

AFRICAN UNION
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REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN THE COMOROS

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I. INTRODUCTION

1. The present report gives an account of the efforts deployed by the African Union, with the support of the international community, to complete the reconciliation process in The Comoros, since the 97th Ordinary Session of the Central Organ of the Conflict Prevention, Management and Resolution Mechanism at Ambassadorial Level, held on 30 January 2004.

II. CONDUCT OF THE ELECTORAL PROCESS

2. The Agreement on the Transitional Arrangements in The Comoros, signed by the Comorian parties at the end of the 20 December 2003 meeting in Moroni, provides for the completion of the electoral process before the end of April 2004, at the latest. At its first meeting, held in Moroni from 5 to 7 January 2004, the Follow-Up Committee, which is presided over by the AU (in the person of my Special Envoy, Francisco Madeira, and the representative of South Africa, as co-ordinating country of regional efforts on The Comoros), approved the electoral calendar prepared by the National Independent Electoral Commission (CNEI). This scheduled the elections for the Assemblies of the Autonomous Islands on 14 (1st round) and 21 March (2nd round), and that of the Assembly of the Union on 18 (1st round) and 25 (2nd round) April.

3. On 3 January 2004, the President of the Union signed the decree setting the date for the elections to the Assembly of the Union. Furthermore, and pursuant to the 20 December 2003 Agreement, the President of the Union, by decree, and for election requirements, placed at the disposal of the Presidents of the Islands, the forces of the gendarmerie for use in the usual mission during the transition period. For their part, on 7 January 2004, the Presidents of the Autonomous Islands of Anjouan, Mohéli and Ngazidja signed similar decrees.

4. To ensure the smooth conduct of the legislative elections, the Commission, in collaboration with the League of Arab States, the Indian Ocean Commission, the International Organization of Francophonie and France, deployed an election observation mission to The Comoros. The AU observers were from South Africa, Kenya, Mauritius, Madagascar and Tanzania.

5. It should also be recalled that, at its first meeting, the Follow-Up Committee, in implementation of the 20 December 2003 Agreement, renewed the composition of the Validation Commission charged with validating the results of the legislative elections as follows: four Comorian members and four international members appointed by the African Union, OIF, the United Nations (it should however be noted that the AU replaced the UN, which did not nominate its representative) and the League of Arab States. Subsequently, I nominated two judges to represent the African Union on the Validation Commission. The OIF nominated Maître Abraham Zinzindohoue to chair the Validation Commission. The Comorian parties appointed their representative on the Validation Commission.

6. Under the terms of the 20 December 2003 Agreement, the international community undertook to support the efforts of the Comorian parties, including the electoral process, by granting specific assistance. In this regard, a Fiduciary Fund was established. The Follow-Up Committee mandated the UNDP to coordinate the international community's assistance to the electoral process.

7. The African Union provided a financial contribution of US\$ 50,000 to support the electoral process, and is considering making an additional contribution to help cover the activities of the electoral process that have not yet been financed. The UNDP also concluded contribution agreements with France for the sum of 1 million Euros, part of which is meant for the electoral process; Germany for 50,000 Euros; OIF for 50,000 Euros; and the League of Arab States for the sum of US\$400,000. South Africa contributed 5 million Rand (that is 748,369 dollars) to the African Union Peace Fund, to support the ongoing reconciliation process in The Comoros. It should also be noted that, within the framework of the agreement signed by the EU and AU Commissions, to support the AU's peace and security agenda, the sum of 100,000 Euros is provided to assist in the organization of legislative elections and the establishment of other institutions of the Union of the Comoros.

8. Elections to the Assemblies of the Islands were held on 14 and 21 March 2004. They took place in a calm atmosphere. The results of these elections are as follows: Union: 12 parliamentarians (of which 7 to Ngazidja, 4 to Anjouan and 1 to Mohéli), Anjouan: 19 parliamentarians, Ngazidja: 13 parliamentarians and Mohéli: 9 parliamentarians.

9. It should however be specified that at the 5th meeting of the Follow-Up Committee held in Moroni from 12 to 14 April 2004, the Committee was informed by the Union of The Comoros of organizational problems that occurred in the 14th electoral district of Anjouan (Domoni), which led to the results of this district being invalidated twice by the Validation Commission. While the CNEI was preparing to organize, on 11 April, a partial election in the district concerned, the Minister of Interior of the Autonomous Island of Anjouan seized the electoral materiel. This attitude was strongly condemned by the Follow-Up Committee, which recalled that, in the absence of the Constitutional Court, the decisions of the Validation Committee were applicable to all parties. The Follow-Up Committee decided to organise partial elections in this district, together with the first round of the election to the Assembly of the Union, and requested the Anjouanese authorities to cooperate to ensure the smooth conduct of these partial elections.

10. The first round of the elections to the Assembly of the Union was held on 18 April 2004. The results of these elections, as announced by the Validation Commission, are as follows: out of the 18 candidates for parliamentary representation, 8 were elected in the first round, 3 of whom were partisans of the Union, and 5 for the Autonomous Islands.

11. After the announcement of the results of the first round of the elections and the partial elections of the 14th electoral district of the Autonomous Island of Anjouan, representatives of the Autonomous Islands in the Validation Commission resigned in protest. On 23 April, the Presidents of the Autonomous Islands of Ngazidja, Anjouan and Mohéli, meeting in Anjouan, published a resolution in which they stated that they had observed serious violations in the validation and deliberation procedures of the results of the 18 April 2004 elections. They attributed these violations to the Chairperson of the Validation Commission, demanding, from the Follow-Up Committee, the replacement of Maître Abraham Zinzindohoue and a re-examination of the litigations arising during the last elections. They stressed that they would not nominate new representatives to the Validation Commission until these conditions had not been met.

12. At the time of finalizing this report, the results of the second round of the elections to the Assembly had yet to be announced. However, voting took place in a calm atmosphere.

III. ACTIVITIES OF MILITARY OBSERVERS

13. The 97th Session of the Central Organ authorized the deployment of an AU Observer Mission in The Comoros (MIOC) for a duration of four months.

14. In conformity with that decision, the Commission deployed thirty-nine (39) Military Observers from South Africa, Benin, Burkina Faso, Madagascar, Mozambique, Senegal and Togo. Mauritania provided a Gendarmerie Officer who coordinates the coordination/consultation cell established within the framework of assistance to the Gendarmerie. The Military Observer Mission, whose Headquarters is in Moroni, is deployed in the three Islands, Grande Comore, Anjouan and Moheli, since 9 March 2004. The Mission is led by a South African Military Officer.

15. Since its deployment, MIOC has endeavoured to promote the necessary conditions of serenity and security to conclude the reconciliation process. Within that framework, the Mission has facilitated the electoral process during the elections to the Assemblies of the Islands and the Assembly of the Union. It has ensured security for the electoral operations at all levels. It has also ensured security for the transportation of electoral materials.

16. The Mission carries out daily patrols in all the Islands and has close contacts with the Parties and the people. Whenever necessary, the Mission sends out investigative teams to the areas where incidents have been reported. Thus, after the events in Moheli, following the decision of the Government of the Union, which was contested by the autonomous Island, to replace the Regional Directors of three national establishments, MIOC was requested to investigate. The MIOC was also requested to contact the Judicial Police of the Union of The Comoros to check the information regarding the possible arrest of supporters of the autonomous Island of Ngazidja.

IV. CUSTOMS AND BUDGETARY ISSUES

17. The Agreement of 20 December 2003 provides for the establishment of a provisional Customs Management Board (CDD) comprising representatives of the Comorian parties and three international experts designated by the AU, France and the World Bank. The CDD is in charge of supervising the collection and control of shared customs revenue collection operations. On the budget, the Agreement provides for the opening of a special account at the Central Bank of Comoros (BCC) and the deposit in this account of tax and non-tax revenue to be shared, as well as automatic transfers, from the setting up of joint revenue

collection mechanism and after deduction of external debt service, to the individual accounts of respective Governments of the Union and autonomous Islands.

18. The Agreement of 20 December 2003 also provides for the establishment of a Harmonization Committee presided over by the OIF and in charge of overseeing the implementation of the customs and budgetary aspects of the Agreement. The OIF Secretary-General designated Mr. Mamadou Lamine Loum, former Prime Minister of Senegal, to chair the Harmonization Committee. For my part, I designated two experts, nationals of Benin and Tunisia who are experts in budgetary, financial and customs matters, to represent the AU within this Committee and the CDD.

19. Within the context of the implementation of the Agreement, the President of the Union of The Comoros designated the Director-General of Customs, while the Presidents of the Autonomous Islands designated Deputy Directors General to constitute the Directorate of Customs.

20. In spite of the establishment of the CDD and the appointment of Regional Directors, the Comorian Directorate of Customs faces serious difficulties. There is no authority of the Customs Director General on the Regional Directors. In general, no substantial progress has been made on the fundamental issues.

21. As far as petroleum products are concerned, the clearing system is completely beyond the control of the Customs Administration: the single tax on petroleum products (TUPP) is paid in advance in the form of monthly lump sum and is used to pay the salaries of the Comoroian army. The decision on goods clearing procedure provides for a centralized posteriori control system of import and export declarations at the Directorate of Customs: the monthly declarations deposited at the various customs centres in the three Islands must be forwarded to the Directorate of Customs for a posteriori control. This measure has not been implemented.

22. The decisions of the Provisional Customs Council on the harmonization of customs tariff have so far not been implemented. Due to electoral considerations, the Comorian parties did not want to enforce the new tariff, the implementation of which would have improved customs revenue significantly.

23. According to the 20 December Agreement, a joint special account of the Union and the Autonomous Islands was opened at the Central Bank of The Comoros. At its first meeting, the Harmonization Committee requested each

Comorian party to submit its budget estimates. The Committee analysed the draft budgets (income and expenditure) of the Union and the Autonomous Islands and laid down the general and impersonal regulations applicable to all the parties concerned, taking into account some specificities, where possible. Consequently, the initial quotas contained in the Agreement were re-evaluated and distributed according to the taxes, the current operational status of the various entities, as well as the current status of formal non-transfer of competence pending the decision of the Assembly of the Union on the next budget and corresponding quotas. A revised draft budget was prepared, which enabled the President of the Union of The Comoros to issue a decree on the budget of the Union and the Autonomous Islands, for the transition period concerning the 1st 2004 semester.

24. The Harmonization Committee has defined a financial and accounting provision to govern the financial and accounting implementation of budget revenues. This provision is managed by the Central Bank of The Comoros. It has also defined the terms of reference for the recruitment of experts charged to conduct a study on the number of employees in the civil service and the payroll.

25. At its 4th meeting held from 12 to 14 April 2004, the Follow-up Committee, through a detailed report of the Harmonization Committee, noted the freezing of the implementation mechanism of the transition budget by the Government of the Union, which decided unilaterally, in violation of the 18 February 2004 Decree on the budget of the Union and the Autonomous Islands for the transitional period (January to June 2004), to have the Governor of the Central Bank of The Comoros mobilize on its account the sum of 850,000,000 Comorian Francs to pay the salaries of the civil servants and soldiers of the Union, the Islands of Ngazidja and Moheli, as well as its debt. Faced with such a situation, the authorities of the Autonomous Island of Anjouan decided to suspend their participation in the budget implementation mechanism until the full payment by the Government of the Union of the monies owed to their Island.

26. The Harmonization Committee, at its fifth meeting, noted that the level of the revenue collected (exclusive and to be shared) is low. Irrespective of their exceptionally low level, there is a fluctuation in the revenue to be shared which cannot be merely explained by the seasonal nature of some of them. As a matter of fact, it seems that adequate efforts have not been exerted to collect the revenue and not all the revenue collected is made known to the Harmonization Committee or put at the disposal of the transition budget implementation mechanism.

V. OBSERVATIONS

27. Since the signing of the 20 December Agreement, developments in the overall situation in the Archipelago are encouraging. The Comorian parties have honoured most of the commitments they had made.

28. The legislative elections, which were held under largely favourable conditions, will pave the way for the establishment of the Assemblies of the Islands and the Assembly of the Union. The last institution that remains to be established is the Constitutional Court. The objectives set out in the 20 December Agreement have on the whole been achieved.

29. I would like to commend the Comorian parties for their commitment. I would also like to express my sincere gratitude to South Africa, who is the co-ordinator of the regional efforts on The Comoros, as well as the other countries of the region and the Troika, for their steadfastness and effective contribution to the efforts aimed at bringing the reconciliation process in The Comoros to its logical conclusion. My thanks also go to the countries that have provided observers to the AU Military Observer Mission. Lastly, I would like to express my gratitude to the AU partners, particularly the OIF, the League of Arab States, the European Union and France, as well as the Indian Ocean Commission, for their support to the reconciliation process and to AU's efforts. The results achieved in The Comoros have been made possible thanks to the close collaboration between the AU and its partners.

30. The victory scored by the Autonomous Islands during the legislative elections will enable them to bring their weight to bear on the balance of power in the Union, for with a majority in the Assembly of the Union, they can influence the adoption of the organic laws to address their concerns. More particularly, they can strengthen their autonomy vis-à-vis the powers of the Union.

31. I call on all the Comorian parties to continue to demonstrate the spirit of compromise that has prevailed so far. They should avoid any move likely to generate tension and jeopardize the progress achieved. I also urge them to scrupulously conform to the relevant provisions of the 20 December Agreement on customs and budget in order to create the conditions for the necessary international assistance for the socio-economic recovery of the Archipelago.

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