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**REPORT OF THE ECONOMIC, SOCIAL AND
CULTURAL COUNCIL OF THE UNION
(ECOSOCC)**

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CULTURAL COUNCIL OF THE UNION
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INTRODUCTION

1. Council will recall that its 17th Ordinary Session held in Kampala, Uganda, in July 2012 adopted EX.CL/Dec.581(XVII) on the Economic, Social and Cultural Council of the African Union (ECOSOCC). The decision welcomed the progress made by ECOSOCC in the implementation of its mandate and requested both ECOSOCC and the Commission to take further steps to consolidate these efforts. It further requested the Standing Committee of ECOSOCC, as its executive unit, to accelerate and consolidate efforts in the operationalization of its Clusters, and submit a framework report to the Ordinary Session of the Council in June/July 2012. A request was also made on the facilitation of mid-term elections of the Bureau and Standing Committee as well as subsequent elections into the General Assembly in 2012 in accordance with the Statutes of ECOSOCC. The period following the last report has been marked by serious governance issues, confusion in institutional management and consequently the slowing form of the functioning of ECOSOCC.

MEETINGS OF THE STANDING COMMITTEE

2. The Standing Committee of ECOSOCC met in Yaoundé – Cameroon, from 08 to 09 April 2011. The main objective of the meeting was to prepare the meeting of the General Assembly of ECOSOCC.

3. The standing Committee reviewed the circumstances surrounding the postponement of the ECOSOCC General Assembly meeting scheduled to be held in Lilongwe, Malawi in December 2010 and made necessary arrangements as appropriate to reconvene the General Assembly meeting as required by Article 9(4) and 10(4) of the Statutes of ECOSOCC regarding the tenure of office of members of the Bureau and Standing Committee.

4. At the end of this meeting, it was decided that the 4th Ordinary Session of the General Assembly shall be held in Nairobi, Kenya, in September/October 2011.

5. A 6th Standing Committee meeting was also scheduled for Trinidad and Tobago from 29 to 31 May 2011 to associate the Diaspora effectively with the work of ECOSOCC and to raise its profile in its programme agenda. This meeting took place accordingly but with the absence of half of the members of the Standing Committee. One of the two Diaspora members of the Committee who was our host could not attend the meeting due to health complications. The Trinidad Standing Committee of ECOSOCC thrust several governance issues, some of which required the advice of the Legal Counsel and the intervention of the institutional hierarchy of the Secretariat which is the Office of the Chairperson.

6. The 7th Ordinary Session of the Standing Committee was held in Nairobi, Kenya on the 29 October 2011 prior to the 4th General Assembly Session. The Standing Committee met to prepare the General Assembly meeting as provided in Article 10[2] of the Statutes of ECOSOCC. The Committee also considered the report of the Presiding Officer, as well as the draft agenda and work programme.

The Standing Committee subsequently deferred the final agenda to the General Assembly for consideration and adoption.

MEETING OF THE PERMANENT GENERAL ASSEMBLY

7. The formal opening ceremony on 30 October 2011 was attended by a number of Kenyan Government officials led by the Rt Hon. Prime Minister, H.E. Raila A. Odinga; high-level diplomatic representatives, members of the ECOSOCC General Assembly and the AU Commission represented by Dr. Jimmi Adisa, Director of CIDO.

8. During the conference, discussions were directed through three important aspects which constituted the main parts of the agenda of the meeting. The first was the financial report; and on the issue of the budget and finances of ECOSOCC, the Presiding Officer respectfully deferred the matter to CIDO, the ECOSOCC Secretariat which runs its finances. But the head of CIDO indicated that the management of ECOSOCC budget and finances was the exclusive prerogative of the AU Commission. Consequently for all intents and purposes, it was not the business of the ECOSOCC General Assembly. CIDO therefore had no financial report ready to present at the conference. The Presiding Officer produced two letters in which he had requested for the financial report dating back to November 2010.

9. On the insistence of the Assembly for the presentation of a financial report, the AU Finance Officer designated to service the meeting was surprisingly called upon by the ECOSOCC Secretariat to present a financial report. But the finance officer began by explaining that he was not officially mandated to present a financial report at the conference, and ended up expounding on guidelines on AU financial Rules and Regulations. Neither the finance officer, nor any official from CIDO was able to explain who was in-charge of appropriations, procurement, disbursement and execution of the ECOSOCC budget. A full financial and audit report of ECOSOCC has been requested and is to be presented to the Standing Committee of ECOSOCC on or before June 2012.

10. On the thorny issue of ECOSOCC budget and finances, the Presiding Officer promised an enhanced programme for cost-effectiveness, saying the budget process would be used to drive ECOSOCC to a higher level of efficiency; from the identification of strategic priorities, through the budgetary process by which resources are allocated to achieve those priorities and through a performance measurement system by which Cluster Heads are held accountable for achieving the strategic priorities.

11. The next point on the agenda was the holding of elections of the Presiding Officer and his deputies, Chairpersons of clusters and Heads of other structures of the ECOSOCC. It was disclosed to the General Assembly that the AU Commission had requested the Interim Independent National Electoral Commission (IIEC) of Kenya to organize the ECOSOCC elections. After members of the IIEC had explained to the audience the process of vote and following the submission of names to the Secretariat, two candidates emerged; the incumbent Mr. Akere Muna was being challenged for the post of Presiding Officer by Mr. Hassan Sunmonu, outgoing Deputy Presiding Officer of ECOSOCC. Both candidates made brief campaign presentations before delegates cast their votes. In the end, the incumbent Akere

Muna obtained 39 votes against 32 for his challenger. The different regions also proceeded to elect their representatives on the accreditation Committee as per the ECOSOCC legal instruments.

12. The Swearing-in ceremony was presided at, by the Deputy Chairperson of the AU Commission; H.E. Erastus Mwencha (Kenya), in the presence of the Legal Office of the AU Commission, represented by Mr. Mando Bright, who administered the oath of office. The Head of CIDO was absent as well as the whole Secretariat that services ECOSOCC. Only one member of CIDO was present from a group of just under ten people servicing the meeting.

13. The oath of office was first administered to the Presiding Officer, followed by the four Deputy Presiding Officers, and the ten (10) Cluster Chairs. After the oath of office, the General Assembly continued in session. The second part of the day featured a meeting of the newly installed Standing Committee.

14. The process of selection for officials of ECOSOCC was completed by the election of the Chairperson of the Credentials Committee. The members of the Credentials Committee retired and elected their chair who was now presented to the Standing Committee which endorsed it.

15. The lists of the ECOSOCC elected officials are as follows:

ECOSOCC Bureau

- Mr. Akere T. Muna, Presiding Officer (Central)
- Mr. Tarig Abdel Fatah, Deputy Presiding Officer (East)
- Mrs. Fatima Karadja-Zohra, Deputy Presiding Officer (North)
- Mr. Abraham Boichoko Dithake, Deputy Presiding Officer (South)
- Mrs. Mama Koite Doumbia, Deputy Presiding Officer (West)

ECOSOCC Cluster Chairs

- Mrs. Rukia Subow, Peace and Security
- Mr. Austin Muneku, Political Affairs
- Mrs. Odette Gema Diloya, Economic Affairs
- Mr. Samuel Confidence Dotse, Rural Economy and Agriculture
- Mr. Steve Lalande, Trade and Industry
- Mr. Onesphore Nduwayo, Infrastructure and Energy
- Dr. Amany Asfour, Human Resource, Science and Technology
- Mrs. Marta Cumbi, Social Affairs and Health
- Mrs. Salamata Traore, Gender
- Mr. Rashad Ahmed Abd El Latif, Cross-Cutting Program

ECOSOCC Credentials Committee

- Mrs. Salimata Porquet, Chairperson
- Mr. Ondouah Abah Gabriel, Member
- Mrs. Rozy Kheda, Member
- Mr. Loamba Moke Member
- Mr. Stanley M'Hango, Member
- Mrs. Aicha Barki, Member

THE STANDING COMMITTEE MEETING

16. The meeting of the Standing Committee, 19 to 20 May 2012 in Addis Ababa, was the first meeting of any of the instances of ECOSOCC since the renewal of the organs of the ECOSOCC in October 2011 in Kenya. The scheduling of meetings; either of the Bureau of the Standing Committee again brought to the fore, the gaps in the institutional arrangements of ECOSOCC which are addressed further down in this report. Here are the decisions and resolutions of the May Standing Committee Meeting.

DECISIONS AND RESOLUTIONS OF THE STANDING COMMITTEE

17. During its 8th meeting, and in pursuance of the agenda and work programme, the Standing Committee deliberated and resolved on the following:

1. On the Statutes and Rules of Procedure

- i) Having noted the report from the Chairperson of the Sub-Committee on the review and amendment of the ECOSOCC Statutes and Rules of Procedure,
- ii) Further noting challenges experienced in fulfilling its task since its establishment; and recognizing the urgency to finalize the amendments before the next General Assembly,

The ECOSOCC Standing Committee resolved to:

- Reconstitute the composition of the sub-committee to comprise of five members, including ECOSOCC Secretariat and the AUC Legal Department;
- That amendments to the Statutes to be guided by issues agreed to during the 2011 General Assembly and during the 2009 General Assembly meeting;
- The sub-committee to meet within three weeks for two days to develop a comprehensive draft amendments to the ECOSOCC Statutes;
- Draft amendments to be circulated to members of the Standing Committee for comments and feedback in two weeks following their circulation;
- That an Extra-Ordinary General Assembly be convened before the 2012 July Session of the AU Summit to consider and approve the draft amendments;
- Amendments to be submitted to the AU for verification and approval as soon as it is opportune;

- That the ECOSOCC Secretariat should ensure that the sub-committee is adequately supported, both administratively and financially to facilitate its meetings and necessary functions to fulfil its mandate.

2. On the Strategic Plan:

- i) Having noted the progress report on the development of the ECOSOCC Strategic Plan presented by the Chairperson of the Sub-Committee;
- ii) Noting the resolutions of the 2011 ECOSOCC General Assembly; and
- iii) Further noting challenges experienced towards completion of the Strategic Plan since the establishment of the Sub-Committee.

The ECOSOCC Standing Committee resolved and decided on the following:

- That the Strategic Plan should contain short, medium and long-term strategic objectives as well as plans;
- That the short-term interventions should focus towards minimum action plans leading to the General Assembly;
- That short-term plans to be completed within three months include: development of the Rules of Procedure, Cluster Operational Guidelines and Priority Work Plans by July 2012;
- Development of 2012 – 2016 Strategic Plan;
- Development of the rules of engagement, and code of conduct by July 2012.

3. On the Credentials Committee:

Following the presentation of the progress report by the Chairperson of the Credentials Committee, the Standing Committee resolved on the following:

- Review time-frames of existing action plans to align with current realities and priorities;
- That the Secretariat should ensure the availability of resources to support the action plans as well as to ensure transparent and effective consultative process towards electoral General Assembly;

4. On General Decisions and Resolutions:

- The Standing Committee accepts the recommendations of the Presiding Officer as a working document to guide the review of the Statutes and Rules of Procedure;

- Accepted and appreciated efforts by the Presiding Officer to solicit support for the convening of an Extra-Ordinary General Assembly from the Chadian Government. The Standing Committee mandated the Presiding Officer to work with the Secretariat to ascertain the implication of the offer given by the Chadian government to support the Extra-Ordinary General Assembly of ECOSOCC and the subsequent sourcing of funds to support the unbudgeted but yet pressing activities of the Organisation.

OPERATIONALIZATION OF CLUSTERS

18. As previously reported, ECOSOCC took upon itself to intensify efforts to ensure full operationalization of its Clusters owing to the fact that ECOSOCC General Assembly had previously agreed on a framework of three-tier membership that would strengthen the linkage between the organ and the civil society community.

19. The issue of operationalization of Sectoral Cluster Committees is central to the working of the ECOSOCC system because Article 11 of the Statute recognizes them as key operational mechanisms of ECOSOCC to formulate opinions and inputs into policies and programmes of the African Union.

20. In line with provisions of Article 10(1) of the Statute, Sectoral Committee Cluster Chairs were elected into the standing Committee by the General Assembly session held in Yaoundé in May 2009 to coordinate the work of ECOSOCC. The subsequent Standing Committee meeting in Ghana in July 2009 determined the structure of Cluster Committee as comprising the three-tier framework outlined previously and set up a Sub-Committee to establish modalities of inter-organ cooperation and propose rules of engagement that would govern relationships among core, associate and invited members.

21. The structure of advisory opinions, the process of initiation feedbacks and impact evaluation, the alignment of procedures and working relations with other units of the AU; allied with these, are issues relating to the standing character and format of such opinions, who initiates them and in what capacity and how they will be processed. There were also issues relating to internal operations of the Sectoral Cluster Committees. The expected final product was a framework document approved by the Executive Council to ensure the compliance and secure collaboration of other AU structures.

22. Unfortunately, the Sub-Committee on Operational Guidelines did not proceed effectively in this vital area and thus the effectiveness of Cluster Committees depended on the urgent demand of the wider AU system as well as the enterprise of Cluster leaders. Even so, some concrete results were achieved in several spheres. The Peace and Security Cluster was able to secure the Livingstone Formula on Mechanism for PSC interaction with civil society to be coordinated by ECOSOCC.

23. The Political Affairs Cluster as established in Article 11(1) (b) is the key operational mechanism of ECOSOCC, formulate opinions and provide inputs into the policies and programmes of the African Union on Democratic and Constitutional Rule, Good Governance, Human Rights, Rule of Law, Power Sharing, Electoral

Institutions, Humanitarian Affairs and Assistance, Justice system including transitional Justice, etc.

ECOSOCC INSTITUTIONAL ARRANGEMENTS

24. In the rush to start up ECOSOCC in accordance with the guidelines of the Executive Council of the African Union, many loose ends were allowed for a functioning ECOSOCC to adjust. However, the absence of certain legal instruments and the appearance of several lacunae in the institutional arrangements led ECOSOCC to go through a period shrouded in controversy and constant referrals to the Legal Counsel of the Commission. Issues like the prerogatives of the Bureau, the prerogatives of the Standing Committee, the prerogatives of the Credentials Committee, the prerogatives of the Secretariat as well as financial arrangements of ECOSOCC remain unclear. It is imperative therefore that all these issues are examined for clarity. The management of CIDO and of its parallel engagements with Civil Society and the Diaspora, do expose vast areas of conflicts of interest.

ECOSOCC SECRETARIAT

25. The Council will recall its decision EX.CL/Dec. 633(XVIII), requesting the Commission to continue rendering the required secretarial services to the Organ, through CIDO Directorate with a dedicated Secretariat. This has still not happened. The ECOSOCC General Assembly noted that CIDO, assigned to serve as the Secretariat of ECOSOCC has a parallel mandate on Civil Society Organizations and the African Diaspora. There was the conspicuous absence of a functional Secretariat during the Conference deliberations, especially after the elections. This issue must be resolved on as a matter of urgency with a view to creating a Secretariat that can fully serve ECOSOCC as is the case with all the other structures, for which the AU Commission supplies equivalent services. These serious governance issues must be addressed as a matter of urgency.

FINANCIAL RESOURCES

26. The Presiding Officer made a request for external funding from the World Bank for institutional, capacity development and programmatic support for ECOSOCC activities. The General Assembly of ECOSOCC recognizes the increasing intensification of ECOSOCC activities and the need to ensure access to ECOSOCC resources as well as their use in accordance with its rules of procedure and compliance with AU financial rules and regulations. Following the proposal of the Presiding Officer, the General Assembly authorized the Presiding Officer and the Bureau to pursue the financing of ECOSOCC activities with Bank officials with a view to secure extra-budgetary financing in strict compliance with the AU financial rules and regulations. The World Bank was in fact favourable to the approaches made by the Presiding officer and had started the procedure of a grant of 8 million US Dollars to be disbursed to the African Union. CIDO when approached, not only claimed that the PRC was not very favourable to a World Bank Loan (this is not accurate) it asked for the procedure to be deferred and when it finally contributed, it insisted more on the strengthening of the capacity of CIDO. The delay by CIDO has caused ECOSOCC to miss out on this opportunity. The President and Vice President of the World Bank who were favourable to this project have since moved on and the senior officers who were in charge of getting the documents ready have also moved to other

positions. Any other move to recover this might have to be engaged through the African Capacity Building Facility.

27. ECOSOCC discovered only this year that the French Government soon after the election of the first ECOSOCC Permanent General Assembly, granted the sum of 270,000 (two hundred and seventy thousand) euros to finance ECOSOCC related activities. This agreement was duly signed with the AU Commission represented by CIDO and a special account was opened to this effect with the equivalent amount of 349,740 USD. Amounts were drawn from the account twice to organize two meetings in Nigeria for a total amount of 106,321 USD. The current balance from this funds which we are aware is 243,419 USD. After complaints about failure to comply with reporting requirements, from the French Government, CIDO applied for the monies to be diverted to non-related ECOSOCC issues. While the purposes for which the funds were allocated to ECOSOCC remain unsolved.

28. The last Standing Committee Meeting was informed that the authorisation to re-allocate was given by the PRC because of the inability of ECOSOCC to use up the funds allocated. The monies were allocated for the following objectives as outlined in the Protocol Agreement between the African Union Commission and the French Government:

- 1) *Improve and reinforce the institutional framework by a revision of the Statutes of ECOSOCC.*
- 2) *Establish the criteria for the participation of the Diaspora in ECOSOCC so as to organize the election of the 20 representatives of the Diaspora into the General Assembly of ECOSOCC so that they can fully participate in the building of the African Union.*
- 3) *Operationalize the Sectoral Cluster of ECOSOCC whose role is to provide opinions and contribute to the politics and programs of the Union.*
- 4) *Mobilize the CSO community in Africa around the activities and programs of ECOSOCC and favour exchanges to ensure effective contribution of ECOSOCC into the programs of AU.*

29. We are humbly asking the PRC to authorise the Bureau of ECOSOCC to approach the Representatives of the French Government to the AU, to permit the use of the balance amounting to 243,419 USD for the organisation of a General Assembly to accomplish the actions contained in the original Protocol Agreement between the African Union Commission and the Ministry of Foreign and European Affairs of the Republic of France. The decision of the Standing Committee of May 19 -20, 2012, as reproduced hitherto sanctioned the calling of an Extra-Ordinary General Assembly of ECOSOCC to be held in the Republic of Chad.

BUDGET/FUNDS UTILIZATION RATE

30. As regard funds, ECOSOCC can only plan to utilize funds of which it has knowledge. Having no knowledge of the French funding, ECOSOCC could not plan to use it.

31. An extract of the Audit Report for the year November 2009 to April 2011 states the following:

“While reviewing the total budget utilization rate for ECOSOCC for the full year 2010, and half year of 2011 (as per the record of Finance), the following was noted:

- Year 2010, total approved budget was US\$ 1,531,500.00. The actual expenditures for the year was US\$ 902,733.50. The utilization rate for the year was about 59% which is low.
- The half year utilization percentage for year 2011 was 30% i.e., total approved budget was US\$ 1,608,075.00, while the actual expenditures up to June 30, 2011 was US\$ 477,421.02. This accomplishment is also low as it is less than the expected 50% rate of utilization for half a year.”

32. Firstly, it should be clearly stated that since the election of the Permanent General Assembly in 2008, except for the Secretariat in CIDO, none of the organic structures of ECOSOCC have had a single meeting with any auditor (external or internal). If one were to take into consideration the fact that budget allocation to the different structures of ECOSOCC (e.g. 2008 to 2012, US\$ 200,000.00 to the Office of the Presiding Officer), it is only normal to expect that the auditors made contacts with the different organic structures to understand the expenditure mechanism. ECOSOCC is amazed to discover that for 2010 and half the year of 2011, the total amount of US\$ 1,194,093.49 was retired because of the incapacity of ECOSOCC to fully utilize its budget. Of the 10 Sectoral Committees of ECOSOCC, only 2 or 3 committees have been able to hold not more than a single meeting. All the other Clusters have done everything possible to be informed of the financial mechanism that will permit them to have access to the budgetary allocations made to their Clusters; only to meet with the most uncooperative Secretariat in CIDO that does all in its power to prevent spending. Even calls for the holding of extraordinary sessions of the General Assembly or for the convening of ad hoc committees to work on the revision of the Statutes, the Strategic Plan, and the Rules of Procedure have met with the response that “there are no funds available”. It is only ironic that why ECOSOCC is unable to fulfil its mandate because of lack of funds, the same ECOSOCC finds itself in a position where it is supposed to be retiring funds that are supposedly unused. Maybe, an understanding of the destination of unused funds will help ECOSOCC in the future.

INTERNATIONAL PROFILE

33. Even so, the international profile of ECOSOCC rose distinctly. The AU-EU framework was an important enabling framework which extended across a range of AU partnership frameworks. The Presiding Officer and several Cluster leaders particularly, Peace and Security and Political Affairs were guests at various international engagements that advanced the status of ECOSOCC. The Presiding Officer also held very important working session with the Economic, Social Commission delegation of the European Union.

THE DIASPORA

34. As regards to the Diaspora, there still is no determined framework for its participation within ECOSOCC. Consequently the 20 elected seats and the reserved position of Deputy-Presiding Officer still have to be filled. The absence of the Diaspora was compensated through ad hoc interim arrangements. The election proper of the Diaspora members remain pending due to the internal governance issues already mentioned. It is unfortunate that ECOSOCC has not been able to capitalise on the pro-active approach and Goodwill of the African Union representation in Washington D.C., U.S.A.

35. It is indeed unexplainable that ECOSOCC was not in anyway involved in the planning of the just ended Diaspora Summit. I was not even invited to the summit to which all other organs were invited. Even if there was any representation of ECOSOCC by any other structure as representing ECOSOCC, the fact remains that ECOSOCC was not informed of this other arrangement. This is difficult to comprehend if one were to take into account that ECOSOCC is yet to welcome the twenty members from the Diaspora one of whom is supposed to be a Deputy Presiding Officer. The summit was a golden chance to participate in the debate about participation of the Diaspora in the activities of the AU.

THE CREDENTIALS COMMITTEE

36. The work of the Credentials Committee continues to be an inspiration. We have noted their initial efforts to ensure election of General Assembly Members in the States where they had not been held. Further to the decisions of the 6th Ordinary Session held in Trinidad and Tobago in May 2009, the Credentials Committee met again in Algiers, Algeria early in July 2009 to begin planning for the next round of elections into the General Assembly with a view to ensuring its inauguration in September 2012.

37. Suffice to say it presents a credible and timely framework for action if it is successfully implemented. The organization of successful regional-wide election leading to the Permanent General Assembly was the success story of the Interim ECOSOCC Assembly under Prof. Wangari Maathai. The least that the current Assembly can do is to emulate that effort. The work of the Credentials Committee in planning for the next General Assembly was complemented by the efforts of the Assembly Sub-Committee on the Strategic Plan which met in Abuja, Nigeria in July 2011. The Report of the Sub-Committee will also be submitted to this Assembly by the Secretariat.

38. The delay in holding of the mid-term elections and the necessity of completing the review of the Statutes and the completion of the legal framework might well prove to be an obstacle to respecting the September calendar.

CONCLUSION

39. The delay in holding mid-term elections, the lack of clarity in governance and ECOSOCC institutional arrangements requires urgent action on behalf of the Permanent Representatives' Committee and the Council.

40. It is therefore necessary for a forensic financial audit to be ordered as requested by the General Assembly of ECOSOCC. There also needs to be an institutional and governance Audit on the functioning of ECOSOCC. These results will permit the next Assembly to function serenely.

41. ECOSOCC therefore proposes a Resolution that would order the:

Setting up a Committee constituted under the leadership and Direction of the PRC, to:

1. ***Supervise*** the carrying out of a forensic financial audit of the accounts of ECOSOCC from 2008 to 2011 as resolved by the ECOSOCC General Assembly that was held from 29th Oct. to 2nd Nov. 2011 in Nairobi and reiterated by the Standing Committee of 19 to 20 May 2012 in Addis Ababa.
2. ***Audit*** the governance and institutional arrangements.
3. ***Examine*** the Rules of Procedure of ECOSOCC and amendments to Statutes presented by the relevant ECOSOCC Committees before presenting to the Executive Council.
4. ***Propose*** Rules for the Electoral process of ECOSOCC membership
5. ***Designate*** in the interim a different structure of the AU Commission as the temporary secretariat of ECOSOCC pending the report of the audit commission.
6. ***Authorise*** ECOSOCC Bureau to approach the French Representation, to the AU for the Balance of the French grant to be used in conformity with the Financial Rules and Regulations for the organisation of the Extraordinary General Assembly of ECOSOCC planned for the Republic of Chad.

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