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**REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN THE COMOROS**

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I. INTRODUCTION

1. On 11 October 2005, I received a letter from the President of the Union of the Comoros, Azali Asoumani, relating to the reconciliation process in his country. He particularly underscored the need to take the necessary steps to ensure the proper conduct of the presidential elections scheduled for April-May 2006. These elections fall in line with the rotating presidency of the archipelago. President Azali stated that the political context prevailing in Anjouan, where the presidential primaries will be held, is still unsettled and vigilance is required. Although Anjouan is institutionally part of the Union of the Comoros, the Union has no civil or military administration on that island, and therefore does not exert control over it. Indeed, the Union cannot guarantee the safety of elections in Anjouan. Accordingly, President Azali requested the AU, in conjunction with the UN and the international community, to take full charge of the electoral process in his country.

2. Following that letter, I sent missions to the archipelago to assess the state of the preparations for the elections and modalities for any AU support. Furthermore, in September 2005, on the margins the 60th ordinary session of the General Assembly of the United Nations, I held talks with the Comorian authorities on this issue.

3. The aim of this report is to analyse current developments and propose the type of support needed for the election in order to foster national reconciliation in the Comoros.

II. DEVELOPMENTS IN THE RECONCILIATION PROCESS

4. From the start of the separatist crisis in Anjouan, in August 1997, the OAU worked in close collaboration with the countries of the region (South Africa, Kenya, Mauritius, Madagascar, Mozambique, Seychelles, and Tanzania) and successive OAU Troikas, under the leadership of South Africa, the country coordinating the efforts of countries of the region and the AU Troika on the Comoros (which was assigned this mandate during the Ouagadougou summit in June 1998), to find a lasting solution, taking into account the legitimate aspirations of the islands, while guaranteeing the unity and territorial integrity of the Comoros. Through the combined efforts of the OAU/AU and the countries of the region, which, from 1999, covered the restoration of constitutional order following the coup d'état, which took place in April of that year, significant progress has been recorded in the national reconciliation process. The following are worth mentioning:

- the Fomboni Framework Agreement, which was signed in February 2001 by all the Comorian parties involved, making provision for the creation of a New Comorian Entity (NEC), the restoration of constitutional rule and the implementation of a series of confidence building measures; and

- the Beit-Salam Agreement on the transitional arrangements in the Comoros, which was signed by all the Comorian parties on 20 December 2003.

5. Under the Beit-Salam Agreement, the election of members of the autonomous islands Assemblies and the Union Assembly were scheduled for 14 and 21 March and 18 and 25 April 2004, respectively. The AU sent a civil and military observer mission to supervise the elections and create appropriate conditions for the sound conduct thereof. Following these elections, the Assemblies of the Islands and the Union Assembly were set up, a National Union Government - boycotted by the autonomous island of Ngazidja (Grand Comoro) - was formed on 17 July 2005, and the Constitutional Court was officially commissioned on 29 October 2004.

6. The Union Assembly, which is largely dominated by the autonomous islands, with 26 seats out of a total 33, has, since it took office in June 2004, held several sessions during which the following organic and ordinary laws were adopted:

- organic law relating to the organization and powers of the Constitutional Court;
- organic law relating to judicial organization in the Union of the Comoros and in the islands;
- organic law on the organization and functioning of the Supreme Court;
- law on the status of the magistracy;
- organic law fixing the quotas of public revenue to be shared between the Union and the autonomous islands;
- organic law to determine the conditions of implementation of Article 9 of the Constitution of the Union of the Comoros on the sharing of constitutional powers;
- organic law on the status of the internal security forces in the autonomous islands of the Union of the Comoros;
- organic law relating to the conditions of eligibility of the President of the Union and the implementation of Article 13 of the Constitution;
- law laying down general rules and regulations governing state corporations and public establishments;
- electoral law laying down conditions for the organization and conduct of presidential elections.

7. However, there are a number of problems that may jeopardize the smooth progress of the process. Notable among these are the tension and reciprocal mistrust in relations between the President of the Union and the chief executives of the autonomous islands.

8. This situation accounts for the persistent failure of the parties to come to agreement especially on the organic law to determine the conditions of implementation of Article 9 of the Constitution on the sharing of constitutional powers between the Union and the autonomous islands. That article stipulates that *“the Union should be reserved exclusive powers in the following domains: religion, nationality, currency, external relations, external defence and national symbols. An organic law shall determine, as and when necessary, the conditions of application*

and implementation of the exclusive powers. Where powers are shared between the Union and the Islands, the Islands shall be free to act insofar as the Union does not exercise its right to act. The Union shall intervene only where it can act more efficiently than the islands because: (a) letting one island settle a matter may impede on the interests of other islands; (b) one island alone may not be able to settle a matter; (c) the legal, economic and social integrity of the Union are at stake. In such cases, and depending on the domain, the Islands shall have the right to take the necessary measures to realize the fundamental principles and rules set by the Union or to attain goals fixed by the Union. An organic law shall, as and when necessary, determine domains in which the Union and Islands may share powers, and the conditions of exercising such powers. The Islands shall have exclusive powers over domains that do not fall within the exclusive powers of the Union or in which the Union and Islands share powers.”

9. For the implementation of these provisions, the organic law relating to the conditions of implementation of Article 9 on the sharing of constitutional powers was adopted by the Union Assembly on 1 March 2005 and promulgated on 30 March. However, the implementation instruments are still pending. The main ones include:

- the organic law on the status of internal security forces: the Union Assembly adopted this law on 5 May 2005 and forwarded it to the Union Government on 7 May 2005. The Government refused to promulgate it on the grounds that the law may lead to the fragmentation of the country, especially to the formation of four armies in the archipelago. For their part, the autonomous islands deem that they have the right to maintain internal security forces, pursuant to the Union Constitution;
- the law laying down general rules and regulations governing state corporations and public establishments: the Union Assembly adopted this law on 13 June 2005 and forwarded it to the Union Government on 17 June 2005. It has not yet been promulgated since the parties have not agreed on the composition and modalities of appointing the management organs of the corporations, which are a source of public revenue; and
- the organic law relating to judicial organization in the Union of the Comoros and the islands: the Union Assembly adopted this law on 31 August 2004 and forwarded it to the Union Government on 8 September 2004. But the law was not promulgated within the 15-day deadline stipulated by Article 17 of the Constitution because the Government argued that the law was adopted while the President of the Union was on tour abroad.

10. The process currently prioritizes electoral stakes in view of achieving alternation at the helm of state in accordance with the principle of a rotating presidency enshrined by Article 13 of the Constitution, which stipulates *“the presidency shall rotate among the islands. The President and Vice-Presidents shall be elected together by direct universal suffrage in a single ballot for a 4 (four) year renewable term of office, with due respect for rotation among the Islands. A primary*

election shall be held in the island, which has to accede to the presidency, and only the three candidates who obtain the highest number of votes cast may run for the presidential election. An organic law shall determine the conditions of eligibility and modalities of implementation of this article”.

11. In keeping with this principle, and in accordance with the organic law relating to the conditions of eligibility of the President of the Union and the modalities of implementation of Article 13 of the Constitution adopted by the Union Assembly on 4 June 2005, the Comorian parties agreed that it is the turn of the Autonomous Island of Anjouan to accede to the presidency of the Union following the presidential elections scheduled for April-May 2006. The law stipulates that “the Presidency of the Union shall rotate at the end of the current mandate, which is held by Ngazidja; Anjouan, Moheli, and Mahore will each take their turn, subject to the provisions of Article 39 of the Constitution”.

12. Given the context, all the Comorian parties requested the international community to lend the security, material and financial support needed for the organization of the election. The Comorian National Election Commission (CNEC) and the Islands Electoral Commission have been set up. The electoral schedule and the budget of the CNEC have been duly adopted. The budget stands at 1.1 million dollars, while the electoral schedule is as follows:

- 27 February 2006: convening of electors by decree of the President of the Union;
- 28 February-15 March 2006: submission of candidatures;
- 16-19 March 2006: examination and publication of lists of candidates;
- 20-23 March 2006: examination of electoral disputes;
- 24 March 2006: publication of final lists of candidates;
- 25 March-15 April 2006: campaigning for the primaries at Anjouan;
- 16 April 2006: primaries at Anjouan;
- 20 April-13 May 2006: campaigning at the national level;
- 14 May 2006: national elections;
- 26 May 2006: swearing in of the president-elect.

13. To date, 18 candidates have declared their intention to run for the presidential elections of April-May 2006. As mentioned earlier, only the three candidates who obtain the highest number of votes cast during the primaries at Anjouan may run for the national elections.

III. CONFERENCE OF DONORS FOR THE COMOROS

14. The difficulties mentioned above are compounded by the challenge of reviving the socio-economic fabric of the Comorian Archipelago. It is generally established that the various crises faced by the islands are largely due to under-development and poverty among the population, particularly at Anjouan.

15. Thanks to the progress recorded in the national reconciliation process, the AU initiated a conference of donors on behalf of the Comoros, which was held at Mauritius, on 8 December 2005. President Thabo Mbeki of South Africa and the

Prime Minister of Mauritius, Navinchandra Ragoonlam, co-chaired the conference. The Commissioner for Peace and Security, Saïd Djinnit, represented the African Union. I am pleased to inform the Council that the conference rallied a great number of countries and international institutions friendly to the Comoros. Participants included 21 (twenty-one) countries, 28 (twenty-eight) international organizations, including the IMF and the World Bank, and representatives of the private sector from Mauritius and the Comoros.

16. The Conference registered pledges amounting to 200 million dollars, including 140 million dollars in cash contributions. I am pleading to the Comorian parties to respect the commitments made in respect of the national reconciliation efforts. This will create a conducive environment to pursue the forging of partnerships in favour of the Comoros and lead to rapid realization of the commitments made at Mauritius.

IV. AU EVALUATION MISSION TO THE COMOROS

17. In pursuance of the letter I received from President Azali Asoumani, I sent my special envoy for the Comoros, Francisco Madeira, to the archipelago in October 2005. Thereafter, an AU mission led by South Africa, in its capacity as coordinator of regional efforts for the Comoros, visited the Comoros from 27 November to 5 December 2005. The duty of the mission, which comprised South African and the Commission's military and civilian experts, was to determine the type of support the AU can lend for the proper organization of the presidential elections scheduled for April-May 2006. During its stay, the mission held talks with Comorian authorities, at both Union and Islands level, with all institutions and stakeholders in the preparation of the elections as well as with representatives of the international community.

18. The mission noted the tension prevailing between the President of the Union and the chief executives of the autonomous Islands. It outlined the main challenges faced by the electoral process, which include updating electoral registers, lack of financial and logistic resources, training of electoral agents and voters, and security during elections, notably at Anjouan where the primaries will be held next April. The Comorian parties requested the international community to rapidly provide material, logistic, financial and legal assistance for the elections. As regards security, the mission noticed not only the de facto existence of two separate armies, one commanded by the Union and the other by the Autonomous Island of Anjouan, but also the total inability of these forces to remain neutral to ensure the proper conduct of the elections. The degree of mistrust is such that the parties called for security forces to be stationed throughout the electoral process. The parties requested the AU to deploy a military force that will ensure security during elections.

19. The mission accordingly made a number of recommendations, including the deployment of an AU military force, whose main task will be to create a safe environment for the elections to be credible, regular and transparent, and the provision of technical and logistical support.

20. For the follow-up of these recommendations, the Commission organized a consultative meeting with South Africa (coordinator of the regional efforts) and Mauritius (which hosted the Donors Conference) on 31 January 2006, with the aim of finalizing the proposals to support the electoral process in the archipelago. The

meeting underscored the need for the AU and countries of the region to act fast to ensure the proper conduct of the elections in a bid to foster reconciliation in the Comorian Archipelago.

V. OBSERVATIONS

21. The reconciliation process and progress made thus far in the Comoros have now reached a decisive stage. Sustained support is therefore needed for the organization of the presidential elections next April-May. These elections are of utmost importance since they will give rise to alternation at the helm of state, in keeping with the rotating presidency of the Union. If the elections are marred by any incident that could give rise to legitimate complaints against the results, the progress recorded in the reconciliation process thanks to the combined efforts of the AU and countries of the region, under the coordination of South Africa and with the backing of the international community, could be jeopardized.

22. I would therefore like to reiterate the need to provide the Comoros with financial and technical assistance to ensure that the presidential elections are credible, proper and transparent. In this respect, the Commission intends to send an expert in electoral issues to Moroni to assist the CNEC, and to deploy election monitors to the Comoros to follow up the presidential election. I commend the measures taken by South Africa and Mauritius to send experts and election monitors to the Comoros and provide necessary assistance. I would also like to encourage the countries of the region and of the AU Troika on the Comoros to send election monitors, who will part of the AU observer mission during the April-May 2006 elections. The Commission has further contacted the European Union, the League of Arab States, the United Nations and France in view of coordinating all assistance intended for the elections or any other purpose in the Comoros.

23. As mentioned above, and considering the precarious atmosphere prevailing in the Comoros, a very credible and neutral AU force comprising military and police components should be deployed there in order to create the necessary safe conditions and ensure the proper organization of the poll. All the Comorian parties expressed the desire for the AU to make the necessary arrangements for such deployment, as has been the case in the past. The proposed AU force shall comprise a total of 462 personnel (432 military and 30 police) and shall be known as the African Mission for Security of the Elections in the Comoros (AMISEC).

24. Based on the consultations with the Comorian parties and observations on the spot by AU delegations sent to the Archipelago, the tasks of AMISEC should broadly consist of:

- ensuring security during the elections;
- providing a safe and stable environment before, during and after the elections;
- providing security at polling stations and vote counting stations during the elections;
- receiving complaints or allegations of electoral impropriety and carry out initial investigations and handover to Comoros police or electoral officials;

- rendering the elections credible, regular and transparent; and
- lending support to the electoral process.

25. As part of this mandate, the mission would carry out both military and police tasks. More specifically, it could be required to make both mobile and foot patrols, static observations, limited control of movements when necessary and to protect the surroundings of polling stations. It could further transport and protect polling material, protect polling stations and investigate electoral offences.

26. The mission would be deployed according to the concept of lead nation in the three autonomous islands of the Comoros and should be able to cover the campaign and the elections. The force would be deployed two weeks prior to the start of the election campaign in Anjouan, and will stay there up to two weeks after the inauguration of the President.

27. Throughout the process, the Commission has maintained regular consultations with South Africa, which coordinates the regional efforts for the Comoros, to determine the nature of the security assistance required for the archipelago. I want to commend the initiatives taken by South Africa in support of the process, which reflect that country's constant commitment to reconciliation in the Comoros. South Africa has accepted to become the Lead Nation of AMISEC and will be able to provide in-theatre support to its forces. The Commission has requested South Africa to provide the full in-theatre support and sustainment to non-South African members of the Mission.

28. The budget needed for the deployment of the Mission is estimated at 15 million Euros (18 millions dollars). The Commission will mobilize extra-budgetary funds in order to reimburse South Africa for the costs incurred on the non-South African members of the Mission and contribute to South Africa costs.

29. I am requesting the Council to approve these recommendations so that the envisaged operation can take off. Any delay in the deployment of the mission could jeopardize the elections and, consequently, the reconciliation process.

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