

Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>

Country/ entity	Comoros Anjouan
Region	Africa (excl MENA) Africa (excl MENA)
Agreement name	Communiqué Commun des Délégation d'Anjouan et de Mohéli de la Sous Commission de Lois
Date	1 Sep 2001
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (Anjouan Crisis (1997 - 2008))
Stage	Framework/substantive - partial
Conflict nature	Inter-group
Peace process	Comoros-Anjouan islands peace process
Parties	For the delegation of 'Anjouan Doctor Commander Abdou BACAR Head of the delegation For the delegation of Moheli Mr Archadi Mohamed Mr Mindhir OUSSENE Mr Mohamed OUSSENE
Third parties	-
Description	The short agreement is an public statement resulting from discussions of the Sub-Commission of the Tripartite Commission in charge of drafting the Comorian constitution. Among 30 points of divergence encountered during these talks, the text raises 11 points on which the parties agree on, including: the new name of the Union; the motto; distributions of seats in the Union; distributions of competences; specific provisions related to the executive, legislative and judiciary powers.

Agreement
document

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Groups

Children/
youth No specific mention.

Disabled
persons No specific mention.

Elderly/age No specific mention.

Migrant
workers No specific mention.

Racial/
ethnic/
national
group No specific mention.

Religious
groups No specific mention.

Indigenous
people No specific mention.

Other
groups No specific mention.

Refugees/
displaced
persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum 11 °) General Provisions:
Article...
- This draft constitution will be regarded as the Constitution of the new Comorian Union if it is adopted by the majority of the votes cast at the level of each Island/State;

State symbols On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:
1°) Name: Union of States of the Comoros
2°) Motto: unity, solidarity, development
[...]
4°) Institutions of Islands/States: to add to article 7 paragraph 2: "and each island has its own symbols"

Independence/secession No specific mention.

Accession/
unification No specific mention.

Border
delimitation No specific mention.

Cross-
border
provision No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→New political institutions (indefinite)

Page 1-2:

After five working days of the Legal Sub-Commission of the Tripartite Commission that has gathered in BONOVO since 01 September 2001, more than 30 points of divergence have been listed in relation to the draft constitution submitted to review, focusing specifically on:

- The name of the New Comorian Union
- A few points on the general provisions
- The organs and the allocation of competences - Transitional provisions

On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:

1°) Name: Union of States of the Comoros 2°) Motto: unity, solidarity, development

3°) The institutions of the Union: to indicate in the Constitution the distribution of seats on the following model:

- * Executive Power in Great Comoros
- * Legislative power in Anjouan
- * Judicial Power in Moheli

4°) Institutions of Islands/States: to add to article 7 paragraph 2: "and each island has its own symbols"

5°) Article 8: to replace this article with: "The Law of the Union is binding on the whole of the territory of the Union"

6°) The exclusive competences of the Union: to retain only the competences outlined in the framework agreement of the 17.02.2001.

7°) Executive power of the Union:

- Retain the principle of a Collegial Presidency (with 2 vice-presidents elected in the same conditions as the President), rotating with the countersignature principle as mentioned in Article 12.
- With regards to the assignment process of the Chairman and the vice-presidents: a primary election by direct universal suffrage at the level of each island for each of them, and then subsequently a second election at the level of the Assembly of the Union.
- All the ministers/commissioners are equal among themselves; there is no Prime Minister

8°) Legislative power of the Union: 30 Deputies, namely 10 by Island, unicameral parliament 9°) Judiciary: replace "Supreme Court" with "Superior Court of Appeal"

10°) Revision of the Constitution: Add the vice-presidents to the list of authorities empowered to initiate a revision;

11 °) General Provisions:

Article...

- This draft constitution will be regarded as the Constitution of the new Comorian Union if it is adopted by the majority of the votes cast at the level of each Island/State;
- During the transition, the institutions at the level of the Union and the Islands/States will be those provided by the Framework Agreement of 17 February 2001, in particular its points 15 and 16.
- The powers of the Constitutional Court laid down by the present Constitution will be temporarily exercised by the instruments provided in the aforementioned Framework Agreement.

Governance→Political institutions (new or reformed)→Temporary new institutions

Elections	<p>Page 1:</p> <p>On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:</p> <p>[...]</p> <p>7°) Executive power of the Union:</p> <ul style="list-style-type: none"> - Retain the principle of a Collegial Presidency (with 2 vice-presidents elected in the same conditions as the President), rotating with the countersignature principle as mentioned in Article 12. - With regards to the assignment process of the Chairman and the vice-presidents: a primary election by direct universal suffrage at the level of each island for each of them, and then subsequently a second election at the level of the Assembly of the Union.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.

Constitution Governance→Constitution→Constitutional reform/making
[The Agreement in its entirety comments on a draft Constitution.]

Page 2:

On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:

[...]

11 °) General Provisions:

Article...

- This draft constitution will be regarded as the Constitution of the new Comorian Union if it is adopted by the majority of the votes cast at the level of each Island/State;
 - During the transition, the institutions at the level of the Union and the Islands/States will be those provided by the Framework Agreement of 17 February 2001, in particular its points 15 and 16.
 - The powers of the Constitutional Court laid down by the present Constitution will be temporarily exercised by the instruments provided in the aforementioned Framework Agreement.
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Power sharing

Political
power
sharing

Power sharing→Political power sharing→Executive coalition
State level

Page 1:

On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:

[...]

7°) Executive power of the Union:

- Retain the principle of a Collegial Presidency (with 2 vice-presidents elected in the same conditions as the President), rotating with the countersignature principle as mentioned in Article 12.

- With regards to the assignment process of the Chairman and the vice-presidents: a primary election by direct universal suffrage at the level of each island for each of them, and then subsequently a second election at the level of the Assembly of the Union.

Power sharing→Political power sharing→Proportionality in legislature
State level

Page 1:

On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:

[...]

8°) Legislative power of the Union: 30 Deputies, namely 10 by Island, unicameral parliament.

Power sharing→Political power sharing→Form of 'veto' or communal majority
State level

Page 1:

On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:

7°) Executive power of the Union:

- Retain the principle of a Collegial Presidency (with 2 vice-presidents elected in the same conditions as the President), rotating with the countersignature principle as mentioned in Article 12.

Territorial power sharing	<p>Power sharing→Territorial power sharing→Federal or similar sub-divided government</p> <p>Page 1: On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals: [...]</p> <p>4°) Institutions of Islands/States: to add to article 7 paragraph 2: "and each island has its own symbols"</p> <p>5°) Article 8: to replace this article with: "The Law of the Union is binding on the whole of the territory of the Union"</p> <p>6°) The exclusive competences of the Union: to retain only the competences outlined in the framework agreement of the 17.02.2001.</p> <p>7°) Executive power of the Union: [...]</p> <p>- With regards to the assignment process of the Chairman and the vice-presidents: a primary election by direct universal suffrage at the level of each island for each of them, and then subsequently a second election at the level of the Assembly of the Union. [...]</p> <p>11 °) General Provisions: Article...</p> <p>- This draft constitution will be regarded as the Constitution of the new Comorian Union if it is adopted by the majority of the votes cast at the level of each Island/State;</p> <p>- During the transition, the institutions at the level of the Union and the Islands/States will be those provided by the Framework Agreement of 17 February 2001, in particular its points 15 and 16.</p>
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions

No specific mention.

Justice sector reform

Criminal justice and emergency law

No specific mention.

State of emergency provisions

No specific mention.

Judiciary and courts

Page 1:
On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:
[...]
9°) Judiciary: replace "Supreme Court" with "Superior Court of Appeal"

Prisons and detention

No specific mention.

Traditional Laws

No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

No specific mention.

National economic plan

No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/
rights No specific mention.

Pastoralist/
nomadism
rights No specific mention.

Cultural
heritage No specific mention.

Environment No specific mention.

Water or
riparian
rights or
access No specific mention.

Security sector

Security
Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/
rebel and
opposition
group
forces No specific mention.

Withdrawal
of foreign
forces No specific mention.

Corruption No specific mention.

Crime/
organised
crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

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