

AFRICAN UNION

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**NINETY-SEVENTH ORDINARY SESSION OF THE
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RESOLUTION MECHANISM
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ADDIS ABABA, ETHIOPIA**

**REPORT OF THE CHAIRPERSON OF THE
COMMISSION ON DEVELOPMENTS IN
THE SITUATION IN THE COMOROS**

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I. INTRODUCTION

1. The situation in The Comoros was examined by the Executive Council meeting in its 3rd Ordinary Session in Maputo in July 2003. In its Decision No. EX/CL/Dec.36 on The Comoros, the Executive Council, among other things, expressed its grave concern at the difficulties encountered in the implementation of the Fomboni Framework Agreement. It urged all the concerned Comorian parties to demonstrate the spirit of dialogue and accommodation to speed up the reconciliation process and encouraged the Ministerial Committee of the countries of the region and the Troika to pursue their efforts to resolve all outstanding issues to pave the way for legislative elections.

2. The present report gives an account of the efforts since deployed by the African Union, with the support of the international community, to bring the reconciliation process in The Comoros to a successful conclusion. It also contains recommendations on the measures that need to be taken by the AU, to backstop the on-going process.

**II. DEVELOPMENTS IN THE EFFORTS TO SUCCESSFULLY
CONCLUDE THE RECONCILIATION PROCESS**

a) **Signing of the 20 December 2003 Agreement on
Transitional Arrangements in The Comoros**

3. The Central Organ will recall that in pursuance of the Fomboni Framework Agreement for National Reconciliation in The Comoros signed on 17 February 2001, a new federal constitution was adopted in December 2001 for the Union of the Comoros, while the Autonomous Islands of Anjouan, Grande Comore and Moheli were endowed with Basic Laws. Presidential elections were also organized in April – May 2001, culminating in the election of

the President of The Comoros and the Presidents of the Autonomous Islands.

4. However, after these initial successes, the Fomboni Framework Agreement implementation process ran into difficulties arising from differences among the Comorian parties on the way forward to legislative elections and finalization of the establishment of the Union institutions. On the one hand, the Autonomous Islands were pressing for the immediate exercise, prior to any election of the powers they considered as devolving on them by virtue of the Constitution of the Union and their respective Basic Laws. It was clearly intended, by this demand, that corresponding resources would be made available to them. In this connection, the Islands relied on the quota proposed in the IMF Aide-Memoire of 19 December 2002 on budget guidelines for 2003, which provided for the following allocative key: Union 28%, Anjouan – 30.5%, Grande Comore – 32.5% and Moheli – 9%.

5. On the other hand, the Union government held that the powers of the Islands could be defined only after election of the Assembly of the Union which would then adopt an organic law to that effect; and to this end, the Union called for urgent organization of legislative elections. In the meantime, the Union stated that it was prepared to provide the Islands with special grants to facilitate the functioning of their superstructure, as the Executives of the Autonomous Islands were called.

6. As a matter of fact, the differences between the Union and the Autonomous Islands soon crystallized around the modalities for management of the pre-legislative election period and finalization of the establishment of the Union institutions, with special focus on: control of the customs, the budget (automatic allocations to the Autonomous Islands of amounts equivalent to the quota mentioned above, or special grant to cover the running costs of their superstructure) and security arrangements, particularly control of the gendarmerie during the elections.

7. In July last year, in the aftermath of the Executive Council session in Maputo, a Ministerial delegation composed of the countries of the region and the African Union Troika led by the South African Foreign Minister visited The Comoros, and on that occasion, tabled proposals as a way out of the crisis. The proposals

were accepted by the Union, but rejected by the Autonomous Islands. Another meeting of the countries of the region and the Troika convened in Pretoria from 14 to 16 August 2003, was not more successful. It should be recalled that the Memorandum on Transitional Arrangements in The Comoros initialled at the meeting was accepted only by the representatives of the Autonomous Islands as the Union rejected the document.

8. At the aforementioned talks with the Comorian parties in Moroni in July 2003, it was agreed that President Thabo Mbeki in his capacity as the coordinator of the initiatives of the countries of the region and the Troika on The Comoros, would convene a meeting between the President of the Union and the Presidents of the Islands with a view to giving effect to any eventual agreement. The principle of holding such a meeting at Summit level was reaffirmed in the Pretoria Memorandum. It was against this background that President Mbeki proceeded to Moroni on 20 December 2003, where he chaired the meeting between the President of the Union and the Presidents of the Islands.

9. The meeting which was preceded by technical discussions under the auspices of my special envoy Francisco Madeira, was attended by the Prime Minister of Mauritius Paul Berenger and that of Madagascar Jacques Sylla, and the Tanzanian Deputy Minister of Foreign Affairs Abdulkader Shareef. The International Organization of the Francophonie (IOF) was represented by its Secretary General Mr. Abdou Diouf, while France which was also standing in for the European Union, was represented by its Minister Delegate for Cooperation and the Francophonie Pierre Andre Wiltzer. Noteworthy was the presence of the Indian Ocean Commission (IOC) and the United Nations.

10. At the end of the 20 December meeting, the Comorian parties signed an Agreement on Transitional Arrangements in The Comoros (vide text of the Agreement in the Annex). The Agreement provided for legislative elections to be held before April 2004. The Comorian parties agreed to pursue the consultations that they had initiated under the auspices of the IOF on the delicate issue of power sharing, and to submit the outcome to the Assembly of the Union for a decision.

11. In the meantime, transitional arrangements on the following issues were agreed:

- **Customs:** The Agreement provided for the establishment of a Provisional Customs Council (PCC) to monitor the collection and control of shared customs revenue. The PCC would be composed of seven (7) members, namely: a Director General appointed by the President of the Union, three (3) Deputy Directors General appointed by each of the Autonomous Islands and three (3) international experts seconded to The Comoros by international partners. The Director General and Deputy Directors General would constitute the Directorate of Customs with responsibility for management of the Customs Services.

A Committee to be known as Harmonization Committee of which the AU is member, would also be set up to harmonize the customs standards and structures, as well as macro-economic data. In so doing, the Committee would take into account the special developments in the Island of Anjouan since the outbreak of the Secessionist crisis in 1997, and facilitate its re-integration into the customs structure of the Archipelago.

- **Budget for the Transitional Period**

The Agreement provided for the opening of a Special Account with the Central Bank of The Comoros (BCC) in which all the revenue to be shared would be deposited, and for the subsequent transfer of such revenue into the individual accounts of the Islands and of the Union in accordance with the aforementioned quota, it being understood that such transfer would be effected only after the Harmonization Committee would have examined the budget of each of the Autonomous Islands and that of the Union to ascertain whether they are consistent with actual needs of these entities. The Harmonization Committee would, if need be, adjust the allocation quota, and by so doing, amend the amounts contained in the budgets submitted to it.

- **Security Arrangements:** The Comorian Parties agreed to the deployment of AU civilian and military observers during the entire transition period as well as placing forces of the gendarmerie at the disposal of the Presidents of the Islands, during the transition period and for the purpose of the elections. The use of the gendarmerie during the electoral period can only be decided in close concertation with the National Independent Electoral Commission (CNEI) and the AU Military Observers.

12. Finally, it should be noted that the Agreement provides for the establishment of a Follow-Up Committee chaired by the AU. This Committee will be charged with ensuring that commitments are respected and shall interpret the provisions of the Agreement.

b) First Meeting of the Monitoring Committee

13. The Follow-Up Committee held its first meeting from 5 to 7 January 2003, in Moroni, presided by Mr. Francisco Madeira, my Special Envoy. In attendance were representatives of the Comorian Parties, signatories to the Agreement on the Transitional Arrangements in The Comoros, as well as representatives of the international community, members of the Committee.

14. At the said meeting, the Follow-Up Committee took the following decisions (see the Summary of Conclusions attached as an annex:

- **Customs:** the Follow-Up Committee took note of the appointment by the Government of the Union of the Director General of Customs. The Autonomous Islands of Anjouan, Moheli and Grande Comore pledged to communicate, at the latest on 7 January 2004, the names of the Deputy Directors General appointed by their respective Presidents. The Follow-Up Committee agreed that three international experts, members of the CDD would be made available to The Comoros by France, the World Bank and the African Union, and that the Harmonization Committee would be chaired by an expert appointed by the IOF.

- **Budget:** the Follow-Up Committee agreed that special account should immediately be opened with the Central Bank of The Comoros (BCC) as stipulated by the Agreement of 20 December. It took note of the implementation, by a decree issued by the President of the Union, signed on 7 January 2004, of the transition budget comprising the budget of the Union and those of the Autonomous Islands.

- **Security Arrangements:** the Follow-Up Committee was briefed on the on-going efforts to deploy African Union observers. The Follow-Up Committee mandated the French Ambassador, who is also the representative of the Chair of the European Union, in his dual capacity as Member of the Committee and Dean of the Diplomatic Corps, to immediately enter into contact with the Comorian Parties concerned, namely, the Union, on the one hand, and the Autonomous Islands on the other, to facilitate the requisite measures for the gendarmerie to be effectively assigned to the Presidents of the Autonomous Islands in conformity with the conditions and terms spelt out in the Agreement, by 20 January 2004 at the latest.

- **Electoral Matters:** the Follow-Up Committee approved the schedule prepared by the CNEI. This schedule envisages the holding of elections for the Island Assemblies on 14 March 2004 for the first round and 21 March 2004 for the second round, while the Assembly of the Union would take place on 18 April 2004 and 25 April 2004 respectively for the first and second rounds. The Follow-Up Committee took note of the signing, by the President of the Union, of a decree to notify the electorate of the elections into the Assembly of the Union, as well as the promulgation by the Presidents of the Autonomous Islands of decrees convening the electorate for elections into the Island Assemblies. The Follow-Up Committee decided to renew the membership of the Validation Commission, which would comprise four (4) members from The Comoros, that is one from each Comorian party, and four (4) international members appointed by the African Union, the IOF, the United Nations and the League of Arab States. The Follow-Up Committee mandated UNDP to coordinate international community assistance towards the electoral process. Lastly, the Follow-Up Committee fielded a

joint mission in The Comoros made up of representatives of the AU, the IOF, the ICO, the UN and the League of Arab States, to evaluate the situation prevalent in each of the Autonomous Islands, and ascertain whether the requisite conditions for a free, transparent, fair and democratic elections have been met.

- **Monitoring Implementation of the Agreement:** the Follow-Up Committee recommended that South Africa, the country coordinating the regional initiatives on The Comoros, should consider convening a high-level meeting of member countries and organizations of the Committee, to undertake a mid-term evaluation of implementation of the Agreement.

III. IMPLEMENTATION STATUS OF THE 20 DECEMBER 2003 AGREEMENT

15. Since the signing of the 20 December Agreement, the overall situation in the Archipelago has evolved positively. The Comorian Parties have respected their commitments up till now.

16. On 13 and 14 January 2004, the Customs Department held its first meeting. The deliberations, which took place in a cordial atmosphere, focused mainly on the establishment of a mechanism for monitoring customs revenue statistics, the harmonization of customs tariffs applicable throughout the customs territory of the Union and the re-organization of the Customs Department with a view to a single and common customs. The Board of Customs is expected to meet shortly. I appointed a Tunisian expert to represent the Au in this structure.

17. Furthermore, at the time of finalizing the present report, the Harmonization Committee was holding its first meeting. The Committee is chaired by Mr. Mamadou Lamine Loum, former Finance Minister and former Prime Minister of Senegal. In conformity with the Summary of Conclusions of the First Meeting of the Follow-Up Committee, Mr. Loum was appointed by the Secretary General of the OIF, Mr. Abdou Diouf. The AU is represented within the Committee by an expert from Bénin.

18. Efforts are underway to finalize the decree to formalize the assigning of the gendarmerie forces to the Presidents of the Islands.

As indicated above, the assigning of the gendarmerie should be effective as from 20 January 2004, at the very latest. Immediately after the meeting of the Follow-Up Committee, the Ambassador of France initiated consultations with all the parties concerned to facilitate the requisite measures for effectively assigning the gendarmerie. To this end, proposals were submitted to the parties, who communicated their positions. At the time of finalizing the present report, consultations are still underway to reach a compromise acceptable to all the parties.

19. The electoral process had also progressed significantly. Right after the meeting of the Follow-Up Committee, the CNEI embarked on updating the voters lists. Up to now, the different deadlines set for this exercise have been respected. The same goes for the deadlines laid down for submitting candidatures, which ended on 25 January 2004. According to the CNEI, 81 candidatures were registered in Grande Comore, 79 in Anjouan and 30 in Moheli.

20. According to the terms of the 20 December 2003 Agreement, the international community pledged its support to the efforts of the Comorian Parties through the granting of specific assistance. During the above-mentioned meeting, the Follow-Up Committee welcomed the initiative of the World Bank to convene a meeting in Paris, to establish a Trust Fund, calling upon donors, on that occasion, to show flexibility in the allocation and release of their financial contributions.

21. The Paris Meeting was held on 21 January. The AU and South Africa –the country coordinating regional initiatives on The Comoros- participated in the meeting. The meeting made it possible to consider the legal structure of the Trust Fund and its area of intervention, the financial commitments of donors and the joint mission that the development partners should undertake to The Comoros to identify the financial needs.

IV. THE ROLE OF THE AU IN THE IMPLEMENTATION OF THE 20 DECEMBER AGREEMENT

22. The AU whose involvement in the Comorian crisis dates back to 1997 has, in concert with its partners within the international community, a crucial role to play in the implementation of the 20

December Agreement. The Organization is the chair of the Follow-up Committee. Furthermore, the AU sits on the Customs Council and the Harmonization Committee. As mentioned earlier, I appointed two experts, one from Benin and the other from Tunisia, to represent the AU in these two organs. It is also needful for the AU to appoint an expert who will represent it in the Validation Commission whose task it is to validate the election results.

23. One of the main provisions of the 20 December 2003 Agreement aimed at promoting a climate of trust and serenity necessary for the smooth conduct of the electoral process relates to the deployment of a group of observers at the request of the Comorian parties, as provided for in chapter IV of the 20 December Agreement. Pursuant to that provision, I recommend the immediate deployment of an AU Observer Mission in The Comoros (OMIC) to:

- Build confidence among the Comorian parties with a view to facilitating a smooth transition as provided for in the 20 December Agreement;
- Help create the necessary security conditions on each of the islands of the Archipelago;
- Ensure that the conditions for the use of the gendarmerie during the transition period are consistent with the letter and spirit of the 20 December 2003 Agreement, and that the Comorian Defence Force is not involved in the electoral process; and
- Provide every possible assistance to facilitate the smooth conduct of the transition.

24. In view of operational exigencies, the mission will comprise a total of 24 observers deployed on the Islands of Anjouan, Grande Comore and Moheli. The Mission Headquarters will be based in Moroni in Grande Comore. OMIC will be deployed for a four-month period starting from the date the Mission becomes operational. The estimated cost of the deployment amounting to about US\$900,000 will be financed from resources of the Peace Fund.

25. I intend to appoint in a not too distant future a Head of the Moroni Office. That post has been vacant since the demise of the

incumbent in April 2003. The AU will also contribute to the financing of the electoral process.

V. OBSERVATIONS

26. The signing of the 20 December Agreement marks a major milestone in the search for a lasting solution to the crisis which has been dogging the Archipelago since 1997. I am particularly encouraged by the positive developments that have since taken place in The Comoros and the sense of responsibility demonstrated so far by the Comorian parties. In this connection, I would like to inform the Central Organ that President Azali Assoumani had sent an emissary to the Commission to reaffirm his government's commitment to the scrupulous compliance with the 20 December Agreement.

27. The international community no doubt has a crucial role to play in facilitating the successful implementation of the on-going process. In this regard, I welcome the positive results of the Paris meeting. I call on the bilateral and multilateral partners of the Comoros to support the efforts of the Comorian parties. I plan to get in touch with the Mauritian authorities in the coming days to examine with the latter, pursuant to the mandate entrusted to them, the modalities for the rapid convening of a Round Table devoted to the socio-economic development of the Archipelago.

28. In the light of the foregoing, the Central Organ may wish to:

- Express its satisfaction at the positive developments in the situation in The Comoros and thank President Thabo Mbeki and the South African Government, as well as the countries of the region and the Troika for their relentless efforts which made it possible to push the reconciliation process in The Comoros forward;
- Commend the AU partners (IOF, the UN, EU, the League of Arab States and France) for their support to the on-going efforts;
- Urge The Comorian parties to scrupulously honour their commitments and refrain from any act or move likely to weaken the current process;

- Authorize the deployment of OMIC as recommended in paragraphs 23 and 24 of this report;
- Welcome the results of the Paris meeting and request the partners of The Comoros to support the current efforts with a view to their success;
- Welcome the measures already taken by the Commission to facilitate the implementation of the 20 December Agreement.

