

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

P.O. Box: 3243, Addis Ababa, Ethiopia, Tel.:(251-11) 551 38 22 Fax: (251-11) 551 93 21
E-mail: situationroom@africa-union.org, ou-ews@ethionet.et

PEACE AND SECURITY COUNCIL
87TH MEETING
13 AUGUST 2007
ADDIS ABABA, ETHIOPIA

PSC/PR/2(LXXXVII)

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

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

I. INTRODUCTION

1. At its 84th meeting held on 31st July 2007, the Council, after recalling decision PSC/MIN/Comm.1 (LXXXVII) adopted at its 77th meeting held in Durban, South Africa on 9 May 2007, authorizing the deployment of the AU Electoral and Security Assistance Mission to The Comoros (MAES) for an initial period from 13th May to 31st July 2007, decided to extend a mandate of MAES for an additional period of one month up to 31st August 2007. The Council also decided to convene as soon as possible to examine the situation in the Comorian Island of Anjouan in the light of a report, which the Chairperson of the Commission will submit after consultation with the countries of the region.

2. This report is submitted as part of the follow up on the above decision. It covers developments in the situation in The Comoros since the 77th meeting of the Council.

II. BACKGROUND AND CONCLUSIONS OF THE 77TH MEETING OF THE COUNCIL

3. The 77th meeting of the Council examined the situation in The Comoros against the background of serious tension in the Archipelago, characterized among other things by the use on 2nd May 2007 of heavy weapons by the gendarmerie of Anjouan against the premises of the presidency of the Union in Anjouan and elements of the Comorian army present on the Island. Two soldiers were killed during those incidents, while several others were arrested and/or wounded. This attack, which I condemned in no uncertain terms in a communiqué dated 3 May, marked a new deterioration in the relations between the Government of the Union and the authorities of the Autonomous Island of Anjouan.

4. It should be recalled here that the election in May 2006 of the New President of the Union of The Comoros, Ahmed Abdallah Mohamed Sambi, had generated hopes for a significant improvement in the relations between the Executive of the Union and the Executives of the Autonomous Islands through the establishment of a permanent dialogue between the Comorian entities. This hope was nurtured by the installation of a coordinator for Government action in Anjouan and the promulgation on 7 September 2006 of organic laws on the constitutional competencies to be shared, followed by the signing of enabling decrees relating thereto, as well as the setting up of an Inter-Comorian Committee charged to examine the implementation modalities.

5. However, these measures have not made it possible to overcome the impasse arising from the disagreement between the Executive of the Union and the Executives of the Autonomous Islands regarding the sharing of the constitutional competencies which should fall to each of the Comorian entities. The disagreement relates essentially to security issues, particularly the type of armament, the strengths and missions of the internal security forces, as well as to the status of public enterprises, the judicial organization and the status of the bench (the divergence here relates to the

prerogatives of the Head of State concerning the appointment of magistrates and the delimitation of judicial districts). As a result, no significant inroads were made regarding the reintegration within the New Comorian Entity of the Autonomous Island of Anjouan where the military, administrative and institutional authority of the Union has still not been established. This state of affairs has contributed to the emergence of separatist demands in the other Autonomous Islands, especially Grande Comore.

6. The 8th Ordinary Session of the Assembly of the Heads of State and Government held in Addis Ababa in January 2007 was briefed about the situation. The Assembly underscored the urgent need for all the Comorian parties to take the necessary steps to consolidate the reconciliation process and called on the Council to examine the possibility of deploying a mission in the Archipelago that would contribute to the creation of a conducive security environment during the presidential elections in the Autonomous Islands scheduled for 10 and 24 June 2007, and to undertake other related tasks.

7. For my part and in a bid to assist the Inter-Comorian Committee set up to resolve the problem of power sharing among Comorian entities, I dispatched my Special Envoy for The Comoros, Francisco Madeira, to the Archipelago in January 2007, to examine with the Comorian authorities and the other concerned parties the ways and means of overcoming the difficulties hampering the reconciliation process, as well as facilitating the conduct of the presidential elections in the Autonomous Islands scheduled to take place on 10 June for the 1st round and 24 June 2007 for the 2nd round. It is to be recalled that at the request of the African Union, Experts from the International Organization of the Francophonie and the League of Arab States participated in that mission.

8. In mid January 2007, the Assembly of the Union unanimously enacted a law requiring candidates for the post of President of the Autonomous Islands to give up their official positions three months prior to the elections. In a ruling on the petition filed by the Presidents of the Autonomous Islands, the Constitutional Court rejected the pertinent law as unconstitutional. On 26th April 2007, the Constitutional Court, on request, issued an edict underscoring the fact that the mandate of the President of the Autonomous Island of Anjouan, Colonel Mohamed Bacar had expired since 14th April 2007, adding that it devolved on the President of the Union, symbol of the national unity, to assume his role as arbiter and moderator, and ensure the proper functioning of the institutions. Relying on this edict, the President of the Union appointed an interim President for Anjouan until election could be held. Reacting to that decision, the Anjouanese authorities, supported by the outgoing President of Ngazidja filed a petition with the Constitutional Court challenging the constitutionality of the decree by the President of the Union. The relations between the Union and the Anjouanese authorities further deteriorated, culminating in the attack mentioned earlier, after the President of the Union decided to take control of the Ministries of Interior, Finance and National Education of the Autonomous Island.

9. It was against this background that the Council met in Durban at the request of the President of the Union of The Comoros who sent me several letters drawing my attention to the situation prevailing in Anjouan and requesting the deployment of an African Union force to collect the heavy weapons in the hands of the Anjouanese forces,

in violation of the constitution of the Union and the internal security law, thereby creating a climate of security necessary for the holding of free, fair and credible presidential elections in the Autonomous Islands. In the communiqué adopted at the end of its deliberations, the Council:

- a) Expressed concern over the situation in The Comoros, strongly condemned the attacks perpetrated by the Anjouanese gendarmerie against the national Comorian army, as well as acts of harassment that were committed in the Island;
- b) Called for the scrupulous respect of the Constitution of the Union of The Comoros and other fundamental texts governing the functioning of the Union, as well as the authority of the Central Government;
- c) Authorized me, in response to the request of the Comorian Government, to take the necessary steps to provide the security assistance needed to facilitate the smooth running of the presidential elections of the Autonomous Islands; in this regard, invited me, in close consultation with the Chair of the Ministerial Committee on The Comoros to finalize the modalities of the envisaged AU Electoral and Security Assistance Mission to The Comoros (MAES) and ensure its deployment as soon as possible; and
- d) Decided that MAES with a military and civil police component would be deployed for an initial period running from 13 May to 31 July 2007, with the following mandate:
 - (i) to assist the Comorian security forces to create a secure and stable environment for the holding of free, fair and transparent presidential elections of the Islands;
 - (ii) to oversee and ascertain that the Comorian security forces play an effective role in ensuring the elections a trouble-free, in accordance with international standards;
 - (iii) to monitor the electoral process;
 - (iv) to encourage dialogue among the Comorian parties, and
 - (v) to provide long term assistance to strengthen the capacity of the Comorian forces and facilitate the effective restoration of the authority of the Central Government in Anjouan.

10. In the mean time, I dispatched my Special Envoy for The Comoros to the Archipelago to cool down the tension generated by the incident of 2 May and assist the Comorian parties in creating the conditions conducive to the smooth holding of the presidential elections of the Autonomous Islands. His efforts culminated in the signing, on 11 May 2007, of an agreement defining the transitional arrangements relating to the

expiry of the mandate of the President of the Autonomous Island of Anjouan, applicable up to the assumption of office of the newly elected President. According to the terms of the agreement Colonel Bacar accepted the decision of the Constitutional Court on the expiry of his mandate and agreed to vacate the premises of the presidency of the Autonomous Island of Anjouan on 11 May 2007. He also agreed to free the soldiers detained by the Anjouan gendarmerie. Lastly, the agreement stipulates that the security of the candidates for Island election will be ensured within the framework of the security plan put in place by the African Union.

11. However, the Interim Government put in place by Colonel Bacar did not conform to the provisions of the Agreement, particularly those relating to the security of the candidates during the electoral campaign (resulting in 3 candidates for the Anjouanese presidency withdrawing from the race) and restoration of the institutions of the Union in Anjouan. Furthermore, the military expert of the African Union, deployed in Anjouan to assist the transitional authorities was not associated with the implementation of the Agreement. For its part, the Government of the Union temporarily suspended air and sea links with Anjouan; it also suspended the telephone lines of the Anjouanese officials.

III. FOLLOW UP ON THE IMPLEMENTATION OF THE DECISION OF THE 77TH MEETING OF THE COUNCIL AND SUBSEQUENT DEVELOPMENTS IN THE SITUATION

12. In its communiqué of 9 May 2007, the Council urged Member States to contribute the military and civilian police personnel, as well as the financial and logistical resources required, to facilitate the timely deployment and the smooth functioning of MAES. Furthermore, the Council appealed to the partners of the African Union to also provide financial and logistical assistance needed to facilitate the deployment of MAES and successful accomplishment of its mandate.

13. In response to the Council's request, several Member States contributed military and police personnel as well as equipment to MAES at their own expense. South Africa provided 42 elements for the civilian police component of MAES; Tanzania contributed a company of 200 soldiers; Senegal and the Sudan each contributed 10 elements (5 soldiers and 5 policemen). It should be noted that The Sudan also expressed its commitment to provide a military company and all the related equipment. The League of Arab State also provided financial assistant to facilitate the deployment of MAES.

14. As part of its mandate, MAES trained the elements of the Comorian security forces expected to ensure that the voting is trouble free. The Mission also put in place at Ngazidja and at Moheli a voting security arrangement including escort and monitoring of the electoral material, as well as the protection of the polling station, the Assembly and the Constitutional Court of the Union. As regards Anjouan where there were serious problems as to the transparency of the voting because of the attitude of the local authorities, MAES was not able to deploy on time to create the conditions required. As indicated below the election was postponed.

15. As expected, voting for the 1st round of presidential elections of the Autonomous Islands took place on 10 June 2007 under satisfactory conditions in Grande Comore and Moheli, thanks to the security mechanism put in place by MAES. In Grande Comore, Mohamed Abdoulohab won the 1st round with 16.5% of the votes followed by Saïd Larifou with 14.4% and Mzé Abdou Soulé El-Bak, the outgoing President with 13%. The remaining 14 candidates had negligible votes. In Moheli, the election was won by Mr. Mohamed Ali Saïd with almost 33% of the votes followed by Mohamed Saïd Fazul, the outgoing President with 29.8% and Abdou Djabir with 25.

16. The 2nd round of the elections in the two Islands referred to above also took place without incident, thanks to the security mechanism put in place by MAES. In accordance with the law in force, only the first two successful candidates of the 1st round are qualified for the 2nd round. According to the official results released by the Constitutional Court, Mohamed Abdoulohab won the election in Grande Comore with 57,05% of the votes, while in Moheli Mohamed Ali Saïd was credited with 57,95% of the votes. The two candidates were sworn in on 30th June 2007 and 1st July 2007 respectively.

17. With regard to Anjouan, the President of the Union by a decree dated 7 June decided to postpone the 1st round of the election in this Island by one week. That decision was dictated by the absence of a conducive environment for the holding of free, transparent and fair elections. Many violations of the 11 May 2007 Agreement particularly as regards freedom of movement for the candidates contesting the election with the outgoing President of the Island and serious dysfunction of the Island Electoral Commission were noted.

18. The Council meeting on 9 June 2007 endorsed the observations of the Comorian authorities and urged all the stakeholders concerned to show restraint and to lend the African Union the necessary cooperation, thereby creating conducive conditions for the holding of free, transparent and credible elections in the Autonomous Island of Anjouan on 17 June 2007. To this end the Council warned against any attempt by the Anjouanese authorities to hold election on 10 June 2007, and emphasized that the African Union and the international community at large would not recognize the results of such elections.

19. Despite the presidential decree, the subsequent decision of the Council and efforts invested by my Special Envoy, the Anjouanese authorities organized the 1st round of the Island presidential election on 10 June 2007. The Anjouanese gendarmerie was in charge of security of the election. The Local Electoral Commission announced the victory of the outgoing President in the 1st round, with over 89% of the votes. It should be mentioned in this connection that all the other candidates had withdrawn from the race in view of the way and manner it was organized. The Anjouanese authorities went ahead to swear in Colonel Bacar as President of the Island on 14 June 2007.

20. On 18 June 2007, the Constitutional Court of The Comoros issued an edict declaring that the electoral operations for the presidential election in the Autonomous Island of Anjouan had not taken place and ordered the competent authority to convene the electoral body for the presidential election in the Island. For my part, in a communiqué dated 11 June 2007 I strongly condemned the decision of the authorities

of the Island to organize the election and reaffirmed the African Union's determination to continue to help The Comoros to overcome the current crisis in the scrupulous compliance with the fundamental texts governing the functioning of the Union.

IV. MEETINGS OF THE MINISTERIAL COMMITTEE OF THE COUNTRIES OF THE REGION

21. At its meeting of 9 May, the Council expressed its appreciation to the Ministerial Committee of the countries of the region on The Comoros for the work done under the aegis of South Africa. The Council encouraged the Committee to pursue its efforts including a mission to be undertaken as soon as possible to The Comoros to backstop the efforts aimed at consolidating the reconciliation process in the country.

22. In this connection, the Ministerial Committee of the countries of the region met in an emergency session in Cape Town, South Africa on 19 June 2007 to examine the situation in the Archipelago, more particularly the crisis arising from the decision by the Anjouanese authorities to organize the presidential election in the Island on 10 June 2007. The meeting which was chaired by the Foreign Minister of South Africa in its capacity as representative of the coordinating country of the regional efforts on The Comoros, was attended by other countries of the region, namely Kenya, Madagascar, Mauritius, Mozambique, Seychelles and Tanzania, represented either by Ministers or other Plenipotentiaries. The Commission for its part was represented by a delegation led by the Commissioner for Peace and Security and comprising my Special Envoy to The Comoros. The Government of the Union was invited to address the meeting.

23. In a communiqué issued at the end of its deliberations, the meeting reiterated the position of the Council rejecting the outcome of the "election" in Anjouan and called on the international community to do likewise. The meeting also took note of the ruling of the Constitutional Court of The Comoros dated 18 June 2007. Consequently, the meeting considered that the installation of Colonel Mohamed Bacar as "President" of Anjouan and all subsequent acts by the Anjouanese authorities are null and void.

24. The meeting demanded that the Anjouanese authorities take immediately and unconditionally the following measures:

- (i) to comply with the ruling of the Constitutional Court and to unambiguously acknowledge that the "election" organized in Anjouan on 10 June 2007 is null and void;
- (ii) to facilitate the organization, in Anjouan, of the 1st round of the presidential election in the Island at a date to be agreed upon by all the stakeholders, in accordance with the Constitution and relevant electoral legislation, to create conditions for the holding of free, fair and transparent elections;
- (iii) to allow MAES to deploy in Anjouan to provide security for the holding of free, fair and transparent elections in Anjouan. The Anjouanese gendarmerie will be cantoned and will, therefore, not be involved in the monitoring of the electoral process;

- (iv) to extend the necessary cooperation to MAES to enable it to prepare plans for the disarmament of the Anjouanese gendarmerie and integration of its elements into the Comorian army, as well as to assist in the establishment of an internal security force in conformity with the Constitution of the Union and under the supervision of the AU; and
- (v) to commit themselves to, and create a necessary conditions for, the restoration of the authority of the Union in Anjouan.

25. The meeting agreed that, in the event the above demands are not met by the Anjouanese authorities, the Council should met to take all necessary measures, including revising the mandate of MAES and increasing its strength, to achieve the above objectives and to ensure the full implementation of the institutional framework provided for by the Constitution of the Union of The Comoros.

26. From 22 to 29 June 2007, as part of the follow up on the Cape Town communiqué, my Special Envoy went to The Comoros to brief the self-proclaimed President of the Island of Anjouan about the outcome of the Cape Town meeting, as well as to prepare the visit which the Ministerial Committee of the region had agreed to undertake to the Archipelago. The Committee's delegation led by the Foreign Minister of South Africa and comprising representatives of other countries of the region visited the Archipelago on 14 June 2007 where it had consultations with the President of the Union and the self-proclaimed authorities of Anjouan. At the end of the visit, the Ministerial Committee was of the view that some issues raised by the Anjouanese party needed to be considered in-depth in order to facilitate the implementation of the Cape Town communiqué.

27. At its session held in Accra from 25 to 29 June 2007 the Executive Council was briefed of developments in the situation in Anjouan and the efforts invested by the countries of the region. In its decision EXCLDEC.314 (XI) on conflict situations in Africa the Executive Council expressed its concern over the serious difficulties facing the reconciliation process. The Executive Council welcomed the decisions adopted by the Council on 9 May and 9 June 2007 as well as the communiqué of the countries of the region of 19 June 2007. The Executive Council encouraged the countries of the region to pursue and intensify their efforts to enable the Council to convene as soon as possible in order to take the relevant decision on The Comoros. In this regard, and following consultations held in the margins of the Executive Council session the countries of the region agreed to meet in Pretoria, South Africa from 8 to 9 July 2007.

28. The Ministerial Committee met again in Pretoria from 8 to 9 June 2007 as planned. The Commission was represented at that meeting by a delegation led by the Commissioner for Peace and Security and comprising my Special Representative for The Comoros. The meeting of the Ministerial Committee was preceded on 7 July by that of the High Officials of the countries of the region. With the assistance of the representatives of the Commission, the meeting was able to discuss the various aspects of the current crisis in The Comoros and propose a number of recommendations for the attention of the Committee.

29. The meeting of the Ministerial Committee provided the opportunity to hold in-depth consultations with the representatives of the Government of the Union and the de facto authorities of Anjouan who were invited to present their respective positions. On the basis of these consultations and after discussion among its members, the Ministerial Committee arrived at the following conclusions:

- a) The Ministerial Committee emphasized that the communiqué adopted at its meeting held in Cape Town is the basis for any solution to the crisis that erupted in The Comoros following the decision of the Anjouanese authorities to go ahead with the election of the President of the Island on 10 June 2007, in violation of the decree of the President of the Union postponing the said election, and the decision adopted by the Council on 9 June 2007. Accordingly, and bearing in mind the decision of the Constitutional Court of 18 June 2007, the Committee deemed it essential that Anjouanese authorities fulfill the demands contained in the Cape Town communiqué.
- b) At the same time, the Committee acknowledged that the promotion of lasting reconciliation and stability in The Comoros would require addressing in an effective manner the problems of governance facing the Archipelago, including the weakness of the current constitutional arrangements. However, this issue will be addressed once normalcy has been restored in Anjouan with the holding of free, fair and transparent elections. The Committee further acknowledged that both parties made mistakes which contributed to the current crisis in The Comoros.
- c) The Committee also emphasized the need for all the stakeholders in The Comoros to strictly comply with the Famboni Framework Agreement of February 2001, as well as with the letter and spirit of the Constitution of the Union. Such compliance is seen as crucial to the promotion of the rule of law in the Archipelago, as well as to the creation of a climate of confidence among the parties.
- d) Regarding the organization of the presidential election in the Autonomous Island of Anjouan, the Committee recommended the following:
 - i) Given the exceptional circumstances prevailing in Anjouan, the election (1st and 2nd rounds), including the electoral campaign, should take place as soon as possible, with the understanding that the exact date would be determined after appropriate consultation with the relevant Comorian authorities;
 - ii) The organization of the election in Anjouan should involve both the Independent National Electoral Commission and the Electoral Commission of Anjouan. The modalities of the involvement of these two bodies will be worked out by the African Union in consultation with all concerned parties, in conformity with the relevant legislation;

- iii) The African Union and its partners should provide experts who shall oversee the conduct of the whole electoral process. In addition, a sufficient number of observers, to be provided by the Commission of the African Union, the countries of the region and the African Union partners, shall be dispatched to Anjouan as soon as possible the date of the election is determined;
- iv) The election should be secured exclusively by the African Union. Accordingly, MAES should be deployed in Anjouan as soon as possible the date of the election is determined. The Anjouanese authorities should extend the necessary cooperation to the Mission;
- v) MAES should be strengthened to enable it to create a conducive atmosphere for the holding of free, fair and transparent elections;
- vi) As decided by the Ministerial Committee during its meeting in Cape Town, the Anjouanese gendarmerie shall be confined into barracks and shall not be involved in any way in the monitoring of the electoral process;
- vii) All the concerned Comorian parties should commit themselves to take all the necessary steps to contribute to the creation of an atmosphere conducive to the holding of a free, fair and transparent election and strictly comply with the relevant legislation in The Comoros;
- viii) The results of the election to be organized in Anjouan under the conditions spelt out above should be accepted by all concerned;
- ix) Immediate steps should be taken for the mobilization of the resources required for the holding of the election;
- x) The Ministerial Committee agreed that immediately after the election in Anjouan as provided above, steps shall be taken to find appropriate solutions to the issue of the sharing of competences between the Union and the Autonomous Islands as well as that of governance. In this regard, the Committee recommended the following steps:
 - The immediate reactivation, after the election in Anjouan, of the Inter-Comorian Committee on the sharing of constitutional competences between the Union and the Autonomous Islands. This Committee should be strengthened with the participation of a representative of the National Assembly and benefit from the advice of the Constitutional Court;
 - The involvement of experts representing the international community in the work of the Inter-Comorian Committee to provide the necessary expertise and advice;
 - The active and constructive participation of the Members of the Inter-Comorian Committee in the work of the Committee, in full compliance with the

Fomboni Framework Agreement of February 2001, as well as with the letter and spirit of the Constitution of the Union;

- The formulation by the Inter-Comorian Committee of concrete recommendations on the issue of the sharing of competences, particularly with respect to the status of the internal security forces, the status of the public enterprises, and the organization of the judiciary. This exercise should be carried out bearing in mind the need to maintain and strengthen the unity of The Comoros;
- The formulation by the Inter-Comorian Committee of recommendations on the rationalization of the calendar of elections in The Comoros, in order to reduce the cost involved and to facilitate their conduct;
- The provision by the African Union of support for the follow-up on implementation of, the agreements reached within the Framework of the Inter-Comorian Committee, including security sector reform.
- Beyond the issue of the sharing of competences, the Ministerial Committee is of the view that the present constitutional arrangements should be streamlined. Indeed, the functioning of these arrangements requires financial and other resources that are well beyond the capacity of The Comoros. This review should be undertaken after the conclusion of the work of the Inter-Comorian Committee and build on the progress that would have been made within the Framework of the Inter-Comorian Committee.

30. The Ministerial Committee charged the Special Envoy to officially transmit its conclusions to the authorities of the Union of The Comoros and the Autonomous Island of Anjouan. It gave the two parties concerned ten days to react to these recommendations.

V. DEVELOPMENTS THAT HAVE TAKEN PLACE FOLLOWING THE PRETORIA MEETING

31. Soon after the Pretoria meeting, a number of developments took place in relation to the proposals made by the Ministerial Committee. On 12 July, the Government of the Union of The Comoros issued a communiqué confirming its acceptance of the conclusions of the Pretoria meeting and pointing out that they reflect the positions of the international community, particularly the non-recognition of the election organized in Anjouan. The Government relaxed the restrictions imposed on Anjouan, particularly as regards sea and air links. However, the Government regretted the absence of sanctions in the Pretoria conclusions in the event of the refusal by Anjouan to organize new elections. Lastly, the Government underscored the importance of forthcoming meetings of ADB and the IMF from 17 to 18 September in Paris and next October in Washington respectively, which have conditioned a number of important measures in favour of The Comoros, including the cancellation of the Comorian debt and eligibility to the HIPC initiative to the settlement of the crisis with Anjouan.

32. On 20 July 2007, the de facto authorities of the Autonomous Island of Anjouan forwarded their response to conclusions of the Pretoria meetings to the AU liaison office in Moroni. They pointed out that the violation of the fundamental legislations of the Union remains the main cause of the crisis, and that the organization of new elections in Anjouan cannot be the pre-requisite to resolving the problem of the dysfunction of the Comorian institutions. They rejected the security arrangement for the election in Anjouan provided for in the Pretoria conclusions, and questioned the legitimacy of the Constitutional Court following the destitution of its Anjouanese President and his replacement by the representative of the Union.

33. For his part, my Special Envoy undertook a mission to The Comoros from 23 to 27 July 2007 to assess the situation in the Archipelago and to formally receive the response of the parties concerned. At its 84th meeting held on 23 July 2007, the Council, after fully endorsing the conclusions of the Pretoria meeting, welcomed the visit of my Special Envoy and expressed to him its full confidence and support. The Council expressed the hope that his visit will lead to the full and formal acceptance of the conclusions of the Pretoria meetings as well as the speedy and scrupulous implementation.

34. The Special Envoy accompanied by members of the international community present in Moroni had two audiences with the President of the Union; he also visited Anjouan where he had talks with the de facto authorities of the Island. The Special Envoy also held discussions with the Presidents of the Autonomous Islands in Ngazidja and Moheli, the President of the Constitutional Court, the members of the National Assembly and the Independent National Electoral Commission.

35. President Sambu, in the presence of several members of his Government, reiterated the positions of the Union as expressed in the official communiqué of 12 July 2007, as follows:

- The Government of the Union fully supports the conclusions of the Pretoria meeting;
- The Government of the Union reaffirms the prerequisite to the rapid organization of a new election for which the African Union will provide security and expressed its readiness to resume the process of the Inter-Comorian discussions on the issue of sharing of constitutional competences between the Union and the Autonomous Islands, particularly Anjouan;
- The authorities of the Union greatly regretted the absence of sanctions against the current regime in Anjouan despite its refusal to comply with the Cape Town and Pretoria recommendations, as well as those of the international community;
- The authorities of the Union also underscored the last chance given to The Comoros by the ADB and IMF whose meetings will take place from 17 to 18 September in Paris and in October 2007 in Washington

respectively, and which condition the possible cancellation of the Comorian debt and its eligibility to HIPC initiative to the settlement of the Anjouanese crisis;

- President Sambu indicated that the Government of the Union will not hesitate to assume its responsibility should the African Union and the international community fail to take rapidly the necessary measures to overcome the impasse caused by the refusal of Anjouan to accept the Pretoria conclusions.

36. The Presidents of the Autonomous Islands of Ngazidja, Moheli as well as the President of the Constitutional Court, members of the Comorian National Assembly and INEC fully supported the position of the President of the Union.

37. During the talks held successively with Abdul Madi, leader of the Anjouanese delegation to the Pretoria meeting, and Colonel Bakar, the latter underscored the following:

- The current crisis should be blamed on the Government of the Union which violated the countries constitution and the fundamental texts of the Autonomous Islands particularly that of Anjouan;
- The way out of the crisis as recommended by the Pretoria Ministerial meeting is unacceptable. Colonel Bakar rejected the Pretoria framework for the resolution of the Anjouanese crisis and proposed to renegotiate all the elements of the Comorian crisis;
- An electoral calendar cannot, in any case be conceived as the culmination of a process of prior settlement of several issues relating to the sharing of competences among the Comorian entities, the establishment of an international audit commission to determine the respective responsibilities in the current crisis and the consideration of constitutional arrangements;
- New elections in Anjouan, if they are held, should be conducted under security conditions similar to those that prevailed with respect the Ngazidja and Moheli elections, and lead to the resumption of Island presidential elections in the other Autonomous Islands;
- An exclusive security arrangement by the African Union for elections in Anjouan, providing among other things for the confinement of the Anjouanese gendarmerie, is unacceptable.

38. The mission of the Special Envoy to The Comoros ended with a press release in which the representatives of the international community in Moroni noted with satisfaction that the position of the Government of the Union is consistent with the conclusions of the Pretoria meeting. However, the representatives of the international community were of the view that the proposals of the Anjouanese authorities were unacceptable and tantamount to time buying. They reiterated that the 10 June 2007

elections are null and void. They pointed out that the holding of free, transparent and trouble-free elections by the African Union in Anjouan remains the sine qua non for the resolution of the Comorian crisis and called on the de facto Anjouanese authorities to conform quickly and unconditionally to the Pretoria conclusions.

VI. OBSERVATIONS

39. The Comorian crisis has been on the agenda of our Continental Organization (OAU and now AU) for over ten years. As a matter of fact, soon after the outbreak of the separatist crisis in Anjouan in 1997 the OAU has invested efforts in the search for a solution that takes on board the legitimate aspirations of the Islands, particularly as regards the autonomy they need to manage their own affairs, while maintaining the unity and territorial integrity of the Archipelago.

40. The efforts thus deployed led first to the holding in Addis Ababa in December 1997 of the Inter-Island Comorian Conference, which adopted the principle of holding a Reconciliation Conference. The Antananarivo Conference which took place in April 1999 paved the way for an agreement which tried to strike a delicate balance between aspiration to autonomy of the Islands and preservation of the unity of The Comoros. Unfortunately, the Agreement was rejected by Anjouan which asked for an additional time to make its position known. Meanwhile, a coup d'Etat took place in Moroni which jeopardize the process initiated by the OAU and added an institutional dimension to the separatist crisis.

41. Notwithstanding the difficulties, the OAU intensified its efforts which culminated in the signing, in February 2001, of the Fomboni Framework Agreement which created a New Comorian Entity. On the basis of the above agreement, the Current Constitution of the Union of The Comoros was drafted and a new institutional framework was put in place at the national level, that gave important prerogatives to the Islands.

42. However, the implementation of the agreement came up against serious difficulties linked to lack of confidence between the central authorities and that of the Island of Anjouan. As a result, the OAU under the auspices of South Africa as regional coordinator, facilitated the conclusion of the December 2003 Beit-Salam Agreement on the Transitional Arrangements in The Comoros.

43. The period which followed this agreement was marked by inroads in the reconciliation process in The Comoros, as evidenced by the election of the new President of the Union, in the person of Colonel Azali Assoumani and that of the Presidents of the Island Executives, as well as the establishment of the various institutions provided for in the Constitution of the Union. In 2006, within the context the rotating presidency enshrined in the Constitution of the Union, Ahmed Abdallah Sambi, a native of Anjouan, was elected President of the Union.

44. However, on the fundamental issue of the return of Anjouan to the Union and the restoration of the rule of law in that Island, no significant progress has been made. The authorities of the Island of Anjouan have constantly invested efforts to maintain the statu

quo and the de facto independence enjoyed by the Island. The latter's membership of the Union is, at best, formal. The Island of Anjouan maintains a gendarmerie whose equipment is disproportionate compared to the internal security tasks devolving on it; the Comorian army is non-existent on the Island; the Government of the Union has no control over the collection of revenue in the Island; the latter pays to the Union budget the amounts it has fixed itself. In short separatist tendencies still persist in Anjouan.

45. As stated earlier, throughout these last ten years, the OAU/AU has continued to invest efforts to promote reconciliation in the Archipelago and help The Comoros to restore stability. Coupled with the diplomatic efforts deployed by the successive OAU/AU Special Envoys and the countries of the region, including the organization of numerous reconciliation conferences, is the deployment of six peacekeeping missions in the Comoros: OMIC I (OAU Mission in The Comoros) from November 1997 to May 1999; OMIC II from December 2001 to February 2002; OMIC III from March to May 2002; OMIC IV from March to May 2004; AMISEC (African Union Electoral and Security Assistance Mission) from April to May 2006; MAES (Electoral and Security Assistance Mission The Comoros) since May 2007. These missions varied in terms of strength, ranging between a few dozens of men and more than thousand men; but also in terms of mandate: confidence building among the parties, security and electoral assistance, collection of weapons, etc. The OAU also helped in mobilizing the international community to support the economic recovery of The Comoros including the holding of a Round Table of Donors in favour of Comoros in December 2005.

46. Nevertheless, it should be noted that all these efforts invested with the unwavering support of the OAU/AU partners (League of Arab States, the International Organization of the Francophonie, the European Union, the Indian Ocean Commission and the United Nations) did not receive the expected support from the Anjouanese authorities which preferred to maintain a stance of non-cooperation rather than exploring possible ways and means of finding a definitive solution to the crisis, with the attendant risks of jeopardizing the significant progress achieved in the national reconciliation process in The Comoros. There is also the serious risk of the latent separatist tendencies in Ngazidja assuming more alarming proportions, which could undermine the unity and stability of the Archipelago.

47. It is important to underscore the duty of support and solidarity of the AU and the Member States vis à vis the legitimate Government of the Union of The Comoros in its efforts to exercise its full powers over the entire national territory and integrate the Autonomous Island of Anjouan in the institutional process of The Comoros. To this end, it is worth recalling the recommendations of the meeting of the Ministerial Committee of Cape Town which demanded that the Anjouanese authorities implement immediately and unconditionally the transitional arrangements, particularly the organization of fresh democratic election for which the AU will provide security, the deployment of MAES, the cantonment and disarmament of the Anjouanese gendarmerie, the restoration of the authority of the Union in Anjouan and the creation of conducive conditions for the implementation of these recommendations. It is also worth recalling that the Ministerial Committee agreed that in the event that the above demands are not met, the PSC should meet to take all necessary measures, including revising the mandate of MAES and increasing its strength.

48. Once again, I would like to express my gratitude to the countries of the region for their devotion and for the efforts they continue to invest to promote reconciliation and stability in The Comoros. Particularly, I would like to renew my gratitude to South Africa for its unalloyed support and sustained sacrifices.

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Peace and Security Collection

2007

Report of the Chairperson of the Commission on the Situation in the Comoros

African Union Commission

Peace and Security

<http://archives.au.int/handle/123456789/2189>

Downloaded from African Union Common Repository