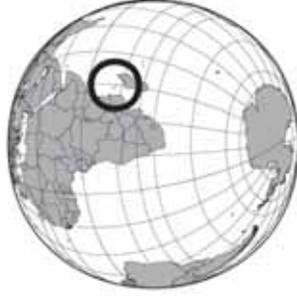


Union of the Comoros

Capital: Moroni
Population: 586,000
(2002)

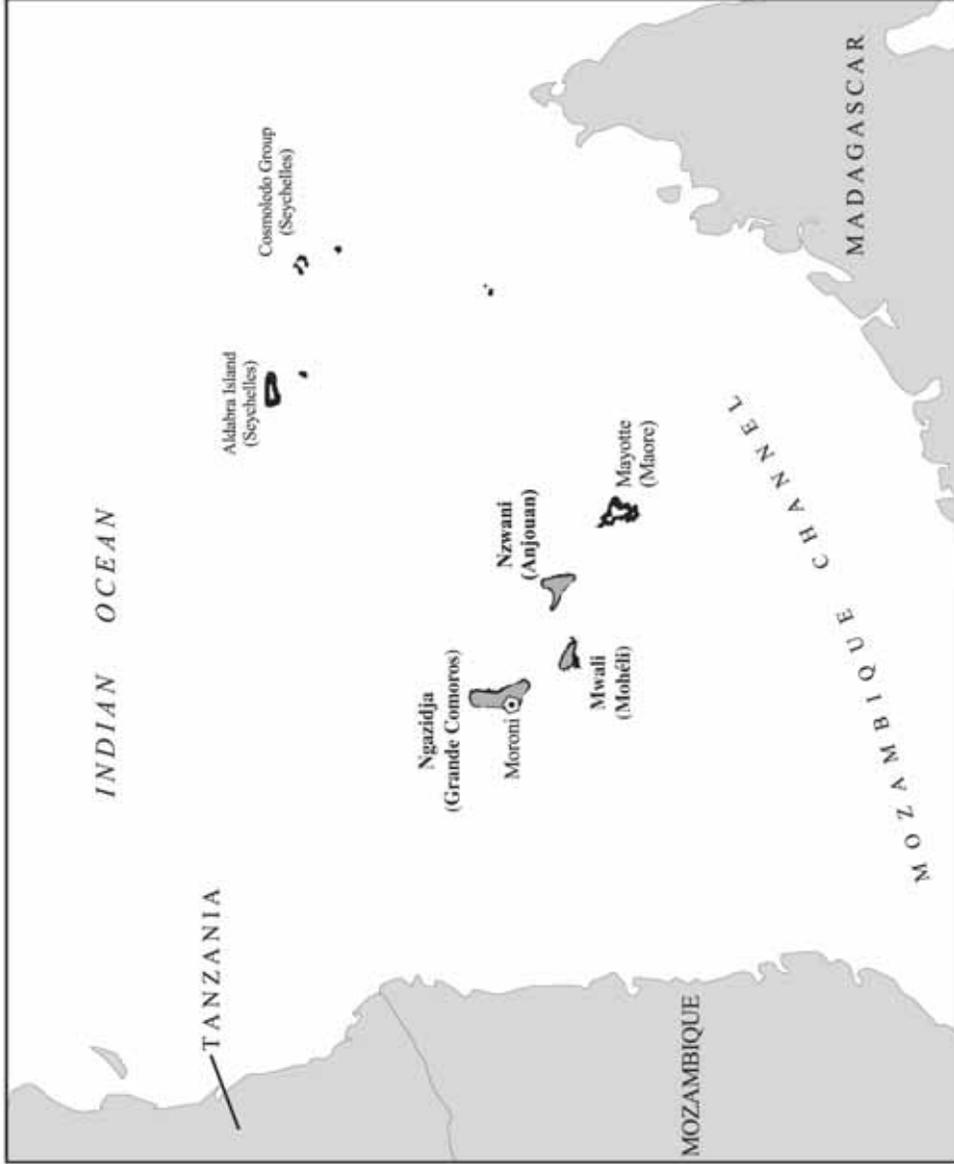
The Island of Mayotte (Maore) is under French Administration



Boundaries and place names are approximations and do not imply any official endorsement.



Source: US Geographic Department, CIA World Factbook, DRI/Ltd.



Comoros

(Union of the Comoros)

FAISSOILI BEN MOHADJI*

1 HISTORY AND DEVELOPMENT OF FEDERALISM

The Comoros archipelago includes four islands in the southwest Indian Ocean between Madagascar and the east coast of Africa. Grande Comoros (Njazidja), Anjouan (Nzwani) and Moheli (Mwali) form the Union of the Comoros (formerly the Federal Islamic Republic of the Comoros). A fourth island, Mayotte, remains under French administration.

The population of Comoros is just under 600,000 in an area of about 2,000 km², which means that the average density is nearly 300 inhabitants per square kilometre. Eighty per cent of the population live in rural areas. Migration and intermarriage have mixed Malaysians, Persians, Arabs and Cafres, and the original Wahili civilization of the western Indian Ocean. Demographic growth is high – almost 3% per year – and the population is very young, with nearly 50% of inhabitants below the age of 15. The population is poor and often malnourished.

The economy of the Comoros is closely tied to agriculture. Eighty per cent of the population earns its livelihood through agriculture

* The Forum of Federations would like to express its appreciation to Abdourahim Said Bakar for his helpful comments on the first edition of this article. Updates of the article for the second edition of the *Handbook* (2005) were made by Ann L. Griffiths.

which is the main source of exports and brings in 97% of foreign currency. The country has little industry and no valuable minerals. Foreign debt is very high and the state does not have the means to deal with this debt.

Europeans first discovered the Comoros Islands in the sixteenth century but they were not united under a single authority until French colonization in the nineteenth century. Before that, numerous sovereign sultanates co-existed on the territory. The French managed to unify the Comoros Islands using a highly centralized structure. Yet, despite the many years of French administration and centralized political authority, the sultanates have persisted in collective memory and behaviour. Comorans identify first and foremost with their family, their village or their region and rarely, if ever, with the central government.

The independence movement in Africa provoked a burst of nationalism in the Comoros. Prince Saïd Ibrahim, from Grande Comoros, took power in 1970 at the peak of this period of nationalism. He made overtures to Mayotte and Moheli in an attempt to calm the tension that characterized relations between these islands and the government in Moroni (Grande Comoros). Nonetheless, it was not his destiny to orchestrate sovereignty for the Comoros Islands. He was forced out of politics democratically on 12 July 1972, following a vote of non-confidence. Ahmed Abdallah, a former Senator in the French National Assembly, took over.

The Parliament of the Comoros expressed the people's desire for independence with a resolution on 23 December 1972. Following this, Ahmed Abdallah travelled to Paris and on 15 June 1973, he signed a joint declaration with the French government on the independence of the Comoros Islands. As stipulated in the French constitution, a referendum on accession to international sovereignty was held in Comoros on 22 December 1974. The results showed a vast majority of the population favoured independence, except in Mayotte where the opposite was true. Once the results of the referendum were announced, the Comoran Parliament instituted a complex process for accession to independence, taking into account Mayotte's refusal to leave the French Republic. President Abdallah, with the support of all Members of Parliament except those from Mayotte, opted for a unilateral declaration of independence on 6 July 1975.

Ali Soilihi (from Grande Comoros) seized power from Ahmed Abdallah (who was from Anjouan) with a coup on 3 August 1975. In addition to soured relations with France, the new regime had to cope with simmering inter-island rivalries and the fact that the previous government had eliminated neither the authority of the sultans nor that of the centralized colonial administration. Ali Soilihi neutralized the

Anjouan resistance but an attempt to muster support on the rebel island of Mayotte ended in failure.

Representatives from Mayotte and Moheli perceived the disparate development of the islands as a consequence of centralized power which was either in the hands of Grande Comoros or Anjouan. A federal solution therefore became attractive to Mayotte's dissidents on the eve of independence. Federation offered the possibility of each island preserving its identity by managing its own affairs and assets. But the Comoran authorities staunchly opposed federalism because they viewed it, in light of Mayotte's dissent, as incorporating the seeds of partition.

With President Ahmed Abdallah's return to power in 1978, federalism re-surfaced as a last recourse for bringing Mayotte into the fold. Although previously Abdallah had rejected federalism as a divisive manoeuvre by the colonizers, in October 1978 he had a federal constitution adopted. The arrangement provided him with strong executive powers and techniques for keeping the federated islands under control.

During Ahmed Abdallah's leadership, from 13 March 1978 to 27 November 1989 (the date on which he was assassinated), economic problems proliferated. Regionalized investments accentuated the disparities in development and the inequality of opportunity among the different islands. While some enjoyed fortunes amassed under dubious circumstances, poverty was widespread. This led to separatist movements that undermined national unity. Each island had a tendency to defend its interests by opposing those of the overall group.

It was this defiant society that Said Mohamed Djohar inherited when he was elected President. In his constant quest for political balance, Djohar governed with contradictory decrees, which resulted in the Supreme Court's unsuccessful attempt to have him removed from office for incompetence in August 1991. Distanced from an increasingly centralized power and its attendant privileges, Moheli demanded equality for the islands. This demand, coupled with opposition demands, led to the first national conference, which met from January to April 1992, to develop a constitution for the Federal Islamic Republic of the Comoros.

2 CONSTITUTIONAL PROVISIONS RELATING TO FEDERALISM

From independence to the present day, the Comoros Islands have had five constitutions, three of which were federal in nature. The first federal constitution was the Constitution of the Federal Islamic Republic of the Comoros, 1978 to 1989. This constitution was developed with no parliamentary or popular participation. The constitution was built

around the need for national cohesion and outlined a central organization to promote economic growth – two tendencies which indicated that it was a centralized federation.

Under the 1978 constitution, each island was recognized as an autonomous entity free to administer itself. These entities were known as governorates. Each governorate had an Island Council and a Governor elected for a four-year term by universal suffrage. Each island managed its own budget, along with almost all social matters – including, health, education, training, community facilities, etc. The Governor administered federal laws and those of the Island Council. He was assisted by commissioners that he appointed himself, who were responsible individually and collectively to him and the Island Council.

On a national level, the main offices of the federal state (presidency of the republic, presidency of the Federal Assembly and presidency of the Supreme Court) were divided among the three islands. This same formula applied to the make-up of the central government, where each island had one or more ministers. The government was unicameral and therefore the islands were not represented in a chamber of the central government. The constitution divided jurisdictions among the Governors and the federal government, reserving for the latter and its leader an impressive list of powers and trusts.

This seemed to be an attractive arrangement, but the highly uneven distribution of scarce resources between the governorates and the federal state limited the autonomy of the islands. The federal government collected all tax and non-tax resources, as well as international public funding for development. The jurisdiction allocated to the governorates did not include sufficient means for the independent management of each island, and the constitution denied them the possibility of benefiting from foreign aid without the approval of the federal executive, which capitalized on this opportunity for control. Eighty per cent of the governorates' budgets came from the federal state, and federal grants were accompanied by central guidelines on how they were to be used. This situation gave the central government in Moroni legal authority that penetrated deep into each island's internal affairs.

The increased interference by President Ahmed Abdallah reduced autonomy on the islands and stripped the federation of its substance, leaving only the legal entity. In this context, the President met with island representatives in October 1983 to revise the constitution. The constitution was also revised in 1984 and 1989, when the position of Prime Minister was eliminated and the head of state was limited to two successive terms.

For 11 years, Abdallah's authority proved invincible. He crushed not only individuals but also the constitutional institutions that could have

balanced the ambitions of an authoritarian President with vast powers. The Assembly and the Supreme Court were the trustees of his personal power. Their role was one of consultation – they provided opinions that neither bound the government nor ratified its decisions.

The second federal constitution was developed after Abdallah's assassination – the 1992 Constitution of the Federal Islamic Republic of the Comoros. Unlike earlier constitutional documents, this constitution was developed by a national conference that met in early 1992, and brought together political parties and representatives from civil society.

Like the 1978 constitution, under the 1992 constitution each island was an autonomous territorial entity, governed by a Governor and an Island Council. The Island Councils and Governors were elected for a five-year term by direct universal suffrage. The Governor ensured that the island's laws were respected, represented the island government, and exercised regulatory powers in areas not defined in the constitution as part of the federal domain. The Island Council determined the island's resources and spending. These included: the proceeds of direct taxation collected on the island; a share of indirect taxes collected throughout the republic; external resources allotted to the island; and a share of external resources allotted to the republic and not specifically designated to one island. Federal law set the share of indirect taxes destined for the federal budget at between 30% and 40%. The remainder was proportionately divided among the islands according to population size. The islands were eligible for grants or other external assistance, with the central government's consent. The council had to be consulted on matters relating to the preparation and application of multi-year economic, cultural and social development programs.

The 1992 constitution outlined the term of the President – elected for five years by universal suffrage – and his roles – i.e., to ensure that the constitution was respected and to oversee the regular functioning of public powers and the continuity of the state, and to conduct foreign policy. He was the guarantor of national independence, the unity of the republic, the autonomy of the islands, and respect for international commitments. Governmental appointments made by the President were to be made with regard for equity and balance among the islands.

The central government determined and implemented national policies and controlled the federal administration and the armed forces. The government's actions were directed by a Prime Minister appointed by the President from the party with the majority in the Federal Assembly. The government was collectively terminated if the Federal Assembly questioned it in a vote of non-confidence by the members of the Assembly.

The Federal Assembly was to be elected for four years by direct universal suffrage in single-member constituencies. Ridings were determined by federal law and there could be no fewer than five per island. The right of constitutional amendment was the joint prerogative of both the government and the Federal Assembly.

Unlike the earlier constitution, the 1992 constitution provided for a Senate in which the islands had equal representation. Five Senators per island were to be elected for six years by an electoral college consisting of municipal and island councillors. The 1992 constitution gave the Senate some power to change legislation. Thus, laws and other acts which were voted on by the Federal Assembly but contested by all Senators of an island were withdrawn if, upon second reading in the Federal Assembly, they were also contested by a majority of members from the same island.

The Constitutional Council was designed to oversee the constitutionality of laws, rulings, regulatory texts, proceedings on the islands and international commitments. It was also given the responsibility of monitoring elections for President of the Republic, Assembly members, Governors, island councillors, Senators and municipal councillors. The members of the Constitutional Council were appointed for a seven-year term as follows: three by the President of the Republic; three by the President of the Federal Assembly; and one by each Island Council. The constitution also created The Council of the Ulema, an Islamic institution that promotes and protects Islam. Judicial power is independent of executive and legislative power, and justice is rendered on the entire territory in the name of Allah.

Following a coup in April 1999, the Federal Assembly was dissolved and the constitution suspended. Amid societal discord (see Section 3 below), a new constitutional arrangement was negotiated to replace the 1992 constitution. The new constitution – the third constitution with federal elements since independence – was approved in a referendum in December 2001.

This new constitution renamed the country the Union of the Comoros (from the Federal Islamic Republic of the Comoros). This arrangement maintains some elements of federalism – indeed, despite now calling the country a “union,” the new constitution grants the islands great autonomy.

Under the new constitution, the President of the Union is elected by a popular vote to a five-year term. A Prime Minister is to serve as head of government and is to be appointed by the President from the assembly. Following his election, however, President Azali did not appoint a Prime Minister and has served as both head of government and head of state. The executive of the country is the Council of Ministers which

is appointed by the President. Confusingly, in the new constitution, each island also has its own President (rather than Governor as under previous constitutions). Island assemblies are elected by popular vote.

The 2001 constitution eliminated the Senate and thus returned the Comoros to having a unicameral central government, now called the Assembly of the Union. The Assembly has 30 seats – half of the members are selected by the island assemblies and the other half are elected by popular vote. Assembly members serve a five-year term.

In order to gain agreement to implement the new constitution, it was necessary to grant significant powers to the islands. Under the 2001 constitution, the union government has very limited jurisdiction. It was given jurisdiction over external affairs, defence, currency, nationality and religion. The islands received significant autonomy over their own affairs.

The 2001 constitution sets out a Supreme Court for the country. In this new court, two members are appointed by the President, two members are elected by the Assembly of the Union, one is elected by the assembly of each island, and there are provisions for former Presidents of the republic to serve on the Court as well.

3 RECENT POLITICAL DYNAMICS

The years since independence have been turbulent. The governments of the Comoros have been replaced by coups and the governing authorities have been constantly plagued by the endless rivalries on and between the islands. Despite efforts by the international community, political parties and island movements, the integrity of the country remains threatened.

A coup on 28 September 1995 ended the rule of President Djohar, who had not succeeded in setting up the democratic institutions set forth in the 1992 constitution and had changed the make-up of his government 17 times.

Mohamed Taki Abdulkarim was elected President on 16 March 1996, with a 64 per cent majority. His election sparked great hope for change. In a few months, however, he had amended the constitution to increase his powers and scheduled a ratification referendum in October 1996. The opposition refused to participate, and also ignored the legislative elections in late 1996. Like his predecessors, Taki faced huge social protests rooted in worsening youth unemployment, the growing gap between rich and poor, and the anger of civil servants who were forced to wait months before getting paid.

In the summer of 1997, the islands of Anjouan and Moheli were engulfed by rebellion. On 3 August 1997, Anjouan declared it was leaving

the country, saying that its citizens were discriminated against and that financial resources were not being allocated to it by the central government. On 11 August 1997, separatists in Moheli declared the independence of their island. In early September federal military forces were sent to Anjouan to restore order but were repelled by local forces.

President Taki appealed to the Organization of African Unity (OAU), the League of Arab Nations, the European Union and the United Nations to help settle the crisis. With the OAU's mediation, an inter-Comoran conference was held in Addis Ababa, Ethiopia, in December 1997. The sole result was an agreement to hold an inter-island conference as soon as possible to define a new institutional framework.

In February 1998, Anjouan adopted a separatist constitution and declared itself independent. Tensions on the island grew until December when violence between rival separatist groups broke out. (Violent political differences have continued since then – there was a successful military coup on Anjouan in August 2001 and several coups attempts thereafter.)

President Taki died suddenly in November 1998, and finding a successor proved difficult. According to the constitution, interim President Tadjidine Saïd Ben Massounde, a 70-year-old Anjouan, was not eligible to run in the election, which had to take place within 30 to 90 days. But the prospect of finding another candidate with sufficient support within the allocated time-frame was unrealistic, given the separatist crises on Anjouan and Moheli.

By March 1999, the situation was increasingly confusing: Anjouan was split into two factions, and Grande Comoros itself had succumbed to the virus of separatism. Before the divisiveness could spread even further, the OAU organized a conference on Comoran reconciliation in Antananarivo, Madagascar, from 19–23 April 1999. An agreement-in-principle took shape in favour of maintaining the territorial integrity of the Comoros Islands. Even the Anjouan and Moheli delegations recognized the principle, with a number of conditions, including a rotating federal presidency and a Federal Assembly designated by the island assemblies. The Anjouan delegation members, however, refused to sign the final declaration, although they agreed in principle, claiming that they needed time to consult the population. (The accord was rejected in a referendum held on the island in January 2000.)

On the night of 29–30 April 1999 a coup took place, perpetrated by the Chief of Staff of the Comoran Army, Colonel Assoumani Azali. This coup meant the removal of the interim President, Prime Minister, the Council of Ministers (appointed by the President), and the dissolution of the Federal Assembly. On 6 May Colonel Azali made himself leader of a state committee with 12 commissioners.

In August 2000, a national conference was held to discuss a new constitution. The meetings were attended by representatives of political parties, the military, religious leaders and civil society organizations. There were no representatives from the island of Anjouan present at the talks, but a delegation was sent to the secessionist island to persuade it to remain in the Comoros under the new constitution which would grant greater autonomy to the islands. In February 2001, representatives of the three islands of the Comoros (along with members of the military, the political opposition and civil society) signed an agreement. The deal reintegrated Anjouan into the country, implemented a new state arrangement giving the islands greater autonomy, and established a plan to restore democratic political institutions by the end of 2001. The arrangement was designed to provide greater autonomy to the islands while maintaining national unity.

The plan of 2001 called for the formation of a national reconciliation commission – consisting of members from all three islands – and the definition of a new state for the Comoros. The tripartite commission was to draft a new constitution and submit it to a referendum. In December 2001, voters approved a new constitution. Several days prior to the constitutional referendum, a group of armed and masked invaders – who were thought to be mercenaries – attempted to take over the island of Moheli, either to overthrow the government there or to disrupt the referendum. The invaders were defeated by the army.

Elections for the President of the Union were held in April 2002. President Azali resigned from the presidency in January 2002 in order to run for election, leaving the country in the hands of a transitional government of national unity. The first round of voting for the President was held in March 2002. A runoff among the top candidates was held in April 2002 – but this runoff was boycotted by the other two candidates. Azali was elected President in the second round of voting (as the only candidate running) with just over 75% of the vote. The boycott by the other candidates in the second round, however, meant that the voter turnout was low – some estimate as low as 30%, although this number is disputed.

Elections were also held in spring 2002 for new leaders on each of the islands. As mentioned in Section 2 above, island leaders are now called Presidents, not Governors as under previous constitutional arrangements. On Grande Comoros the island elections did not go smoothly. Opposition candidates claimed that President Azali's candidate used fraudulent tactics to make it into the second round of voting. Even so, the President's candidate did not win – the opposition candidate, Mze Abdou Soule Elbak, won and became President of Grande Comoros.

Since the island elections, there have been serious political problems on Grande Comoros. The constitution does not set out the details of

how the separation between the island President and the union President will work, nor outline a power-sharing arrangement. The island does not have its own island government (unlike Aboujan and Moheli), just the institutions of the central government. So on the island there is one set of governmental institutions with two Presidents who want to run the institutions. The two Presidents – the President of the Union and the President of Grande Comoros – came to an agreement about what ministries were under whose control, with the important exception of the revenue-generating departments like finance and customs.

Relations between the two Presidents on Grande Comoros deteriorated rapidly, thus beginning a process of violence and difference on the island. On 14 June 2002, President Azali sent the army (which is loyal to him) to occupy the main public establishments relating to commercial and financial activity in the capital city, Moroni. This occupation was related to the struggle for control of the revenue-raising departments of the government. The army clashed with supporters of the President of Grande Comoros, and the President of the island has accused the national President of trying to have him assassinated.

Talks held in South Africa in August 2003 ended with an agreement to break the constitutional deadlock in the country. The most important element of the agreement was a document agreeing to the distribution of customs revenues, security arrangements and the budgets for 2003 and 2004. This did not end the differences, however. In 2003 several ministers of the island government were arrested, people opposing the union President were arrested for “inciting violence,” protestors were wounded when the army fired on a demonstration in Moroni in November, and in early December opposition parties called for the resignation of President Azali.

A summit involving the union government and the three islands was held in December 2003 in Moroni to attempt to resolve some of the critical issues facing the country. This will be a difficult task.

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Table I
Political and Geographic Indicators

Capital city	Moroni
Number and type of constituent units	3 Islands: Grande Comoros (Ngazidja), Anjouan (Nzwani) and Mohéli (Mwali)
Official language(s)	Comorian, Arabic and French
Area	1 862 km ² Note: this excludes the island of Mayotte which is part of the Comoros Islands archipelago but is under French administration.
Area – largest constituent unit	Grande Comoros (Ngazidja) – 1 146 km ²
Area – smallest constituent unit	Moheli (Mwali) – 211 km ²
Total population	586 000 (2002)
Population by constituent unit (% of total population)	Grande Comoros 51.3%, Anjouan 43.1%, Moheli 5.6%
Political system – federal	Republic
Head of state – federal	President of the Union Azali Assoumani (1999/2002). The President is elected through popular vote for a 5-year, renewable term. Note: The second round of the 2002 presidential elections was boycotted by the 2 other candidates.
Head of government – federal	Prime Minister and Cabinet/Council of Ministers are to be appointed by the President from the federal assembly. Note: after the 2002 elections, President Azali Assoumani did not appoint a Prime Minister and assumed the role of head of government himself.
Government structure – federal	Unicameral: Assembly of the Union (Assemblée de l'Union), 30 seats. 15 members are appointed by the individual islands' local assemblies (5 per island). The remaining 15 members are elected through universal suffrage. Members serve a 5-year term.
Distribution of representatives in federal government – Assembly of the Union	Each of the 3 islands has 5 representatives in the Assembly of the Union.
Distribution of powers	The federal government has exclusive powers over religion, citizenship, currency, foreign affairs, defence and national symbols. The constitution assigns autonomy to the islands in matters that are not under federal responsibility. The islands enjoy substantial financial autonomy from the federal government.

Table I (continued)

Residual powers	Residual powers belong to the islands.
Constitutional court (highest court dealing with constitutional matters)	Constitutional Court. 2 members are appointed for life by the President, 2 members are appointed by the federal assembly, and one is appointed by each island assembly. Former Presidents of the republic are also members of the Court.
Political system of constituent units	Unicameral – Assembly, elected by popular vote.
Head of government – constituent units	President, elected by popular vote.

Table II
Economic and Social Indicators

GDP	US\$961 million at PPP (2002)
GDP per capita	US\$1,640 at PPP (2002)
National debt (external)	US\$246 million (2001)
Sub-national debt	N/A
National unemployment rate	20%
Constituent unit with highest unemployment rate	N/A
Constituent unit with lowest unemployment rate	N/A
Adult literacy rate	56% (2001) ¹
National expenditures on education as % of GDP	3.8%
Life expectancy in years	60.2
Federal government revenues – from taxes and related sources	N/A
Constituent unit revenues – from taxes and related sources	N/A
Federal transfers to constituent units	US\$1.8 million (2001) (excluding Anjouan)
Equalization mechanisms	An organic law establishes the shares of federal tax revenue transferred to the islands. This distribution is carried out within the framework of the annual finance law of the Union.

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Note

¹ Age 15 and above.