

African Union, African Regional Bodies

## Statute of the African Space Agency

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African Union

# Statute of the African Space Agency

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## **WE, MEMBER STATES OF THE AFRICAN UNION:**

**GUIDED** by the objectives and principles enshrined in the Constitutive Act of the African Union that underscores the importance of science, technology and innovation as tools and enablers for socio-economic transformation of the continent;

**RECALLING** Decisions EX.CL/Dec.744(XXII), EX.CL/Dec.746(XXII) and EX.CL/Dec.739(XXII) adopted by the 22<sup>nd</sup> Ordinary Session of the Executive Council in January, 2013 in Addis Ababa Ethiopia and recommendations from sectorial Ministerial Conferences on the growing need for Africa to develop a well-structured Space Policy and Strategy that could guide the continent to implement a globally competitive Outer-Space Programme that would enable Member States to harness space resources in a more coordinated and systematic manner, address the continent's challenges, and develop an African space market and industry;

**FURTHER RECALLING** Decision Assembly/AU/Dec.589(XXVI) adopted by the Assembly in January 2016 in Addis Ababa Ethiopia, adopting the Africa Space Policy and Strategy with the view to formalizing an AU Agenda 2063 Outer-Space Flagship Programme for developing local capacities in Earth Observation, Satellite Communication, Navigation and Positioning, Space Science and Astronomy and requesting the African Union (AU) Space Working Group to develop the framework for the implementation of the African Space Policy and Strategy and the Governance Framework that covers the relevant legal requirements and protocols for an operational African Outer-Space Programme;

**RECOGNISING** the potential of space science, technology and innovation in Africa's development and the realization of the aspirations of our long term vision, AU Agenda 2063 through jointly addressing common development challenges such as natural hazards and disasters, climate-change mitigation and adaptation, agriculture and food insecurity, conflicts, disease outbreaks, provision of education and health services in rural and remote areas and connecting our citizens; and proactively managing, natural resources and the environment among others as outlined in the African Space Policy and Strategy.

**UNDERSCORING** the need for appropriate institutional arrangements for the effective governance, promotion and coordination of space activities on the continent in order to realize maximum benefits;

**HEREBY AGREE AS FOLLOWS:**

## **Article 1 – Definitions**

In this Statute:

"**Agency**" means the African Space Agency hereby established;

"**Assembly**" means Assembly of Heads of States and Government of the African Union;

"**AU**" means the African Union established by the Constitutive Act of the African Union adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Lome, Togo, in July 2000;

"**Council**" refers to the African Space Council established by this Statute;

"**Executive Council**" means the Executive Council of the African Union;

"**Host Country**" means the country that hosts the headquarters or an activity centre of the Agency;

"**HSGC-EST**" refers to the Committee of 10 Heads of State and Government Championing the cause of Education, Science and Technology;

"**Member States**" means Member States of the African Union;

"**Policy**" means the African Space Policy;

"**RECs**" means Regional Economic Communities;

"**Statute**" means this Statute of the African Space Agency;

"**STC**" means Specialized Technical Committee of the African Union;

"**STC-EST**" means the African Union Specialized Technical Committee on Education, Science and Technology.

## **Article 2 – Establishment of the African Space Agency**

The African Space Agency (AfSA) is hereby established in accordance with Article 5(2) of the Constitutive Act as an Organ of the African Union, dedicated to promoting, advising and coordinating the development and utilisation of space science and technology in Africa and associated regulations for the benefit of Africa and the world and forging intra-African and international cooperation.

## **Article 3 – Legal personality**

For the fulfillment of its Objectives, the Agency shall possess legal personality and capacity to:

- a. Enter into agreements;
- b. Acquire and dispose of moveable and immovable property;
- c. Institute legal proceedings.

## **Article 4 – Objectives**

The main objectives of the African Space Agency are to promote and coordinate the implementation the African Space Policy and Strategy and to conduct activities that exploit space technologies and applications for sustainable development and improvement of the welfare of African citizens. In particular, the Agency shall:

- a. Harness the potential benefits of space science, technology, innovation and applications in addressing Africa's socio-economic opportunities and challenges;
- b. Strengthen space missions on the continent in order to ensure optimal access to space-derived data, information, services and products;
- c. Develop a sustainable and vibrant indigenous space market and industry that promotes and responds to the needs of the African continent;
- d. Adopt good corporate governance and best practices for the coordinated management of continental space activities;
- e. Maximize the benefits of current and planned space activities, and avoid or minimize duplication of resources and efforts;
- f. Engage with its users through the establishment of Communities of Practice for each of the identified user requirements; and
- g. Promote an African-led space agenda through mutually beneficial partnerships.



## Article 5 – Functions of the Agency

1. The primary function of the Agency is to Implement the African Space Policy and Strategy adopted by the AU Assembly vide the Decision Assembly/AU/Dec.589(XXVI).

In particular, the Agency shall:

- a. Promote and coordinate the implementation of programmes and activities approved by the African Space Council;
  - b. Address user needs to ensure that space programmes will play a critical role in improving Africa's economy and the quality of life of its peoples;
  - c. Support Member States and RECs in building their space programs and coordinate space efforts across the continent;
  - d. Enhance and facilitate access to space resources and services in an effort to leverage space-derived benefits to the whole continent;
  - e. Support Member States and RECs in building critical infrastructure and coherently develop, upgrade and operate cutting-edge African space infrastructure;
  - f. Coordinate development of a critical mass of African capacities in space science, technology and innovation through appropriate education and training programmes;
  - g. Foster regional coordination and collaboration;
  - h. Promote strategic intra-continental and international partnerships;
  - i. Strengthen research, development and innovation in space science and technology;
  - j. Coordinate and promote Africa participation in international efforts for the peaceful use of space science and technology for the welfare of humanity;
  - k. Raise awareness of the benefits of space programmes for Africa;
  - l. Engage Member States in space-related activities and research in Africa with the aim of fostering cooperation and avoiding duplication of efforts;
  - m. Take maximum advantage of national activities conducted by Member States and facilitate coordination of the activities of Member States;
  - n. Operate on the basis of international cooperation.
2. The African Space Agency with other national and international institutions will coordinate a continent wide regulatory framework for space activities on the continent.
  3. The African Space Agency will work directly with the national space agencies when interfacing with the Member States and in the co-management of space activities for the continent.
  4. A common African position for multilateral engagements should be driven by the African Space Agency.

## Article 6 – Governance and management of the African Space Agency

1. The governance and management structure of the Agency shall comprise of:
  - a. The African Space Council;
  - b. Advisory Committee;
  - c. The Secretariat; and

- d. Director General.
2. HSGC-EST shall provide political guidance and shall serve as champions for space science and technology at the continental level.
3. The STC-EST shall provide overall strategic guidance and orientation to the Agency through the Space Council and
4. The Director General of the Agency shall submit reports on its annual work to the Council who shall submit the same to the STC-EST for consideration and further submission to the policy Organs.

### **Article 7 – Composition of the Council**

1. The Council shall be constituted as follows:
  - a. Ten (10) elected persons from Member States, two (2) per each region;
  - b. The following Representatives of the Commission:
    - i. Commissioner for Human Resources, Science and Technology (HRST) or his/her representative;
    - ii. Commissioner of Infrastructure and Energy or his/her representative;
    - iii. Commissioner of Peace and Security or his/her representative;
    - iv. Commissioner of Rural Economy and Agriculture or his/her representative;
    - v. Two (2) Representatives of the Bureau of the Chairperson (Director of Communications and the Legal Counsel of the African Union).
2. The Chairpersons of the following STCs shall be invited to attend the sessions of the STC on Education, Science and Technology where the Council report will be considered:
  - i. Communication and ICT;
  - ii. Defense, Safety and Security;
  - iii. Agriculture Rural Development, Water and Environment;
  - IV. Transport, Transnational and Interregional Infrastructures, Energy and Tourism.
3. The representatives of the Commission shall be Members of the Council with no voting rights.
4. The Chairperson of the Advisory Committee shall be invited to attend the African Space Council meetings.
5. The Director General of AfSA shall serve as the Secretary of the Council.

### **Article 8 – Qualifications and election of Council members**

1. The African Space Council shall be composed of high level of Experts elected by the Assembly from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest institution of Space and Astronomy, Earth Observation, Satellite Communication and Navigation or related areas, The Candidates should be citizens of the AU Member States provided that no Members of the Council shall be nationals of the same Member State.
2. The Assembly shall elect the President and Vice President of the African Space Agency Council from the ten (10) elected Members referred in Article 9 sub-paragraph 1-a below.
3. The Assembly shall ensure merit and competence in the election of the Council members.

4. The Chairperson of the Commission shall communicate the list of candidates to Member States, at least thirty (30) days before the Ordinary Session of the Assembly or of the Executive Council during which the elections shall take place.

### **Article 9 – Term of office**

1. The Ten (10) Members of the Council representing the five (5) African Union regions shall be elected for a period of four (4) years term renewable once.
2. A new Member elected to replace another, whose term of office has not expired shall complete the term of office of his or her predecessor and shall be from the same region.
3. All the Council Members, except the President and the Vice President, shall perform their functions on a part-time basis.
4. The Term of the President and Vice President of the Council shall be determined in the Rules of Procedures of the Council, which shall be adopted by the Executive Council.

### **Article 10 – Functions of the Council**

1. The African Space Council shall have authority to oversee the Agency, issue directives, and review and approve strategic plans, work plans, budgets, regulations, policies and guidelines to govern the administrative activities and operations of the Agency for adoption by the relevant policy organs of the AU.
2. The African Space Council shall report to the Assembly through the Heads of State and Government on Education, Science and technology (HSGC-EST).
3. The African Space Council shall meet once every year, after the meeting of the Advisory Committee of the African Space Council and prior to the annual meeting of the Heads of State and Government on Education, Science and Technology (HSGC-EST).

### **Article 11 – Meetings of the Council**

1. The Council shall elaborate its own Rules of Procedure and shall be adopted by the Executive Council in accordance of the AU Rules.
2. The Council shall meet once every year in ordinary session. It may meet in extraordinary session at the request of Chairperson in consultation with the Agency. The extraordinary session shall be held at the request of:
  - a. AU Policy Organs;
  - b. The Chairperson of the STS-EST, its Bureau or as decided by the STC-EST;
  - c. The President of the council;
  - d. Two-thirds majority of the total membership of the African Space Council.
3. The quorum for the meeting shall be a simple majority of the total membership of the Council.
4. Decisions of the Council shall be adopted by a two-thirds majority of the members present and voting.
5. Except as otherwise determined by the Council, all meetings of the Council shall be held at the headquarters of the Agency.
6. The Council may invite, as Observer, any person or Institution to attend its sessions.

## Article 12 – The Advisory Committee

1. An advisory committee shall be established with the aim to provide necessary advice to the Council.
2. The Advisory Committee shall comprise of the following:
  - a. Five (5) Director Generals of the National Space Agencies of Member States, one (1) from each of the five (5) geographic regions of the African Union based on the principle of rotation and geographic representation, the selection shall be done at each region and the nominees shall be communicated to the Commission.
  - b. One representative of the eight (8) RECs recognized by the African Union, for a term of two years on a rotational basis. The Commission shall lead that process for the selection of RECs.
  - c. Two (2) experts from the academia admitted through the African Academy of Sciences and whose membership shall be drawn from the five (5) regions of the African Union, based on the principle of rotation and geographic representation.
  - d. Four (4) Chief Executive Officers of four (4) African private sector entities, each representing one of the four space sectors, namely Earth Observation, Satellite Communication, Navigation, and Space & Astronomy
3. The Director General of AfSA shall serve as a secretary of the Advisory Committee.
4. The Chairperson of the Advisory committee shall be elected among the five (5) Directors Generals of the National Space Agencies of Member states, on rotational bases and geographical distribution for a two (2) years term.
5. The term of office of the Members of the advisory Committee shall be three (3) years term renewable once.

## Article 13 – Functions of the Advisory Committee

1. The Advisory Committee shall review and recommend for approval by the African Space Council strategic plans, annual work plans, budgets, external audit reports, regulations, policies and guidelines to govern the administrative activities and operations of the Agency.
2. The Advisory Committee shall report to the African Space Council.
3. The Advisory Committee shall meet once every year, prior to the annual meeting of the African Space Council.
4. The Advisory Committee shall adopt its own Rules of Procedure.

## Article 14 – Meetings of the Advisory Committee

1. The Advisory Committee shall meet once every year in ordinary session and as may be called upon to advise extraordinary sessions of the African Space Council.
2. The quorum for the meeting shall be a simple majority of the total membership of the Committee.
3. Except as otherwise determined by the African Space Council, all meetings of the Advisory Committee shall be held at the headquarters of the Agency.
4. The Director General of the African Space Agency shall present the report of the Advisory Committee to the African Space Council.

### **Article 15 – The Director General of the Agency**

1. The Director General shall be The Chief Executive Officer and legal representative of the Agency.
2. The Director General shall be responsible for the management of the Agency and shall be assisted by the necessary staff for the smooth running of the Agency.
3. The Director General shall be appointed by the African Space Council for a term of four (4) years renewable once.
4. The powers and duties of the Director General shall be as set out in the Rules of Procedures.

### **Article 16 – Financing of the African Space Agency**

1. The budget of the Agency shall be borne by the African Union and shall be within the budget of the Union.
2. The budget calendar of the Agency shall be that of the African Union.
3. The Agency shall prepare and submit its budget to the Policy Organs of the Union for approval and inclusion in the Union's budget.

### **Article 17 – Headquarters of the Agency**

1. The Headquarters of the Agency shall be determined by the Assembly of the Union in accordance with the AU criteria adopted in 2005.
2. The AUC shall enter into a host agreement with the government of the host country in which the Agency Headquarters will be situated for the purposes of the efficient operation.
3. The Council shall hold its meetings at the Headquarters of the Agency.
4. Any Member State may offer to host the Council meeting in lieu of the headquarter country. In the event that a Member State offers to host the meeting, the Member State shall be responsible for all extra expenses as resulting from holding the meeting outside the Agency Headquarters.
5. A Member State offering to host the Council meeting shall not be under sanctions and shall be required to meet pre-determined criteria for hosting of such session.
6. Where two (2) or more Member States offer to host the meeting, the Council shall decide on the venue in consultation with the Secretariat.

### **Article 18 – Privileges and immunities**

The African Space Agency and its staff shall enjoy within the territory of all AU Member States in particular the Host Country, privileges and immunities provided in the 1965 General Convention on the Privileges and Immunities of the Organization of African Unity and other relevant international agreements.

### **Article 19 – Working languages**

The working languages of the Agency shall be those of the African Union.

### **Article 20 – Amendments**

1. The present Statute may be amended by the Assembly upon the recommendation of the STC

2. The amendments shall come into effect upon adoption by the Assembly.

### **Article 21 – Entry into force**

This Statute shall enter into force upon its adoption by the Assembly.

**Adopted by the thirtieth Ordinary Session of the Assembly, held in Addis Ababa, Ethiopia on 29 January 2018**