal personality and independence in terms of managerial and budgetary control. In terms of governance, it has its own Assembly, Executive Council and secretariat and Executive board comprising of technically qualified persons.

### **TYPES OF SPECIALIZED AGENCIES**

For purposes of establishing agencies in the African Union system, there are three types of agencies to be considered:

- i. AGENCY SET UP BY MEMBER STATES**
- ii. AGENCY SET UP BY THE AFRICAN UNION**
- iii. AGENCY LINKED TO THE AFRICAN UNION SYSTEM**

#### **SPECIALIZED AGENCY SET UP BY MEMBER STATES**

This is an agency set up voluntarily by Heads of African Union Member States outside the AU Structure, managerial and budgetary control with mandate to examine and address a specific issue, goal or objective falling under the general mandate of the African Union.

#### **AGENCY SET UP BY THE AFRICAN UNION**

This is an agency set up by the African Union Heads of States by way of a decision with a legal personality separate from the African Union to carry out an authorized specific mandate on behalf of the Union.

#### **AGENCY LINKED OR AFFILIATED TO THE AFRICAN UNION SYSTEM**

This is an agency set up by Member States carrying out a mandate falling under the general mandate of the African Union and has been in existence but needed to be affiliated with the African Union system.

## **GENERAL CRITERIA FOR SETTING UP OF SPECIALIZED AGENCIES IN THE AFRICAN UNION SYSTEM**

1. A specialized agency may be established by any of the following:
  - i. Agency set up by the African Union through an Assembly decision
  - ii. Agency set up by some Member States of the African Union through their decision and subsequent approval of the Assembly
  - iii. Agency already set up by some Member States of the African Union in pursuit of a related mandate to the African Union.
2. It is autonomous
3. It has its own legal personality
4. It has its own separate budget independent of the AU budget
5. It has its own managerial independence
6. It has its own structure
7. It has its own Staff Rules and Regulations
8. It has its own Financial Rules and regulations

## **SPECIFIC CRITERIA FOR AGENCIES SET UP BY MEMBER STATES AND AGENCIES LINKED TO THE AFRICAN UNION**

The key characteristics of these agencies are:

- i. Voluntarily acceded to by Member States
- ii. The membership of States is not less than 15 Member States of the Union
- iii. Financed by its own membership not through the AU budget;