

AGREEMENT ON THE TRANSITIONAL ARRANGEMENTS IN THE COMOROS

Having met in Moroni, Union of the Comoros, on Saturday, 20 December 2003, under the auspices of President Thabo Mbeki, President of the Republic of South Africa and Coordinator of the efforts of the Countries of the Region and the Troika of the African Union (AU) on the Comorian crisis, the Comorian Parties have agreed as follows:

I. PRINCIPLES

The Comorian Parties:

- reaffirm that the Framework Agreement for the national reconciliation in the Comoros, including its structures, the Constitution of the Union of the Comoros and the Fundamental Laws of the Autonomous Islands, constitute the appropriate framework for the resolution of the Comorian crisis;
- pledge to work towards the organisation of free, fair and democratic elections over the entire Comorian territory;
- commit themselves to establish conditions conducive to elections to be held with the necessary equity and transparency and giving all the necessary guarantees in this regard, including the need for an all inclusive process involving monitoring by the international community;
- agree to complete speedily the establishment of the institutions of the Union of the Comoros in order to put an end to the suffering of the Comorian people and encourage the international community to provide the necessary technical and financial assistance for the socio-economic development of the country.

II. DISTRIBUTION OF POWERS

The Comorian Parties recall the progress made in the discussions held in Paris under the auspices of La Francophonie and pledge to pursue their consultations with a view to submitting the results of these discussions to the Parliament of the Union, for decision.

III. TRANSITIONAL PERIOD

The Comorian Parties agree on the need for a transitional period spanning from the signing of this Agreement to the full establishment of the Parliament of the Union, which shall adopt organic laws pertaining to the distribution of powers, and that of the Parliaments of the Islands.

During the transitional period, the following shall apply:

(a) Customs

The Comorian Parties reaffirm the notion of a single and common Customs Service and the fundamental prerogatives of the State represented by the Government of the Union;

The Comorian Parties reiterate the need to ensure transparent, independent, efficient and objective management of the Customs Service.

To this effect, a Provisional Customs Council (PCC) shall be established to monitor the operations relating to the collection and control of the shared customs revenue and prepare the operational framework of the Customs Service in conformity with the new institutional architecture.

The PCC shall 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 President of the Islands and three international experts placed at the disposal of the Comoros by the donor community.

The PCC shall organise itself in such a way as to be able to execute its mandate effectively, both at the level of the Customs Central Services and the Customs Services in the Islands.

The management of the Customs Services shall be the responsibility of a Directorate of Customs comprising the Director-General and the Deputy Directors-General and functioning on the basis of the principle of collegiality. The Deputy Directors-General shall report to the Director-General.

In the execution of its functions, the Directorate of Customs shall be supported by operational services at the level of the Islands, these operational services shall be headed by Regional Directors appointed by the Directorate of Customs.

The decisions of the Directorate of Customs shall be adopted by consensus, failing which decisions shall be made at the level of the PCC by simple majority of its members, on basis of the Customs Code.

The Parties agree to establish a Committee (hereinafter referred to as the Harmonisation Committee) chaired by a representative of the International Community [IMF, World Bank, United Nations Development Programme (UNDP), African Union, European Union, International Organisation of the Francophonie (OIF)], which will be responsible for harmonising customs norms and structures as well as macro-economic data. This should be completed within the two months following the signature of the present Agreement.

Meanwhile, the Parties agree to immediately establish, in Anjouan, a private international structure, to be recommended by the World Bank, to monitor transparency and control of customs operations. This structure will be results driven.

(b) Budget for the transitional period

The Comorian Parties agree to:

- the opening of a special account with the Central Bank of the Comoros (BCC) and the depositing in that account of the fiscal and non-fiscal revenues to be shared;
- automatic transfer, following the establishment of the common mechanism for the collection of the revenues and after the deduction of external debt service, into the individual accounts of the respective governments of the Union and the Autonomous Islands of Anjouan, Ngazidja and Mwali, on the basis of the following quotas: Union – 28%, Ngazidja – 32, 5%, Anjouan – 30,5%, Mwali – 9%.
- the Harmonization Committee shall verify the extent to which the budgets submitted by the Union and the Islands, on the basis of the quotas, correspond to their respective needs. When the expenditures of one of the Parties are not proportionate to its quota, the Harmonization Committee shall modify the rate of the quotas and, consequently, the amount of the budgets, making use, where possible, of the Trust Fund to be established.

At the same time, the Comorian Parties agree to the following measures:

- establishment, through the Harmonisation Committee, of a monitoring mechanism responsible for verifying the accuracy and transparency of the expenditures of the Union and the Autonomous Islands during the transitional period;
- commissioning, through the Harmonisation Committee, for review and decision, of a study on the number of employees in the civil service and the payroll, it being understood that the recruitment process will be frozen until such a time as the needs of the Union and the Autonomous Islands have been identified;
- pending the completion of the establishment of the institutions of the Union of the Comoros, in particular the voting of organic laws governing the distribution of powers, the President of the Union, within two weeks following the signing of the present Agreement, shall issue a Decree to put into effect the transitional budget consisting of the budget of the Union and those of the Autonomous Islands of Anjouan, Ngazidja and Mwali.

(c) *Special Provision for Ngazidja*

An exceptional appropriation corresponding to the difference between the amount actually paid to Ngazidja and the amount that should have been paid would be given to Ngazidja to cover the expenses incurred in relation with the functioning of the Executive Branch of the Island since January 2003.

(d) *Consolidated Budget*

As soon as the organic laws on the distribution of powers have been adopted, the Comorian Parties agree to adopt a consolidated budget providing for the special account mentioned above and an automatic transfer to the individual accounts of the respective governments of the Union and the Autonomous Islands.

IV. SECURITY ARRANGEMENTS

The Comorian Parties agree to :

- the deployment of civilian and military observers of the African Union during the entire transitional period;

- the national command and control of the gendarmerie shall be the responsibility of the Union. However, during the transitional period, and for the purpose of the elections, this force, which shall be adequately resourced, shall be placed, for use, in its usual mission, at the disposal of the Presidents of the Islands. This arrangement cannot be repealed during the transitional period;
- during the entire electoral period, the use of the National Gendarmerie shall be decided, in close concertation with the National Independent Electoral Commission (NIEC) and the AU Military Observers;
- the Comorian Defence Force shall in no way be involved in the electoral process.

V. LEGISLATIVE ELECTIONS

The Comorian Parties agree to finalise the electoral process before the end of April 2004, at the latest. To this effect, the National Independent Electoral Commission (NIEC) will establish an electoral calendar consistent with this deadline. As for the respective governments of the Union and the Autonomous Islands, they will sign the notification decrees of the electoral body within two weeks, at the latest, following the signature of the present agreement.

The Follow-up Committee of the present Agreement shall renew the composition of the Validation Commission and the latter shall validate the results of the forthcoming legislative elections.

VI. FOLLOW-UP OF THE IMPLEMENTATION OF THE PRESENT AGREEMENT

In order to implement the present Agreement scrupulously and in good faith, a Follow-up Committee will be established, consisting of representatives from the Comorian Parties signatory to the present Agreement and the International Community. This Follow-up Committee will monitor and ensure that commitments are respected, and shall interpret the provisions of the present Agreement and take all the necessary measures in this regard.

The Committee will be chaired by the African Union (South Africa, as co-ordinator of regional efforts on the Comoros, and the Commission of the African Union) and will consist of representatives from the Countries of the region and the AU Troïka, France, European Union, the International Organisation of Francophonie, the United Nations, the IMF, the World Bank, the League of Arab States and from the Indian Ocean Commission.

The Committee will adopt its own rules of procedure.

Whenever the Comorian Parties meet, the Chairperson of the follow-up Committee should make himself/herself available to participate in such meetings.

VII. SUPPORT OF THE INTERNATIONAL COMMUNITY

As soon as an agreement is signed between the Union and the autonomous Islands, the international community shall be invited to:

- give its technical and financial support to the electoral operations;
- give, as soon as possible, the necessary technical and financial support for the preliminary activities prior to the organisation of elections (General Assembly of the NIEC, updating of voters lists, recruitment and training of agents, etc.)
- disburse the assistance promised by the donors (IMF, World Bank, Meeting of the Friends of the Comoros, etc.) to support the execution of the agents, etc.)
- support the execution of the budget of the Union through a specific contribution.

Signed in Moroni on the 20th of December 2003

FOR THE COMORIAN PARTIES

AZALI ASSOUMANI

President of the Union of the Comoros

MOHAMED BACAR

President of the Autonomous
Island of Anjouan

MZE ABDOU SOULE EL BAK

President of the Autonomous
Island of Ngazidja

MOHAMED SAID FAZUL

President of the Autonomous Island of Mwali

IN THE PRESENCE OF:

THABO MBEKI
President of the Republic of South Africa
and Coordinator of the efforts of the Countries of the Region and
the Troika of the African Union on the Comoros

PAUL BERENGER
Prime Minister of Mauritius

JACQUES SYLLA
Prime Minister of
The Madagascar Republic

ABDULKADER SHAREEF
Vice-Minister of Foreign Affairs of the
Tanzanian Republic

ABDOU DIOUF
Secretary-General
International Organization of the Francophonie

PIERRE ANDRE WILTZER
Minister delegate for Cooperation and
Francophonie of the French Republic
Representative of the European Union

MAMADOU KANE
Representative of the United Nations

WILFRID BERTILE
Secretary-General of the
Indian Ocean Commission