



NOTE D'ANALYSE POLITIQUE

POTENTIAL DISCOVERIES OF HYDROCARBONS IN THE COMOROS : FROM AN ECONOMY OF YLANG-YLANG TO AN OIL BASED ECONOMY ?

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ABSTRACT

This paper attempts to examine the consequences of the discovery of hydrocarbon deposits in the Union of the Comoros. It seeks to know if such a country, which is marked by an economy of ylang ylang and clove, can turn to an oil based economy. It aims to highlight the difficulties encountered by rulers and the challenges they will have to face to build conditions favorable to the development of extractive activity. The author examines the practices of the Comorian government on the management of the potential natural resources of offshore oil and gas. She critiques the government's lack of transparency. She deals in particular with the arbitration carried out by the London Court of International Arbitration between the Comorian State and Boule Mining Group. Then, she examines the different actions carried out by the rulers. She points out the lack of preparedness of the government in the development of offshore oil and gas. Finally, the author presents the risks arising from these two observations. She draws up a number of recommendations that would allow the country to take full advantage of the development opportunities offered by such resources.

BACKGROUND OF THE STUDY

This paper deals with a country where political history has been marked by many tensions. We may recall the separatist crisis that the country experienced in 1997. Indeed, the political marginalization by the central government of Moroni creates a feeling of injustice and frustration from people of the neighboring islands. The latter declared their independence from the Comoros and called their reattachment to France. After mediation conducted by the African Union (AU) and the International Organization of La Francophonie (OIF), the secessionists signed the Fomboni agreement in 2001. This agreement resulted in new constitution and the renaming of the country: the Union of the Comoros. Since this crisis the country also adopted a power sharing between all the islands with a rotation system. However, this did not shield the country from political instability. The 2007 military intervention by the AU to solve a crisis in Anjouan and the last election (february 2016) underscore the fragile political situation and the weakness of the national institutions.

The potential discoveries of offshore oil and gas can worsen the situation. Such resources represent another Comorian challenge in the quest for national unity.

KEY IDEAS

– The Comorian government is acting in an opaque manner in the development of petroleum activities. Except the adoption of the Petroleum Code, the government does not respect the principle of transparency in the granting of exploration and development licenses.

– The Comorian State lacks preparation in the management of extractive activities. Up to until now, no autonomous organization has been created to involve all the actors of the society to think about this new activity.

– The Comorian State must therefore inform its population and take the necessary measures to ensure an equitable sharing of the oil rent.

STATEMENT OF THE PROBLEM

Will the evidence of hydrocarbons aggravate existing conflicts in the Comoros?

What are the practices that the government must adopt to achieve an economic boom?

KEY WORDS

Offshore oil and gas, Dutch disease, transparency, oil rent, production sharing agreement, Gas master plan, arbitration.

INTRODUCTION

Following the famous discoveries in East Africa and its proximity to Mozambique, the Comoros islands have received attention from oil and gas tankers. Such discoveries can develop a country, but given the political context of the Comoros, these resources can intensify existing conflicts.

The Comoros islands are located in the Indian Ocean. The archipelago is comprised of four islands, Ngazidja (known in the west as Grande Comore), Nzwani (Anjouan), Mwali (Mohéli) and Maore (Mayotte).¹ The country was a former French colony and gained its independence in 1975. Since then, the political history has been marked by 20 coups and secession attempts.² Unfortunately, the country became a place where mercenaries, such as Bob Denard, acted under the influence of France and South Africa.

A deteriorating social climate is only adding to the current situation. Indeed, after its independence, all of the country's presidents were from Grande Comore. The majority of national administrations were concentrated in the country's capital city Moroni, located on Grande Comore. As a result, people from Anjouan and

1. In addition to this, there is the problem of Mayotte which remains under French control and become a full overseas department.

2. TOR SELLSTRÖM, "African in the Indian Ocean", 2015, p.135

Moheli have moved to Moroni to have better access to education, professional opportunities, and a better standard of living. But this situation creates a feeling of injustice leading to frustration from Anjouan and Moheli people.

Due to this political marginalization by the central government in Moroni, Anjouan and Moheli declared their independence from the Comoros in 1997 and “called for the island’s reattachment to France.”³ After mediation, conducted by the African Union (AU) and the International Organization of La Francophonie (OIF), the secessionists signed the Fomboni agreement in 2001⁴. This latter brought a new constitution and the renaming of the country: the Union of the Comoros. It also created a power sharing between all the islands with a rotation system⁵. But it did not shield the country from political instability. In 2007, the country faced a crisis in Anjouan and the AU conducted a military intervention to solve the crisis.⁶

On February 21, 2016 the country organized its fourth election since the rotating system was established. Between the 25 candidates,⁷ three were chosen for the second round: the former Vice President Mohamed Ali Soilih (also known as Mamadou),⁸ the former Governor of Grande Comore, Mouigni Baraka Said Soilih, and Azali Assoumani, a former coup leader who became the first president of the Union of the Comoros (2001-2006). In April 2016, the result of the second round gave victory to Azali but the two others candidates did not recognize their defeat.⁹ The Constitutional court has decided the organization of a

partial re-run of the elections in Anjouan, due to irregularities.¹⁰ In April 10, 2016, Azali Assoumani was declared the winner with 40.98 % of votes.¹¹

The recent Comorian presidential election once more underscored the fragile political situation of the Union of the Comoros and the weakness of its national institutions. The country remains plagued by the lack of a national unity. Potential discoveries of hydrocarbons represent a challenge in such context. Although these resources can improve the local economy, pessimists far outnumber optimists among Comorian people.

Many experts and theoreticians such as Collier and Hoeffler¹² pointed out the risks of hydrocarbons such as increasing unemployment, poverty, and conflicts... In such cases, natural resources are considered as a curse. Local communities see their dream of a better life fly away. So the natural resources pose a great challenge for government in terms of equal repartition and transparency. When we look on the hydrocarbons’ impact on economy of some producers’ countries such as Angola, Congo, Nigeria or Gabon; we can say that these countries are still facing high unemployment rates and educational performance is relatively weak. The socio-economic context is all the more undermined by these resources. These countries are threatened by armed groups and marked by many social conflicts. In such configurations, a question arises: Will the potential discoveries of hydrocarbons succeed in stabilizing the Union of the Comoros?

To better understand the future of the Comoros, we need to think about this issue. We will examine the challenges and opportunities presented by the Comorians with a view to building a more peaceful future for the country. We are particularly interested in the role of the government and the consequences of their actions.

The work is structured in three sections. We first present evidence about the lack of transparency of the

3. SIMON MASSEY and BRUCE BAKER “Comoros: External involvement in a small island state”, CHATTAM HOUSE, AFP 2009/1, July 2009, p.13 <https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Africa/0709comorospp.pdf> (30 pages)

4. DAVID LEA et ANNAMARIE ROWE, “A political chronology of Africa”, Europa, 2001, p.98

5. This rotation system consists in giving the presidency to an island for a term of five years. So every five years, a president from a different Comorian country is elected. In addition to this, each island is also represented by a governor. The rotation system first elected a president from Grande Comore in 2002. Then the islands of Anjouan and Moheli followed.

6. SIMON MASSEY and BRUCE BAKER, op. cit, p.13-16

7. Africanews, “Comoros records peaceful election”, 21 February 2016 “<http://www.africanews.com/2016/02/21/comoros-records-peaceful-election/>

8. The Vice president in charge of finances and the ruling party’s presidential candidate

9. Africanews, “Former Veep rejects presidential result”, 17 April 2016, <http://www.africanews.com/2016/04/17/former-comoros-veep-rejects-presidential-results/>

10. Seychelles News Agency, “Comoros court orders partial re-run of presidential poll” 1 May 2016 <http://www.seychellesnewsagency.com/articles/5083/Comoros+court+orders+partial+re-run+of+presidential+poll#sthash.oKSA7TjJ.dpuf> <http://www.seychellesnewsagency.com/articles/5083/Comoros+court+orders+partial+re-run+of+presidential+poll>

11. IFES Election Guide, election’s result, <http://www.electionguide.org/elections/id/2891/>

12. Paul Collier and Ankle Hoeffler, « Greed and grievance in civil war » 21 October 2001 <http://www.econ.nyu.edu/user/debraj/Courses/Readings/CollierHoeffler.pdf>

government of the Comoros in the areas of oil and gas development. Second, we examine the lack of preparedness to support oil and gas development. Third, we explore the risks arising from the previous two sections. Finally, we offer broader recommendations to address existing problems in the conclusion.

GOVERNMENT'S LACK OF TRANSPARENCY IN OIL AND GAS DEVELOPMENT

The Union of the Comoros is in the first phase of hydrocarbon development. With the exploration, the government wants to find evidence of oil and gas reserves in its exclusive economic zone (EEZ). This phase is divided in three steps: a prospecting by methods surfaces (seismic), exploratory drilling for confirming the presence of hydrocarbons, and an evaluation of its reserves and tanks production capacity

In 2011, the American company GX Technology Corporation gathered preliminary seismic data. GXT divided 40 blocks¹³ where gas reserves were discovered in the western edge (boundaries with Mozambique). These latter are located in a very deep waters (2,000 to 3,000 meters). According to the Geological Office of Comoros, the results of oil exploration conducted by Bahari Resources Limited and GTX Technology were expected for May 2015.¹⁴

Up to until now, the government did not publish the results or make any statement explaining the oil and gas development to the population. But Comorians are convinced that the country has hydrocarbons. This belief is based on their actions undertaken for the prospecting mentioned above. In addition, the government decided to set up a legal mechanism by passing a Petroleum Code on December 27th, 2012 to regulate exploration and exploitation.¹⁵

Two years later, the government signed two production sharing agreements (PSAs). The first one was concluded with Bahari Resources¹⁶ (40 %) and its partner Discover Exploration (60 %).¹⁷ The two

companies are covering a perimeter of 18,000 sq km divided into 3 blocks (35, 36 and 37).¹⁸ The second PSA allowed Safari Petroleum¹⁹ and Western Energy to explore²⁰ a perimeter of 17,697 sq km divided into 3 blocks (38, 39 and 40).²¹ These two contracts have been in effect since 17 March 2014, after the adoption of the parliamentarians. A third PSA was delivered by the government on 23 November 2015 to a South African company, Rhino Resources. The license allowed the company to explore two offshore blocks (17 and 24) "*in proximity to the large gas discoveries by Anadarko/ENI in Areas 1-4 offshore Mozambique of 145+ Tcf recoverable gas discovered*"²²

By taking all those actions without making an official statement, many Comorians do not trust the government. And there are many examples which strengthen this feeling of suspicion.

For example, the arbitration between the Comoros government and the Boule mining group. On November 2011, the former Vice President in charge of Finance, Mamadou, "*signed a contract*²³ *which commits the resources of the country for at least 45 years, with Boule Mining Group.*"²⁴ In response to the 6 June 2012 PSA released by the Boule Mining Group²⁵, the government of Comoros made a state-

http://www.discover-exploration.com/uploads/Discover_PR_Comoros_PSC_20march14.pdf

18. Ibid.

19. A Mauritius-based company <http://www.safaripetroleum.com/>

20. A US-based company <http://www.western-energy.com/>

21. Taylor DeJong, "*Safari Petroleum - Western Energy Awarded Comoros Blocks*", 20 March 2014, p.1 <http://www.taylor-dejongh.com/wp-content/uploads/2014/03/TDJ-Press-Release-Safari-Western-Awarded-Comoros-Block1.pdf>

22. <http://www.rhinoresourcesltd.com/areas>

23. He signed this contract while he was fulfilling the duties of the Vice-president in charge of Energy, Fouad Mohadji, without informing either this latter or the government. The document provided BMG "ten years of exploration followed by a period of thirty five years of operation in case of a commercial discovery." It also stated that the Comoros government does not have any right (legal or financial) on data collected during Boule mining explorations. This restriction also applies to the quantities of gas discovered and their location.

24. ALWATAN, "*Contrat avec le groupe Boule Mining : L'Etat comorien remporte le procès en arbitrage à Londres*" 26 October 2015 <http://www.alwatwan.net/index.php/nation/12410-contrat-avec-le-groupe-boulle-mining-l-etat-comorien-remporte-le-proces-en-arbitrage-a-londres>

25. MARKET WIRED, "*Government of the Union of Comoros and Mozambique Channel Discovery Ltd: Notice Concerning Comoros Oil and Gas Exploration and*

13. Centurion Law Firm, "*Africa energy frontiers: Comoros*", 19 January 2016, p.7 <http://www.centurionlawfirm.com/wp-content/uploads/2015/08/Comoros-report-double.pdf>

14. Agence de Presse de l'Océan Indien "*Du nouveau sur le pétrole comorien*", 30 March 2015, <http://www.agence-presse-oi.com/du-nouveau-sur-le-petrole-comorien/>

15. Centurion Law Firm, op. cit, p.4

16. A Kenyan based company. <http://www.bahari-resources.com/>

17. Discover Exploration "*Comoros Assembly ratifies Discover's Production Sharing Contract*" 20 March 2014, p.1

ment in October to deny it.²⁶ The group requested the ICC Court on November 2012 “for breach of contract” and an Arbitral Tribunal was created in London to judge the case. Fortunately for Comorians, the group lost arbitration in December 2015.²⁷

This example shows how the legal instrument is a key element on the management of hydrocarbons. In addition, it shows how government members operate in an opaque manner. The lack of transparency in the attribution of the PSA would have forced the country to pay several billion Comorian francs.

THE COUNTRY'S LACK OF PREPAREDNESS IN THE HYDROCARBONS MANAGEMENT

Even if the country has its petroleum code, the participation of State and non-State actors remains absent or unclear. In addition to the Ministry of Energy, the government could have made an effort to involve others ministries such as Education, Labor and Vocational training. Non-states actors such as private sectors entrepreneurs and civil society are also important. While the first provides supplies or services to oil companies, the second can carry out information campaigns to inform local communities on the offshore development.

By keeping them out, the government works without taking in account the national needs. Offshore oil and gas industry seeks expertise in public policies, the use of advance technology and best practices to protect the environment. To better fulfill these requirements, government officials should sincerely respect local content.²⁸ By improving the quality of educational programs and creating oil and gas training, the government would enhance the employability of people and reduce unemployment.

Technical Assistance Agreement”, 6 August 2012 <http://www.marketwired.com/press-release/government-union-comoros-mozambique-channel-discovery-ltd-notice-concerning-comoros-1687202.htm>

26. EIN Presswire, “The government of the Union of the Comoros” <http://www.einpresswire.com/article/118829638/the-government-of-the-union-of-the-comoros>

27. ICC International Court of Arbitration, Boule Mining judgement, case N°.19080/AGF/ZF”, 20 October 2015, <http://consommateurkm.com/wp-content/uploads/2015/11/jugement-Boule-Mining-1.pdf>

28. The government specifies it in the petroleum code but the balance of power is in favor of big oil companies. In addition, the Boule Mining group arbitration shows the issue of the corruption by both government officials and oil companies.

Another weakness of the Comorian government is the absence of a Gas Master Plan. Up until now, locals did not know how the government would share gas revenues. In contrast, “for instance, in Ghana there are three funds. The Petroleum Holding Fund ring-fences all oil revenues and the law requires that the government use resource revenues withdrawn from the fund for development related projects. The Ghana Heritage Fund saves revenues for the benefit of future generations. The Ghana Stabilization Fund helps to mitigate budget volatility.”²⁹

The government should have appointed a committee to think about these aspects: have a human resources policy, create a state oil company, and set up a special fund for future generations. The absence of such a structure prevents the Union of the Comoros from having a national plan.

THE POTENTIAL RISKS OF CONFLICT IN THE UNION OF THE COMOROS

First, we can say that poverty and unequal revenue distribution are sources of conflict. Unfortunately, Comoros meets these criteria. Indeed, the lack of economy diversification³⁰ “characterized by a high level of corruption and weak financial management, remains a constant concern in the Comoros Islands.”³¹

The former President Ikililou dhoinine created the High National Anti-Corruption Commission in 2012. Even if the Comoros saw progress in their Transparency International ranking, where they are currently 136th of 168 on the 2015 Corruption Perception Index³², the new president Azali Assoumani decided that it was not very effective and dissolved it.

Comoros can also be affected by the Dutch Disease.³³ In many situations, the oil windfalls led

29. Andrew Bauer, « Managing the public trust : how to make natural resource funds work for citizen », Natural Resource Government Institute, Columbia Center on Sustainable Investment, 2014, p.24 http://www.resourcegovernance.org/sites/default/files/NRF_Complete_Report_EN.pdf

30. Indeed, the economy is based in subsistence agriculture (80 %).

31. African Development Bank Group, “ *Union of the Comoros : Country strategy paper 2016-2020* ” March 2016, EARC Department, p.10 http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/COMOROS_-_2016-2020_Country_Strategy_Paper.pdf

32. Ibid, p.8

33. It is defined by “the deindustrialization of an economy as a result of the discovery of a natural resource, as that which occurred in Holland with the exploitation of North Sea gas, which raised the value of the Dutch currency, making its exports uncompetitive and causing its industry

some States to turn away from sustainable productive sectors. The country neglects its manufacturing industry and it increases the cost of living such as food production, services, and building materials. But as Comoros is an island country, “*the economy depends heavily on imports, with an imports/exports coverage ratio of 10 %.*”³⁴ In such configuration, the Dutch Disease will dramatically increase the Comorian poverty rate.

Then, the political instability can also increase the risk of conflict. Indeed, as Ricardo Soares de Oliveira mentioned, political leaders use resources to reinforce their power.³⁵ In the Comoros, the candidates for the presidential election are both well known. As mentioned below, Azali was a former president who came in power by as the result of a coup. And Mamadou has several times occupied official functions. Both candidates know the country’s opportunities in oil and gas development. In the recent context, the failure of the government to organize elections³⁶ highlights the country weakness. In addition, the Independent National Electoral Commission (INEC) has delayed the publication of the presidential election result.

Finally, we can mention the environmental risk of oil and gas development. Comoros officials have to respect legal instruments when they deliver licenses to international oil companies (IOCs). They must ensure that the company activity will not damage the country’s biodiversity. Everyone has in their mind pictures of a burning oilfields or a tanker accident. This scenario will be very catastrophic in Comoros because communities, especially coastal ones, depend on fishing.

RECOMMENDATIONS

The country will gain more opportunities with effective management. The government must implement an efficient legal and institutional framework to ensure its production. Today, all the decisions are taken by the Energy or Production Minister instead of creating a National Authority structure. This type of organization will play a key role: monitor and regulate

to decline.” <http://www.collinsdictionary.com/dictionary/english/dutch-disease>

34. Op. cit, p.9

35. Sebastian Sperling and Michael Roll, “*Fueling the world - failing the region?: Oil Governance and Development in Africa’s Gulf of Guinea*”, Friedrich-Ebert-Stiftung, 2011 p.22 <http://library.fes.de/pdf-files/bueros/nigeria/08607.pdf>

36. Op. cit, Africanews, 17 April 2016

exploration, development, and production of hydrocarbons resources. The latter must be independent of the Ministry to better accomplish its duties.

On May 2013, the government launched la “*Maison de l’emploi*”, an employment agency to promote vocational training and employment in the Comoros. The Ministry of Employment should work with this institution and others organizations to think on how Comorians can benefit from hydrocarbons. Even if they do not have skills for exploration, the Ministry can plan for the necessary steps. For example, locals can assist companies with administrations tasks. The country must improve education and create opportunities for Comorians. In addition, the state must enlighten people, give them adequate training.

The government must also think about various options for solving such imbalances. It would be interesting to incorporate the best practices in the management of the Comorian hydrocarbons. The country can create a fund for future generations as Ghana did. The government should also think on conflict prevention in the case. It is much easier to manage an anticipated problem than a new one. The government must be aware of this question. It is a way to ensure the country’s development and its population’s needs and interests.

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