

Country/entity	Comoros Anjouan
Region	Africa (excl MENA)
Agreement name	Communiqué Commun des Délégation d'Anjouan et de Mohéli de la Sous Commission de Lois
Date	1 Sep 2001
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Anjouan Crisis (1997 - 2008)

The two islands of Anjouan and Mohéli seceded from the Comoros in 1997, with Anjouan unilaterally declaring independence. In the aftermath of this declaration, political infighting emerged and several coup attempts in Anjouan took place. In 2001, a junta led by Mohamed Bacar was able to consolidate power and he began negotiations with the Comoros. These negotiations resulted in the establishment of a renewed Union of the Comoros with a peace agreement constitution. After the end of his formal term, Bacar launched another coup against his successor, declaring independence again in July 2007. In February 2008, the Comoros army, supported by France and members of the African Union, invaded the island and forced Bacar to leave and the declaration of independence to be withdrawn.

Close

Anjouan Crisis (1997 - 2008)

Stage	Framework/substantive - partial
Conflict nature	Inter-group
Peace process	Comoros-Anjouan islands peace process
Parties	For the delegation of 'Anjouan Doctor Commander Abdou BACAR Head of the delegation For the delegation of Moheli Mr Archadi Mohamed Mr Mindhir OUSSENE Mr Mohamed OUSSENE

Third parties

-

Description

The short agreement is an public statement resulting from discussions of the Sub-Commission of the Tripartite Commission in charge of drafting the Comorian constitution. Among 30 points of divergence encountered during these talks, the text raises 11 points on which the parties agree on, including: the new name of the Union; the motto; distributions of seats in the Union; distributions of competences; specific provisions related to the executive, legislative and judiciary powers.

Agreement document

[KM_010901_Joint Communiqué.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups**Children/youth**

No specific mention.

Disabled persons

No specific mention.

Elderly/age

No specific mention.

Migrant workers

No specific mention.

**Racial/ethnic/
national group**

No specific mention.

Religious groups

No specific mention.

Indigenous people

No specific mention.

Other groups

No specific mention.

**Refugees/displaced
persons**

No specific mention.

Social class

No specific mention.

Gender**Women, girls and
gender**

No specific mention.

Men and boys

No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum 11 °) General Provisions:
Article...
- This draft constitution will be regarded as the Constitution of the new Comorian Union if it is adopted by the majority of the votes cast at the level of each Island/State;

State symbols On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:
1°) Name: Union of States of the Comoros
2°) Motto: unity, solidarity, development
[...]
4°) Institutions of Islands/States: to add to article 7 paragraph 2: "and each island has its own symbols"

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

**Political
institutions (new or
reformed)**

Governance→Political institutions (new or reformed)→New political institutions
(indefinite)
Page 1-2:

After five working days of the Legal Sub-Commission of the Tripartite Commission that has gathered in BONOVO since 01 September 2001, more than 30 points of divergence have been listed in relation to the draft constitution submitted to review, focusing specifically on:

- The name of the New Comorian Union
- A few points on the general provisions
- The organs and the allocation of competences - Transitional provisions

On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:

1°) Name: Union of States of the Comoros 2°) Motto: unity, solidarity, development

3°) The institutions of the Union: to indicate in the Constitution the distribution of seats on the following model:

* Executive Power in Great Comoros

* Legislative power in Anjouan

* Judicial Power in Moheli

4°) Institutions of Islands/States: to add to article 7 paragraph 2: "and each island has its own symbols"

5°) Article 8: to replace this article with: "The Law of the Union is binding on the whole of the territory of the Union"

6°) The exclusive competences of the Union: to retain only the competences outlined in the framework agreement of the 17.02.2001.

7°) Executive power of the Union:

- Retain the principle of a Collegial Presidency (with 2 vice-presidents elected in the same conditions as the President), rotating with the countersignature principle as mentioned in Article 12.

- With regards to the assignment process of the Chairman and the vice-presidents: a primary election by direct universal suffrage at the level of each island for each of them, and then subsequently a second election at the level of the Assembly of the Union.

- All the ministers/commissioners are equal among themselves; there is no Prime Minister

8°) Legislative power of the Union: 30 Deputies, namely 10 by Island, unicameral parliament

9°) Judiciary: replace "Supreme Court" with "Superior Court of Appeal"

10°) Revision of the Constitution: Add the vice-presidents to the list of authorities empowered to initiate a revision;

11 °) General Provisions:

Article...

- This draft constitution will be regarded as the Constitution of the new Comorian Union if it is adopted by the majority of the votes cast at the level of each Island/State;

- During the transition, the institutions at the level of the Union and the Islands/States will be those provided by the Framework Agreement of 17 February 2001, in particular its points 15 and 16.

- The powers of the Constitutional Court laid down by the present Constitution will be temporarily exercised by the instruments provided in the aforementioned Framework Agreement.

Governance→Political institutions (new or reformed)→Temporary new institutions

Page 2:

11 °) General Provisions:

Article...

- This draft constitution will be regarded as the Constitution of the new Comorian Union if it is adopted by the majority of the votes cast at the level of each Island/State;

- During the transition, the institutions at the level of the Union and the Islands/States

Elections	<p>Page 1:</p> <p>On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:</p> <p>[...]</p> <p>7°) Executive power of the Union:</p> <ul style="list-style-type: none"> - Retain the principle of a Collegial Presidency (with 2 vice-presidents elected in the same conditions as the President), rotating with the countersignature principle as mentioned in Article 12. - With regards to the assignment process of the Chairman and the vice-presidents: a primary election by direct universal suffrage at the level of each island for each of them, and then subsequently a second election at the level of the Assembly of the Union.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	<p>Governance→Constitution→Constitutional reform/making</p> <p>[The Agreement in its entirety comments on a draft Constitution.]</p> <p>Page 2:</p> <p>On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:</p> <p>[...]</p> <p>11 °) General Provisions:</p> <p>Article...</p> <ul style="list-style-type: none"> - This draft constitution will be regarded as the Constitution of the new Comorian Union if it is adopted by the majority of the votes cast at the level of each Island/State; - During the transition, the institutions at the level of the Union and the Islands/States will be those provided by the Framework Agreement of 17 February 2001, in particular its points 15 and 16. - The powers of the Constitutional Court laid down by the present Constitution will be temporarily exercised by the instruments provided in the aforementioned Framework Agreement.

Power sharing

Political power sharing

Power sharing→Political power sharing→Executive coalition

State level

Page 1:

On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:

[...]

7°) Executive power of the Union:

- Retain the principle of a Collegial Presidency (with 2 vice-presidents elected in the same conditions as the President), rotating with the countersignature principle as mentioned in Article 12.

- With regards to the assignment process of the Chairman and the vice-presidents: a primary election by direct universal suffrage at the level of each island for each of them, and then subsequently a second election at the level of the Assembly of the Union.

Power sharing→Political power sharing→Proportionality in legislature

State level

Page 1:

On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:

[...]

8°) Legislative power of the Union: 30 Deputies, namely 10 by Island, unicameral parliament.

Power sharing→Political power sharing→Form of 'veto' or communal majority

State level

Page 1:

On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:

7°) Executive power of the Union:

- Retain the principle of a Collegial Presidency (with 2 vice-presidents elected in the same conditions as the President), rotating with the countersignature principle as mentioned in Article 12.

Territorial power sharing	<p>Power sharing→Territorial power sharing→Federal or similar sub-divided government</p> <p>Page 1:</p> <p>On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:</p> <p>[...]</p> <p>4°) Institutions of Islands/States: to add to article 7 paragraph 2: "and each island has its own symbols"</p> <p>5°) Article 8: to replace this article with: "The Law of the Union is binding on the whole of the territory of the Union"</p> <p>6°) The exclusive competences of the Union: to retain only the competences outlined in the framework agreement of the 17.02.2001.</p> <p>7°) Executive power of the Union:</p> <p>[...]</p> <p>- With regards to the assignment process of the Chairman and the vice-presidents: a primary election by direct universal suffrage at the level of each island for each of them, and then subsequently a second election at the level of the Assembly of the Union.</p> <p>[...]</p> <p>11 °) General Provisions:</p> <p>Article...</p> <p>- This draft constitution will be regarded as the Constitution of the new Comorian Union if it is adopted by the majority of the votes cast at the level of each Island/State;</p> <p>- During the transition, the institutions at the level of the Union and the Islands/States will be those provided by the Framework Agreement of 17 February 2001, in particular its points 15 and 16.</p>
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts Page 1:
On these expressed points of divergence, the delegations of Moheli and Anjouan agreed on the following proposals:
[...]
9°) Judiciary: replace "Supreme Court" with "Superior Court of Appeal"

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source <http://www.comores-online.com/>
