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EXECUTIVE COUNCIL
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EX.CL/1361(XLI)
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**DRAFT PROGRESS REPORT ON THE IMPLEMENTATION OF
EXECUTIVE COUNCIL DECISION EX.CL/Dec.1143(XL) ON THE
INVESTIGATION REPORT ON ECOSOCC MEMBERS**

Background

1. The investigation by the Office of Internal Oversight (OIO) was conducted pursuant to Executive Council decision EX.CL/Dec. 1115(XXXVIII) of February 2021, paragraph 3 (ii) which requested *“The Commission to conduct an independent investigation by the relevant Department of the Commission into current and future alleged violations of the African Union Code of Ethics and Conduct by members of the ECOSOCC General Assembly, and to recommend appropriate sanctions through the Bureau of the Chairperson of the Commission.”*
2. Furthermore, pursuant to the Assembly decision Assembly/AU/Dec.757(XXXIII) of February 2020 on consequence management and the oversight role of the Chairperson of the Commission within the Union on the functioning of the Commission and other AU organs which directed the Chairperson of the Commission *“...to continue to take effective actions to address all acts of misconduct in the African Union, and to use his financial and administrative statutory oversight authority over all non-Policy Organs and Institutions of the Union, including the Pan-African Parliament, the African Court of Human and Peoples’ Rights, the African Commission on Human and Peoples Rights, and their elected officials.”*

Objectives

3. The report seeks to provide an update on the progress made in the implementation of the October 2021, Executive Council Decision EX.CL/Dec.1097(XXXVII), paragraph 30, 32, 34 and 35 which states as follows:

30. **DIRECTS** the AUC Chairperson as follows: -

- a. *To ensure that any acts of ECOSOCC members in violation of AU Legal Norms which mislead the general public and expose the AU to legal, financial and reputational risks are cancelled by issuance of public notices from the Office of the Chairperson through the OLC;*
- b. *To expedite actions to prevent further damage on reputation and asset of the Union including; to immediately and indefinitely suspend individuals found to have committed misconducts or any breach of AU legal norms including the infringement of AU Intellectual Property Rights and act of forgery;*

- c. *To further communicate officially to their respective Member States to prevent the implicated individuals from participating in future activities of the Union;*
 - d. *To report back to the next Ordinary Session of the Executive Council on the actions taken against individual ECOSOCC members who violated the AU Legal Norms, as well as the progress made in the review of ECOSOCC legal instruments;*
 - e. *To send an official communication to the Permanent Mission of Federal Republic of Nigeria on the actions of the two individual nationals who have illegally acted on behalf of ECOSOCC and request for the closure of the bank account opened in the name of ECOSOCC in contravention with the AU-FRR; and to further pursue legal actions to hold accountable in accordance with the national laws of the Federal Republic of Nigeria;*
 - f. *To review the recommendations of the investigation to ensure alignment with the results of the in depth study on ECOSOCC;*
 - g. *To make official communications to Members States and the general public notifying them of the names of ECOSOCC members and other individuals who were illegally appointed to act on behalf of ECOSOCC so as to nullify their actions.*
32. **REAFFIRMS** *that the ECOSOCC Secretariat is the sole custodian of the stamps, letterheads and related seals of ECOSOCC, and DIRECTS that no ECOSOCC member including the Presiding Officer should be allowed to use and keep such official symbols of the Union.*
34. **RECALLS** *Executive Council EX/CL 924 (XXVI) of June 2015 on the establishment of ECOSOCC National Chapters and DIRECTS ECOSOCC to finalise the Framework on the National Chapters in Member States.*
35. **ALSO REAFFIRMS** *that ECOSOCC MOUs with Third Parties are initiated by the ECOSOCC Secretariat and vetted by the OLC and any MOU signed outside the required processes should be declared null and void.*
4. The Investigation Report has also found other potential violations committed by other ECOSOCC members that merit further investigation in accordance with

decision EX.CL/Dec.1115(XXXVIII) of February 2021, which directed the Commission to investigate into current and future alleged violations. Thus, it has been recommended that the Office of Internal Oversight could be authorized to undertake further investigation on suspected ECOSOCC members in compliance with the due process of law.

Actions Taken

5. On 10 March 2022, an initial meeting was held between CCP, CDCP, ECOSOCC Secretariat, OIO and OLC to map out the way forward towards implementation of the Executive Council decision. The consultative meeting was organized through the Cabinet of the Deputy Chairperson to discuss implementation of the said decision on the OIO Investigation Report pertaining to individuals representing ECOSOCC members. The meeting deliberated on the implementation plan of the decision of the Executive Council, recurring ongoing malpractices within ECOSOCC and a possible way forward. Accordingly, the meeting agreed the ECOSOCC Secretariat to host a follow-up meeting in the 3rd quarter of 2022 to finalize the review and alignment of the OIO investigation report and the outcomes of the in-depth study.
6. In this regard, having thoroughly reviewed the Investigation Report, the Commission has undertaken a number of measures to implement the foregoing decisions of the Executive Council. The Commission through the Office of the Chairperson of the Commission has communicated the suspension letters to the implicated individuals, issued a public notice and dispatched correspondences to Member States, which were all signed by the Chairperson of the Commission on 21 June 2022 (copies of the communications attached herewith).
7. The ECOSOCC members who were subjects of investigation have been implicated of the following misconducts and violations of AU norms:
 - i) Abuse of authority /office and unlawful signing of Memorandum of Understanding (MoUs) with third parties on behalf of AU ECOSOCC (Mr. Abozer Elligai, Mr. Roll Ngomat and Mr. Abdurrahman Mokhtar);
 - ii) Illegal convening of the General Assembly and destabilization of ECOSOCC (Mr. Ngomat, Mr. Mokhtar, Dr. Mbareck, Dr. Shem Ochuodho & members of the Group of Eight).

- iii) Misuse of ECOSOCC letter heads, logo, stamp/seal (Mr. Abozer, Mr. Ngomat, and Mr. Mokhtar).
 - iv) Illegal appointment of Ms. Evelyn Joe by Dr. El Hacene Mbareck as an AU ECOSOCC Global African Diaspora Forum on Migration and Development in Washington DC.
 - v) Illegal opening of a bank account in the name of ECOSOCC (UBA: AU ECOSOCC PROJECTS, Account No: 1022334209) in Nigeria (Dr. Tunji Asaolu.
 - vi) Illegal signing of an MOU with DROMI, a Nigerian based NGO and another MOU with the Federal Ministry of Women Affairs of Nigeria, on behalf of ECOSOCC (Dr. Tunji Asaolu);
 - vii) Illegal appointment by Mr. John Oba of Mr. Otunba Wanle Akinboye, the President of Campagne Tropicana Beach Resort in Nigeria as an AU-ECOSOCC Advisor on Culture and Tourism; and
 - viii) The improper behavior of Dr. Shem Ochuodho as a member of ECOSOCC, which conduct is in violation of Article 8 (1) of the ECOSOCC Rules of Procedure and section 4 (1) and (2) of the AU Code of Ethics and Conduct.
8. In terms of the stamps, letterheads and related seals of the Organ, the ECOSOCC Secretariat has developed the text of the correspondence to be sent to all ECOSOCC General Assembly members on this matter, the text will be submitted to the OLC for review and subsequent dispatch through the Office of the Legal Counsel of the Union.

Planned Actions in the Context of Corrective Measures

9. The Chairperson of the Commission has resolved to constitute a taskforce team through the Deputy Chairperson to look into the situation of ECOSOCC and to immediately work with the ECOSOCC Secretariat and propose short-term and long-term measures on ECOSOCC governance and operational challenges in line with the legal framework of the Union. The Team is also to review the recommendations of the investigation report in order to ensure alignment with the outcomes of the in depth study on ECOSOCC and its findings thereto.

10. The Deputy Chairperson will also convene a briefing session with the ECOSOCC members to hear them as well as to reiterate the expectation of the Organization and the requirement of ECOSOCC members to be exemplary and abide by the highest standards of behavior in conformity with the objectives of the Union.
11. Regarding the decision to finalize the Framework on the National Chapters in Member States. Whilst this task is ongoing, the ECOSOCC Secretariat has recently engaged an expert consultancy firm to develop the framework within a consultative process with CSOs in line with the decision of the Executive Council. The draft framework has been developed and is currently undergoing through a review process at the ECOSOCC Secretariat Level. Going forward, the draft Framework will be presented to Member States through the PRC for review and further inputs ahead of the final validation.
12. The decision of the Executive Council EX.CL/Dec.869(XXVI) of January 2015 to establish ECOSOCC National Chapters is anchored within the policy direction of Member States to make the AU a people driven organization as well as a framework for accountability of ECOSOCC members, as well as, a conduit for disseminating information and mobilising support for AU programmes and activities including Agenda 2063. As such, national chapters intend to organize all national and regional CSOs and other grass root Organizations and to facilitate their constant interaction with AU and its Organs to ultimately achieve a truly a people-centered Union in line with AU Agenda 2063 Framework.

DRAFT DECISION

**PROGRESS REPORT ON THE IMPLEMENTATION OF EXECUTIVE COUNCIL
DECISION EX.CL/Dec.1143(XL) ON THE INVESTIGATION REPORT ON ECOSOCC
MEMBERS**

The Executive Council,

Takes note the Progress Report of the Commission on the implementation of the Executive Council decision EX.CL/Dec.1143(XL) regarding the Investigation Report on ECOSOCC Members;

Reiterates its concern regarding the recurring governance and operational challenges continue to hamper the smooth function of the Organ and realization of its mandate to engage the grass-roots and to facilitate their constant interaction with Union and its Organs to ultimately achieve a truly a people-centered Union;

Recalls its decision EX.CL/Dec.869(XXVI) of January 2015 to establish ECOSOCC National Chapters as a framework for accountability of ECOSOCC members, as well as, a conduit for disseminating information and mobilizing support for AU programmes and activities including Agenda 2063;

Instructs the ECOSOCC Secretariat to finalize the Framework on the Establishment National Chapters in Member States and submit for its consideration through the established channel in February 2023; and

Requests the Commission in collaboration with the ECOSOCC Secretariat to ensure full implementation of its decision EX.CL/Dec.1143(XL) and **Further requests** the Commission to report to its next Ordinary Session with concrete proposals in terms of addressing governance and operational issues of the Organ as well as mechanism for ensuring accountability against ECOSOCC members and their accredited representatives for violation of AU rules and norms.

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Organs

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Draft Progress Report on the Implementation of Executive Council Decision EX.CL/Dec.1143 (XL) on the Investigation Report on ECOSOCC Members

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