



The AU and the search for Peace and Reconciliation

in Burundi and Comoros



“hd

Centre for
Humanitarian
Dialogue

Mediation for peace

The Centre for Humanitarian Dialogue (HD Centre) is an independent mediation organisation dedicated to helping improve the global response to armed conflict. It attempts to achieve this by mediating between warring parties and providing support to the broader mediation community.

The HD Centre is driven by humanitarian values and its ultimate goal to reduce the consequences of violent conflict, improve security, and contribute to the peaceful resolution of conflict.

It maintains a neutral stance towards the warring parties that it mediates between and, in order to maintain its impartiality it is funded by a variety of governments, private foundations and philanthropists.

© Centre for Humanitarian Dialogue, 2011

Reproduction of all or part of this publication may be authorised only with written consent and acknowledgement of the source.

Front cover photography:

© African Union, *78th PSC Meeting on Comoros*, 9 June 2007 | © Lt. TMN Turyamumanya / African Union, *TFG Soldiers in Somalia queue for their first organised payment exercise supervised by AMISOM troops in Mogadishu* | © African Union, *Water provision to neighbouring villagers in Mogadishu*

The AU and the search for Peace and Reconciliation

in Burundi and Comoros

Table of contents

Foreword	02
Acknowledgements	04
Introduction	05
Part I: Burundi case study	09
Executive summary	09
1.1 Context	10
1.2 OAU/AU intervention in the Burundi crisis	12
Part II: Comoros case study	34
Executive summary	34
2.1 Context	35
2.2 Phase One (1995–2007): processes and tools	37
2.3 Phase Two (October 2007 – March 2009): processes and tools	52
Part III: Lessons identified	59
3.1 General lessons	59
3.2 Process-specific issues in Burundi	64
3.3 Process-specific issues in Comoros	66
Part IV: Recommendations	68
4.1 Building capacity for managing knowledge	68
4.2 Professionalised support mechanisms	70
References	73
List of Acronyms and Abbreviations	76
Appendix – Chronology of events	77
Annexe – AU documents relating to the processes in Burundi and Comoros	83

Foreword

The promotion of peace and security in the continent is one of the key objectives of the African Union. Indeed, the AU was borne out of the collective will of Member States to work unrelentingly to deepen and consolidate peace, security and development in African countries, taking into account their historical and cultural conditions, as well as their level of economic and social development. In this respect, African states realized that the issues of peace and security have to be addressed holistically. Hence, in the prevention of conflict, there is need to address poverty and underdevelopment, as well as promote democracy, good governance and respect for human rights.

It was on this very basis that the OAU Mechanism for Conflict Prevention, Management and Resolution was established in Cairo in 1993 to provide the Organization with instruments to enable it to deal with the scourge of conflicts on the continent. More specifically, the aim was not only to develop an institutional mechanism of collective African action in matters of conflict management in relation to the hitherto *ad hoc* ways of solving conflict, but also to effectively take on board the changes that have taken place as far as the crises facing the continent are concerned. The essential element here is linked to the significant increase in intra-state conflicts compared to inter-State conflicts, which have decreased considerably with the end of the cold war.

Nevertheless, the scope and gravity of the conflicts, as well as their complex nature, soon revealed the limitations of the mechanism, which, among other things, did not provide for the deployment of peacekeeping operations (a responsibility left exclusively to the United Nations) and conferred only very limited powers on the OAU. It was necessary, therefore, to adapt the structures and resources of the continent to the situation then prevailing on the ground and to the new challenges resulting from the changes that had taken place in the international system. The efforts deployed in this regard also formed part of the plans to transform the OAU into the African Union.

It is against this background that the inaugural Ordinary Session of the Assembly of the African Union adopted the Protocol Relating to the Establishment of the Peace and Security Council in Durban in 2002, on the basis of which the AU Peace and Security Council was established. Most significantly, the Protocol embodies the African Peace and Security Architecture (APSA) that is designed to provide a framework for responding to the challenges facing the continent.

The Architecture has the Peace and Security Council (PSC) as its key pillar. The PSC is to be supported in its work by the African Standby Force (ASF), the Continental Early Warning System (CEWS), the Panel of the Wise, and a Peace Fund. The African Regional Mechanisms for Conflict Prevention, Management and Resolution are also a part of the Architecture. In addition to these, the APSA is also continuously being enhanced to address the prevention of conflict through the development of tools for structural conflict prevention, as well as Post-Conflict Reconstruction and Development (PCRD) and the African Union Border Programme.

There is no gain saying that a lot more remains to be done if the ambitious agenda which the African Union has set for itself is to achieve some degree of success. Africa continues to be torn asunder by many conflicts with far reaching humanitarian consequences; the continent is the least developed in the world, with particularly low social indicators; the democratic processes set in motion at the end of the 1980s remain fragile and have suffered serious setbacks; and the continent only plays a marginal role in world trade.

Since the organisation began its work as the Organisation for African Unity (OAU) in 1963, and throughout the evolution of the AU to becoming the organisation it is today, peacemaking has remained a key priority and responsibility for the organization. Due to its vast involvement in conflicts across the continent, the organisation has, in the past 15 years, accumulated wide ranging experiences in conflict prevention, management and resolution, most of which have remained largely un-documented.

With the adoption of the Peace and Security Council Protocol, the AU member States have entrusted the AU with important roles in conflict prevention, assisting parties to find peaceful solutions to conflicts and post-conflict peacebuilding and development. The AU Commission has an obligation to continue these positive developments. We believe in the value of learning from past peacemaking efforts in order to benefit from the work of AU's envoys and staff, enrich our thinking and analysis, and provide us with ideas on how to resolve key peace and security challenges when they occur on the continent. For this reason, the AU Commission decided, in 2008, to begin recording and analysing the AU's peacemaking efforts – beginning with Burundi and the Comoros. These cases illustrate two key efforts in the AU's history of conflict prevention, management and resolution, which lasted for several years and whose lessons need to be heeded.

As the report 'The peacemaking efforts of the African Union in Burundi and the Comoros' points out, the OAU/AU has been able to adopt diverse tools in its work, including shuttle diplomacy, facilitation and mediation; coercive diplomacy; economic sanctions; observer missions and military intervention, among others. It has deployed Special Envoys for both Burundi and the Comoros, established Liaison Offices in the two countries, participated in regional initiatives such as the Great Lakes Regional Initiative for Peace in Burundi (GLRIPB), complemented Political Missions with Observer Missions, deployed Peace Support Operations, and coordinated with other actors such as the United Nations, the Organisation Internationale de la Francophonie (OIF), and member States.

This report highlights the AU's role in deploying and supporting these mechanisms. At the beginning of both efforts, the OAU/AU faced tremendous difficulties in implementing its policy due to its administrative and logistical weaknesses. However, as the report also points out, this has improved significantly in the past several years, and efforts for further improvements are ongoing. The report also underlines the usefulness of the availability of multiple tools.

Peace processes are challenging and long-term, and the OAU/AU has had to be creative and to devise various mechanisms in order to keep the processes going. Learning how to deploy these tools, which are at our disposal, and doing so more and more effectively, is an important focus of the Commission's current work.

Ambassador Ramtane Lamamra

AU Commissioner for Peace and Security

Acknowledgements

This paper is prepared by the Centre for Humanitarian Dialogue's Mediation Support Programme, based on research and writing by Professors David Francis and Thomas Kwasi Tiekou. It is also based on comments received at an AU case studies validation workshop held in Addis, 11–12 March 2009 as well as additional very helpful comments provided to the HD Centre by El-Ghassim Wane, Ntolé Kazadi and Joyce Neu on the Comoros case study. Also, subsequent interviews were conducted by Stine Lehmann-Larsen with Ambassadors Said Djinnit, Francisco Madeira and Taiati Mourad on the Comoros case. The HD Centre would like to thank Gilbert Khadiagala, David Lambo, Laurie Nathan, and Teresa Whitfield for their insightful comments and editorial assistance.

Further, this research project is made possible thanks to the support of a number of people who voluntarily gave their time and facilitated the logistical aspects of field visits. While it is impossible to acknowledge everyone, the HD Centre would like to express its sincere thanks and appreciation to the many AU officers who took the time to be interviewed, provided invaluable official documents and facilitated our research visits to Burundi, Comoros, Ethiopia, Kenya, Senegal and Tanzania. They include El Ghassim Wane, Head of the AU Conflict Management Division, Salvatore Nkeshimana, the Comoros Desk Officer, Diallo Birro, the Burundi Desk Officer, Falmata Liman, Political Officer at the AMIB, Mary Ngugi, Assistant to the Special Representative of the Chairperson of the AU Commission, and administrative assistants at the French, South African, Tanzanian, and Ugandan missions to Burundi, Kossi Abassa at the AU Liaison Office in Moroni as well as Ambassadors Said Djinnit, Mahmadou Bah, Taiati Mourad and Francisco Madeira.

The HD Centre is indebted to all the many people, who were interviewed by telephone, for the valuable information they provided and the Norwegian Ministry of Foreign Affairs for their financial support.

Introduction

The Conflict Management Division (CMD) of the African Union (AU) and the Centre for Humanitarian Dialogue (HD Centre) commissioned this report as part of the CMD's programme to enhance AU mediation capacity. The report documents and examines lessons from the AU's experiences in mediation and peacemaking. It also aims to contribute to the AU's ongoing knowledge-management process by encouraging systematic learning and the preservation of institutional memory.

The report examines the successes and challenges of peacemaking efforts of the AU and the Organisation of African Unity (OAU) in Burundi between October 1993 and April 2009, and in Comoros between 1995 and March 2009. It asks how and why the OAU/AU became involved in the two countries, and aims to analyse and draw lessons from both engagements. It documents and examines the political, diplomatic and administrative aspects of OAU/AU involvement in Burundi and Comoros, and pays attention to the military dimension of the processes.¹ In the case of Burundi, the report discusses the importance of the United Nations (UN) presence in Burundi, through the efforts of SRSO Ould-Abdallah, SRSO Dinka and the United Nations Office in Burundi (UNOB). However, for purposes of brevity, the present paper will not extensively examine the UN role and will focus on presenting lessons on the OAU/AU involvement in the country.

The research relies on primary source materials, such as consultation notes, mission reports, reports of the Secretary-General and the Chairperson of the AU Commission, policy papers, communiqués and resolutions on the crises. The findings are based on research that includes: extensive field visits to both countries; a review of secondary source materials; interviews with the relevant stakeholders in Burundi, Comoros, Ethiopia, France, Kenya, Senegal and Tanzania; and extensive telephone interviews with interlocutors based in Belgium, South Africa and the United States.

At the heart of the report is a basic yet profoundly significant issue of how international organisations such as the OAU/AU – challenged on resources and capacity – manage peacemaking processes involving high-stakes and intractable intra-state conflicts. The report examines the dilemma of which tools to use to resolve a particular conflict, how to facilitate dialogue among belligerents, how to conduct effective mediation, what support structure to draw on, and how the competing demands and problems that inevitably emerge are addressed. Through this case-specific analysis, lessons are drawn to provide the basis for practical recommendations for enhancing AU's mediation and peacemaking capacity.

¹ Mediation is defined as the involvement of a third party to facilitate dialogue and negotiation among parties to a conflict, to help them to achieve a mutually acceptable settlement. The term 'mediation' as used here includes a range of non-coercive activities (such as traditional mediation, facilitation of dialogue, conciliation, negotiation, problem solving, shuttle diplomacy, and good offices). In Burundi and Comoros, the AU used both peaceful and coercive means in its peacemaking efforts. Coercive means included sanctions and military intervention. Therefore, neither of the two cases can be described as pure mediation processes. For further analysis, see: Ramsbotham, Oliver, Woodhouse, Tom and Miall, Hugh, *Contemporary Conflict Resolution* (Polity, 2000), pp.9–21; Khadiagala, Gilbert M., Maundi, Mohammed O., Nuamah, Kwaku and Zartman, I. William, *Getting In: Mediators' entry into settlement of African conflicts* (USIP, 2006), pp.4–6; Wallensteen, Peter, *Understanding Conflict Resolution* (Sage, 2002), pp.280–285; Francis, David (ed.), *Peace and Conflict in Africa* (Zed Books, 2008), pp.81–87.

Peacemaking is a broader concept than mediation. It covers a range of strategies, all leading towards settlement of armed conflict. These strategies involve mediation as well as arbitration and adjudication, unilateral action by one of the parties, domestic political reform, confidence- and security-building measures, and the offer of inducements and application of pressure by international organisations and powerful countries.²

The CMD selected the cases of Burundi and Comoros for documentation and critical assessment. The two cases are very different in nature and history. While the double crises of governance and secession in Comoros have been limited to that island state, the complex conflict in Burundi has engulfed the Great Lakes and Central Africa regions. Nevertheless, the two cases have similar political trajectories of perennial instability and underdevelopment that warranted the involvement of the OAU/AU. In both countries, the OAU/AU collaborated with regional powers and key Western partners in resolving the conflicts.

The peacemaking processes in Burundi and Comoros were shaped by the AU's expanded mandate in peacemaking. The AU relied upon its new security architecture, which included the Peace and Security Council and the normative provisions in the Constitutive Act relating to the banning of military coups, and the right of international intervention in situations of war crimes, crimes against humanity and genocide in states.

Both processes led to institutional innovations. The involvement of the OAU/AU in Burundi led to the creation of the Great Lakes Regional Initiative for Peace in Burundi (GLRIPB), the Political Directorate, and the reliance upon African lead nations in peacemaking efforts, and contributed to the development of the Mechanism for Conflict Prevention, Management and Resolution (MCPMR). The OAU/AU engagement in Comoros in 1995 contributed to the Algiers Declaration on the rejection of military coups and unconstitutional changes of governments in Africa. Furthermore, the challenges the OAU faced in Burundi informed the transformation of the MCPMR to the new AU peace and security architecture.

The strategies adopted included the use of African lead nations, regional initiatives (GLRIPB, AU Troika³ and the Countries of the Region) and the deployment of observer missions and electoral assistance teams which eventually created the conditions for the signing of peace agreements. The peacemaking processes were supported by the deployment of OAU/AU observer missions and electoral assistance teams such as OMIC I-IV, MAES and AMISEC in Comoros and MIPROBU, OMIB, AMIB and AUSTF⁴ in Burundi. In the case of Comoros, the failure of sanctions led to military intervention, authorised by the Heads of State and Government, to end the secession crisis in Anjouan.

The OAU/AU established an *ad hoc* facilitation structure that included the good offices of the Secretary-General (SG), involvement of the SG's Chief of Staff, the appointment of Special Envoys of the SG and later the Chairperson of the AU Commission, the involvement of the MCPMR and later the AU Peace and Security Council (PSC) and the Peace and Security Commissioner, the Department of Peace and Security (DPS), the GLRIPB, Countries of the Region and AU Troika. Desk and field officers were appointed for each country to enhance the OAU/AU field presence and peacemaking infrastructure.

² Nathan, Laurie, 'Plan of Action to Build the AU's Mediation Capacity', conference paper (Addis Ababa: AU Seminar, 15–16 October 2009).

³ To expand the OAU's level of involvement the Secretary-General established the Countries of the Region on Comoros Committee. Further, at the OAU 1999 Summit, a 'Troika' was set up in Ouagadougou. South Africa chaired the Troika, which included the previous, current and in-coming chairs of the OAU. This mechanism was to complement the work of the Countries of the Region Committee in an effort to secure the support and commitment of regional countries that might be directly or indirectly affected by the crisis or had strategic interests in Comoros. Membership included South Africa, Tanzania, Kenya, Mozambique, Seychelles, Mauritius and Madagascar. Meetings were held at ministerial level and co-ordinated by South Africa. The committee reported to the OAU Council of Ministers.

⁴ OAU Observer Mission on Comoros I-IV (OMIC I-IV), AU Electoral and Security Assistance Mission to the Comoros (MAES), AU Mission for Support of the Elections in Comoros (AMISEC), Protection and Observation Mission to Re-establish Confidence in Burundi (MIPROBU), Observer Mission in Burundi (OMIB), African Union Mission in Burundi (AMIB), AU Special Task Force (AUSTF).

As will be discussed later in the report, carrying out well-supported and well-managed mediation efforts is a difficult endeavour for all mediation actors. The international community has only recently launched efforts to 'professionalise' mediation. This report aspires to contribute to the AU's current efforts to improve its mediation work by pointing to some lessons from previous experiences and offering recommendations for future directions.

The report has four parts. Parts I and II critically examine the case studies of OAU/AU peacemaking efforts in Burundi and Comoros by focusing on OAU/AU engagement and facilitation of mediation, and the outcome and assessment of the organisation's peacemaking activities. Part III outlines the combined lessons identified in the two case studies. Lastly, Part IV is structured as an option paper including key recommendations on how the AU can improve its management of knowledge and lessons learned, which may be of practical use to the AU in further enhancing its mediation capacity.

Part I: Burundi case study

Executive summary

The OAU intervened in Burundi in October 1993 to restore the democratic political process and stop the violence that erupted after leading members of the first democratically elected Government led by Melchior Ndadaye were assassinated by Tutsi army officers on 21 October 1993. The killing sparked violence throughout Burundi, with aggrieved Hutus directing their anger against ordinary Tutsis. The Burundian national army, dominated at the time by the Tutsis, retaliated, killing about 150,000 people, most of them Hutus, between 1993 and 1994 and forcing more than 700,000 people to seek refuge in neighbouring states.

The 1993 crisis coincided with the OAU's retooling of its peacemaking architecture to enable the Pan-African organization to play a central role in promoting democracy and conflict resolution in Africa. The OAU Secretariat set these two new goals in a major policy document adopted by African heads of state at the 26th Ordinary Session of the OAU Assembly in July 1990. This document paved the way for the OAU to establish, in June 1993, the Mechanism for Conflict Prevention, Management and Resolution (MCPMR).

The war in Burundi constituted a test for the OAU to demonstrate its commitment to conflict management and resolution in Africa. The OAU responded in three ways. In the first phase, between October 1993 and June 1995, the OAU through the then Secretary-General, Dr Salim Ahmed Salim directly mediated in the conflict and tried to restore the democratic institutions that had fallen apart after the June 1993 elections and the subsequent assassination of the newly elected president. Dr Salim focused on supporting the Special Representative of the UN Secretary-General (UN SRSG), Ahmedou Ould-Abdallah and creating the space for the OAU to establish a field presence.

During the second phase, from July 1995 to November 1999, the OAU process was led by Tanzania and its former President, Julius Nyerere, and facilitated by close collaboration between the OAU's Special Envoy, Mamadou Bah and UN SRSG Berhanu Dinka. The OAU provided the legal and political support to President Nyerere to facilitate a dialogue process among the parties in Burundi. The OAU also deployed two military missions to Burundi and assisted in the creation of the Great Lakes Regional Initiative for Peace in Burundi (GLRIPB), which provided political and co-ordinating support to the Burundi peace process.

In the last phase, between December 1999 and April 2009, South Africa led the process. Through the GLRIPB, then headed by Ugandan President, Yoweri Kaguta Museveni, the OAU appointed former South African President, Nelson Mandela as chief facilitator following President Nyerere's death. The AU replaced the OAU in May 2001 but maintained the established peacemaking structures in Burundi. In addition, it deployed peacekeeping and VIP protection forces to support the peace process. That support in part paved the way for the successful organisation of local government and national elections in 2005.

In its intervention efforts, the OAU/AU faced a number of challenges: inadequate planning; the failure to develop a strategic course of action for the Burundi mission; inadequate logistical and technical support; and over-reliance on donor financial support. Weaknesses in the deployment, communication, command,

control, reporting and financial management were a consequence of inadequate planning and OAU/AU inexperience in managing a major peace process. Some of the challenges the OAU/AU faced were beyond the organisation's control – notably, some of the Burundian parties's deep distrust of President Nyerere and his facilitation team.

1.1 Context

Burundi is a landlocked country of 27,834 square kilometres, bordered by Rwanda to the north, the Democratic Republic of Congo to the west and Tanzania to the south and east. It has a population of about 8.85 million,⁵ of which women account for 52 per cent and about 33 per cent are youths.⁶ The population consists of 83 per cent ethnic Hutus, 16 per cent ethnic Tutsis, and 1 per cent ethnic Twas. Sixty-seven per cent of the population is Christian (62 per cent Roman Catholic and 5 per cent Protestant), 23 per cent practises indigenous religions and 10 per cent of the population is Muslim. Burundi's official languages are Kirundi and French.

1.1.1 The historical context

The people in Burundi were part of the Bantu population who migrated from the Nigeria–Cameroon border between the first and fourth centuries of the modern era.⁷ They lived in a political community that in modern times came to be known as Urundi. The majority derived their income from agriculture, a smaller number from cattle-raising and even fewer were hunters and gatherers. These occupations became the basis for categorising and constructing their identities. The cultivators were socially constructed as indigenous Bantu stock, and acquired the name Hutus.⁸ The cattle-rearing population acquired the name Tutsi.⁹ The Twa appellation applied to those who were hunters and gatherers.¹⁰

Together with Rwanda, Urundi was colonised by Germany until they were taken over by Belgium following World War I. The Germans and the Belgians developed feudal structures that had emerged prior to their arrival into coherent governance mechanisms, and used them to govern Urundi. The hierarchical, colonial social structures favoured the Tutsi population, whose access to protein as a result of cattle-rearing gave them physical features perceived as superior to the bodily traits of the rest of the people in Burundi. Colonial power structures enhanced the position of the cattle-rearing population, allowing them to gain and control political power and giving them greater access to economic opportunities and European-style schools.¹¹

⁵ Population Reference Bureau, Burundi (<http://www.prb.org/Countries/Burundi.aspx>, accessed 20 August 2008). Unless indicated otherwise, the same source applies to other statistical data in this section.

⁶ 'Youths' are classified as people between the ages of 10 and 24 (Population Reference Bureau, 2008; United Nations Children's Fund, Basic Indicators (United Nations Organization, 2006, http://www.unicef.org/infobycountry/burundi_statistics.html, accessed 16 August 2008).

⁷ Collins, O. Robert and Burns, James M., *A History of Sub-Saharan Africa* (Cambridge University Press, 2007).

⁸ The Hutus were considered indigenous, as most people living in the Great Lakes Region before colonial rule were cultivators. For further information, see: Lemarchand, René, *Burundi: Ethnic conflict and genocide* (Woodrow Wilson Center Press/Cambridge University Press, 1996); Makoba, W. Johnson and Ndura, Elavie, 'The roots of contemporary ethnic conflict and violence in Burundi,' in Saha, Santosh C. (ed.), *Perspectives on Contemporary Ethnic Conflict: Primal violence or the politics of conviction?* (Lanham, MD: Lexington Books, 2006); Daley, Patricia, 'Ethnicity and political violence in Africa: the challenge to the Burundi state', *Political Geography* (2006) 25:6, pp.657–679.

⁹ The Tutsi were seen by the Hutus as foreigners who migrated from North Africa, partly because the dominant occupation of those in the Northern part of Africa was cattle-rearing and partly because the cattle are of Asian origin. There is, however, no historical basis for this claim.

¹⁰ The Twa who migrated to Burundi first were considered immigrants from Southern Africa, mainly because most of the hunter-gatherers lived around modern-day Southern Africa, initially concentrated around the Kalahari Desert area. This is also a myth. Historical and linguistic evidence suggests that the Twas, like the Hutus and Tutsis, were part of the Bantu movement.

¹¹ Daley, 2006; Makoba and Ndura, 2006.

1.1.2 The post-colonial political landscape

Burundi became independent as a monarchy in 1962 and then became a republic in 1966. The post-colonial Burundian political landscape features many conflicts, notably the brutal suppression of an attempted coup in 1965, the arrest and killings of Hutu elites in 1969, the massacre of more than 150,000 people (mostly Hutus) in 1972, the killings of over 15,000 people in 1988 and the post-1993 killings.¹² After independence, competition for state power developed between three main groups: the Tutsi-Hima, the Tutsi-Banyaruguru, and the Hutu elite.¹³

Tutsi-Hima military officers from the Bururi region ruled Burundi between 1966 and 1993 following a coup by Michel Micombero, an army captain, who abolished the constitutional monarchy and declared Burundi a republic on 28 November 1966. Captain Micombero was removed by a relative, Lieutenant Colonel Jean-Baptiste Bagaza in November 1976. The latter governed the country for 11 years until a nephew of his, Pierre Buyoya, led a coup against him in September 1987 and became President.

After a decade of military administration, Buyoya began to liberalise Burundi's political system in a bid to end political violence in the country.¹⁴ The reforms led to the election of the first democratically elected president of Burundi in June 1993. Melchior Ndadaye, a Hutu and leader of the Democratic Front of Burundi (FRODEBU), won 65 per cent of the presidential votes, and FRODEBU also won 65 out of 81 seats in the National Assembly. President Ndadaye opened the Government to the opposition party, UPRONA,¹⁵ and appointed one of its representatives, a Tutsi woman, Sylvie Kinigi, as Prime Minister of Burundi.

Fearing that Hutu majority power would undermine their dominant position in society, a group of Tutsi military officers attempted to overthrow the Government on 21 October 1993. They assassinated the newly elected president, the speaker and deputy speaker of the National Assembly as well as several high-ranking members of the FRODEBU party. The event created a political vacuum as those who were constitutionally allowed to succeed Ndadaye were also killed, leading to the outbreak of a civil war. It is estimated that the war claimed over 150,000 lives between 1993 and 1994, while more than 700,000 refugees fled to neighbouring states.¹⁶

After protracted negotiations facilitated by the UN and the OAU, Cyprian Ntaryamira was elected in January 1994 to succeed Ndadaye and lead a coalition government between FRODEBU and UPRONA.¹⁷ Leonard Nyangoma (Ndadaye's former Minister of Interior) reacted to the formation of the coalition government by leading a group of FRODEBU members of parliament, who had fled into exile in the Democratic Republic of Congo (DRC). This group formed a rebel movement, the Conseil National pour La Défense de la Démocratie (CNDD), with the purpose of restoring the 1992 Constitution and political institutions it established. The

¹² Lemarchand, René, *Rwanda and Burundi* (New York: Praeger, 1970); Lemarchand, 1996; Lemarchand, René, 'The Burundi killings of 1972', *Online Encyclopaedia of Mass Violence* (2008); Malkki, Liisa, *Purity and Exile: Transformations in historical-national consciousness among Hutu refugees in Tanzania* (Chicago: University of Chicago Press, 1995); Chrétien, Jean-Pierre, *The Great Lakes of Africa: Two thousand years of history* (New York: Zone Books, 2003, translated by Scott Straus).

¹³ The Tutsi-Hima is a sub-group of Tutsis who traced their roots to southern Burundi; the Tutsi-Banyaruguru is a sub-set of Tutsis from the northern parts of Burundi.

¹⁴ Huntington, P. Samuel, *The Third Wave: Democratization in the late twentieth century* (Norman University of Oklahoma Press, 1991); Khadiagala et al., 2006.

¹⁵ The Party of National Union and Progress, UPRONA, was President Buyoya's party.

¹⁶ Ngaruko, Floribert and Nkurunziza, Janvier D., 'An economic interpretation of conflict in Burundi', *Journal of African Economics* (2000) 9:3, pp.404–405.

¹⁷ Four personalities played prominent roles in the process: James Jonah, UN Undersecretary-General for Africa who was dispatched to Bujumbura on a fact-finding mission following the events of October 1993; the Special Representative of the UN Secretary-General, Ahmedou Ould Abdallah; and the two Special Representatives of the OAU Secretary-General, Papa Louis Fall and Leandre Bassole.

CNDD launched its armed campaign from the DRC, and encouraged two other rebel groups –the Party for the Liberation of the Hutu People (PALIPEHUTU), founded in the 1970s, and the National Liberation Front (FLORINA), founded in the 1980s – to resume their armed activities. A number of other rebel groups formed later.¹⁸

1.2 OAU/AU intervention in the Burundi crisis

The OAU/AU intervention dating from the October 1993 crisis in Burundi can be divided into three phases.

1. From October 1993 until June 1995, the OAU/AU, through then Secretary-General Dr Salim Ahmed Salim, engaged in direct mediation. Its missions attempted to create peace in Burundi and restore the democratic institutions established by the June 1993 elections.
2. From July 1995 until November 1999, the OAU/AU worked through Tanzania, its former President Julius Nyerere, and the GLRIPB to try to establish a government reflective of the ethnic make-up of Burundi and acceptable to key parties in Burundi.
3. From December 1999 to April 2009, the OAU/AU worked through South Africa and the GLRIPB to build peace and institutionalise new governance structures in Burundi.

1.2.1 Phase One (October 1993 until June 1995): processes and tools

During the first phase of intervention, the OAU attempted to mediate and resolve the conflict directly, with the Secretary-General (SG) acting as chief mediator. The OAU's central objectives were to quell violence and restore the democratic institutions established by the June 1993 elections. The office of the SG responded immediately after the assassination of President Ndadaye on 21 October 1993. Dr Salim consulted the OAU Chairman (Egyptian President, Hosni Mubarak) and incoming Chairman (Tunisian President, Ben Ali), and issued a joint statement condemning the attempted coup. Dr Salim then outlined the OAU's policy in Burundi in a series of media interviews, based on the principle that 'Africa could not remain indifferent to [the events in Burundi] as it was a challenge to the edifice of democracy'.¹⁹ The OAU determined to use all available means to end violence and ensure that Burundi returned to constitutional rule.²⁰ This position, articulated in a report submitted to and endorsed by the OAU Council of Ministers in February 1994, defined the OAU mission in Burundi.²¹

The OAU's firm position on Burundi was driven partly by the crisis occurring when the OAU leadership was at an advanced stage of negotiations to reposition the organisation towards a more central role in conflict resolution and the promotion of democracy in Africa.²² The negotiations led to the creation of the OAU's

¹⁸ The CNDD split into various factions. A stronger rebel group called the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD) came out of the CNDD. The various factions of the CNDD-FDD became important players after 1996, and continue to dominate the political scene in Burundi.

¹⁹ OAU (Organisation of African Unity, 1993a), *Record of Consultation between the Ambassador of Burundi H.E. Mr Pierre Claver Ndayicariye and OAU Secretary-General Dr Salim Ahmed Salim on Monday 25 October 1993*.

²⁰ Information obtained from interviews with both an OAU and Tanzanian interlocutor.

²¹ OAU, Resolution on Burundi, CM/1803 (LIX) and CM/Res. 1487, adopted in February 1994.

²² These two new goals were set in a major policy document adopted by African heads of state at the 26th ordinary session of the Assembly of the OAU in July 1990.

Mechanism for Conflict Prevention, Management and Resolution (MCPMR) in June 1993. The outbreak of war in Burundi around the same time provided a good testing ground for the OAU to show its commitment to conflict management and resolution. Also, Burundi provided a good test case for the OAU to show its commitment to the promotion of democracy in Africa. Before the 1993 crisis, Dr Salim referred to Burundi's transition to democracy as a model for other African states.²³ The outbreaks of violence undermined this message.

1.2.1.1 Political and diplomatic instruments

Dr Salim initially attempted to ensure that the parties would engage in political dialogue. He first met with the Burundian Ambassador to Ethiopia, Pierre Claver Ndayicariye, at OAU headquarters on 25 July 1993. Dr Salim also consulted with officials in the French embassy in Bujumbura who had offered asylum to surviving members of President Ndadaye's Government.²⁴ A week after the assassinations, he led a high-powered OAU delegation to Bujumbura to hold talks with key stakeholders.²⁵ On 30 October 1993, the OAU delegation met with both the army high command and the surviving members of the Burundi Government in order to open the channel of communication and start the process of rebuilding confidence between these institutions.

The SG appointed Ambassador Papa Louis Fall from Senegal as his Special Representative in Burundi. In the absence of a roster of African diplomats, Ambassador Fall was one of the very few experienced and highly respected French-speaking diplomats that Dr Salim knew and could call upon at short notice. Prior to his appointment, Ambassador Fall had participated in peace talks aiming to resolve the Rwandan conflict. Dr Salim felt the Rwanda peace talks had given Ambassador Fall the necessary experience of working with belligerents in the Great Lakes region. In addition, Ambassador Fall had general understanding of Francophone African politics.

Ambassador Fall was given general Terms of Reference that included his mandate and virtually nothing else. He had only a few days to prepare before travelling to Burundi and there is no evidence that he received any major briefing or dossier about the conflict, the issues and actors involved, nor was he provided with mission objectives, strategies, expectations, backstop support, nor an exit strategy. Moreover, it appeared that Ambassador Fall did not have a deep knowledge of key aspects of the Burundi situation such as the mindset of the ruling class and Burundi social structure, before he assumed his office.

Ambassador Fall arrived in Burundi in November 1993 and opened a permanent OAU mission in Bujumbura, the capital city of Burundi. His lack of familiarity with Burundi politics, coupled with little backup support, meant that he had to learn through trial and error. The Burundi parties exploited this or, in the words of a former OAU official, 'played games' with him.²⁶ Ambassador Fall was unable to find a good way to deal with the persistent double talk of the Burundi political elite, and publicly criticised the injustice he felt was embedded in Burundi society. This alienated key Tutsi politicians and army officers who accused him of being biased towards the Hutus.²⁷ The tension and distrust that developed between Ambassador Fall and the Tutsi elite became a major distraction, and led to his replacement by Ambassador Leandre Bassole from Burkina Faso in 1994.

²³ Interview with OAU interlocutor, Tanzania, 27 October 2008.

²⁴ The mission also deployed gendarmes to protect them when they were moved to *Hotel Source du Nil* in Burundi's capital, Bujumbura.

²⁵ The delegation included the Egyptian Vice-Minister of Foreign Affairs, the Egyptian Ambassador to Burundi, the OAU Undersecretary-General in charge of political affairs, the OAU Director for Political Affairs and two support staff.

²⁶ OAU interlocutor, Tanzania, 27 October 2008.

²⁷ OAU interlocutors: Tanzania, 27 October 2008; Burundi, 16 October 2008; Addis Ababa, 22 October 2008.

Bassole was also appointed because of his Francophone background and because he was known to the SG. Again, he was given no background information or briefing and was not provided with technical support. Bassole's relationship with the Tutsi elite gradually deteriorated, and he was eventually replaced by Ambassador Mamadou Bah of Guinea in 1997. Unlike the previous two Special Representatives, Ambassador Bah had participated in almost every discussion and meeting on Burundi since the October 1993 crisis, in his previous capacity as OAU Director for Political Affairs. His familiarity with the issues together with his calm personality and willingness to face the challenges made him the ideal individual for Burundi's political environment.

Like his predecessor, Ambassador Bah had to conduct the mission without adequate support staff and resources. For instance, his mission had no political and legal experts for many years. There was no clear line of reporting between the Burundi mission and OAU/AU headquarters. Also, there was no clearly defined relationship between the Special Representative and key headquarters institutions, such as the Conflict Management Division (CMD) and the Peace Support Unit within the Department of Peace and Security.

1.2.1.2 Military instruments

The OAU also used military tools to end the violence and restore constitutional rule in Burundi. In consultations with the remaining members of the Government, the SG offered 'to establish an International Force of Stabilisation and Confidence Building' and 'help restore confidence and enable the Government to function without intimidation and fear'.²⁸ The OAU Central Organ mandated the deployment of 180 army and 20 civilian officers (surgeons and nurses) on 7 December 1993, as The Observation Mission to Re-establish Confidence in Burundi (MIPROBU). MIPROBU was also required to help prevent the spread of the violence and to assist in creating conditions for the Government and the army to begin the process of reconciling the two major ethnic groups in Burundi.

An advanced team of MIPROBU, made up of the civilian component and few military officers, drawn from Niger, Mali and Burkina Faso, deployed on 5 February 1994. However, full deployment of the military component never took place, due to opposition from the army to the presence of international forces. Despite painstaking consultations with all stakeholders and repeated assurances by the Burundian military that it had no major objection to the deployment of MIPROBU,²⁹ the process stalled for nearly three months.³⁰ Upon the advice of the Government of Burundi, the OAU eventually agreed to reconsider the idea of deploying the 180 army officers.

A special session of the OAU Central Organ on 15 March 1994 decided to send instead a smaller team of military observers to help rebuild confidence in the Burundi Government. This decision led to the signing of an agreement with the Government of Burundi a month later which allowed the OAU to deploy 47 military observers under the umbrella name of the Observer Mission in Burundi (OMIB). Following the death of President Ntaryamira, the OAU Council of Ministers decided to extend the mandate of OMIB for 'three years from 17 June 1994'.³¹

²⁸ OAU (Organisation of African Unity, 1993b), *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim and the Legitimate Government of Burundi held at the French Embassy in Bujumbura on 30 of October 1993*, pp.1–5.

²⁹ OAU (Organisation of African Unity, 1994), *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim and the Military Commanders of the OAU Mission to Burundi – Cabinet Office on 30 January 1994*.

³⁰ The advance party eventually withdrew after the 1996 coup.

³¹ President Ntaryamira was killed, together with the president of Rwanda. Their plane was shot down over Kigali when returning from an emergency regional summit on the situation in the two countries.

1.2.1.3 In search of a new strategy

Opposition from the Burundi army and the Tutsi parties to FRODEBU's aim of forming a government in line with the outcome of the 1993 election, to replace the Government of President Ntaryamira, forced the OAU to re-consider its approach to Burundi. The OAU leadership realised that it would be impossible to restore the 1993 political system, and that the direct mediation efforts of Dr Salim and his team were insufficient. The organisation decided to change both the strategy and the broader objectives of the Burundi mission. The Central Organ set the tone for the strategy shift when it decided to reconfigure the OMIB 'in order to assist the people of Burundi in regaining confidence and pursuing the process of national reconciliation'.³²

The revised OAU strategy focused on assisting the efforts of the Special Representative of the UN Secretary-General (UNSG), Ahmedou Ould-Abdallah, and the Roman Catholic Bishops of Burundi, who had become active in the Burundi peace process, to negotiate a coalition government between the country's 12 active political parties. The negotiation led to the establishment of another coalition government in September 1994 called the 'Convention of Government', headed by Sylvestre Ntibantunganya of FRODEBU. Although the presidency of the new Government went to the FRODEBU party, the real power was given to the Burundi army and Tutsi-Hima elite, because the powers of both the presidency and parliament were reduced. While the new political arrangement fell far short of the return to democratic rule that the OAU had set out to restore, the organisation decided to support what seemed to be the best way out of the crisis.³³

The OAU dispatched two ministerial-level missions to Burundi between April and June 1995 to explore further ways in which the OAU might assist in the implementation of the Convention of Government.³⁴ The delegation concluded that additional political pressure was needed, especially on the army and the security forces, to persuade them to implement the terms of the Convention of Government.³⁵ The OAU Council of Ministers endorsed the finding of the delegation, reaffirmed the OAU's 'strong support for the Convention of Government' and urged Dr Salim to ensure that 'political and other forces, especially the army and the security forces, join hands in implementing the said convention'.³⁶

1.2.1.4 Informal mediation

Informed by observations of the ministerial delegation, the Secretary-General decided to request the assistance of an elder African statesperson to make use of informal channels to pressure the Burundian parties to respect the terms of the Convention of Government. The Secretary-General asked former Tanzanian President, Julius Nyerere to assume that role.³⁷ There were three main reasons for this choice. First, it was felt that President Nyerere's stature would raise the OAU's profile and confer additional gravitas. Second, as most Burundian refugees had fled to Tanzania, the OAU deemed that President Nyerere would be particularly knowledgeable about the situation as well as exceptionally committed to resolving a conflict that was affecting his country. Third, President Nyerere had the international influence and standing to mobilise external political and donor support for the peace process.

³² OAU, *Resolution on Burundi*, CM/RES. 1524 (LX); CM/1831 (LIX), adopted June 1994. The use of the phrase *assist the people of Burundi* rather than the *government* as used in previous resolutions and declarations indicated that the OAU leadership was thinking beyond the outcome of the 1993 elections.

³³ OAU interlocutor, Burundi, 28 October 2008.

³⁴ The delegation consisted of the Secretary-General, the Foreign Ministers of South Africa and Mauritius, the Secretary of State for Foreign Affairs of Tunisia and the Assistant Minister of Foreign Affairs of Egypt to Burundi. The missions took place on 11 to 13 April and 29 May to 3 June 1995.

³⁵ Report of Ministerial Delegation, 1995.

³⁶ OAU, *Resolution on Burundi*, CM/Res. 1619 (LXIII) adopted February 2004.

³⁷ OAU (Organisation of African Unity, 1995c), *Record of Consultation on Burundi between OAU Secretary-General Dr Salim Ahmed Salim and Foreign Minister of Burundi held at the Cabinet Office in Addis Ababa, 20 December 1995*, pp.1–12.

President Nyerere paid two visits to Burundi, where he held talks with the parties,³⁸ and consulted with President Mandela throughout his informal intervention in the Burundi crisis.³⁹ These informal contacts made President Nyerere feel ‘sufficiently confident’ that he could help the Burundi parties reach a negotiated settlement.⁴⁰

1.2.1.5 Outcome of Phase One activities

OAU/AU officials felt that the peacemaking efforts of the OAU in the first phase helped to prevent the Balkanisation of Burundi into Hutuland and Tutsiland. Burundi politicians, both Tutsis and Hutus, thought that the best way out of the crisis was to divide Burundi into two separate states and along ethnic lines.⁴¹ The Tutsi family was of the view that their security could be guaranteed only by a Tutsi government, while Hutus were of the view that a Tutsi-led government would never share power with them. Division of the country appeared a logical solution.

The issue was raised at the first consultative meeting between the OAU delegation and the Burundi parties on 30 October 1993. A senior AU officer recalls that Dr Salim emphatically rejected it and asked the parties to remove the issue of dividing Burundi from the discussion. Dr Salim simply asked those who continued to raise the issue to find a place for Bahutsis (those of both Hutu and Tutsi parentage) before raising it again.⁴² The rapid rejection of the idea at the first meeting, and the OAU’s determination not to entertain any further discussion, effectively prevented it from becoming a major talking point in the peace process.

The OAU diplomacy promoted confidence building and reconciliation between the army and the remaining members of President Ndadaye’s Government. The assassinations shattered the confidence of the remaining members of the Government in the Burundian army. They felt that ‘less than 20 per cent of the army’ was loyal to the Government⁴³ and needed assurances that further assassinations were not being planned.⁴⁴ The OAU assured the remaining members of the Government of its support, and offered to provide protection to them as part of the efforts to restore confidence and encourage them to resume work. The OAU also put pressure on the leadership of the army to support the remaining members of the Government, intimating that ‘there are [OAU member] countries which are thinking in terms of [military] intervention in the event there is further deterioration of the situation’.⁴⁵

The initial OAU intervention helped open the channel of communication between the army and the remaining members of the Government. The OAU put pressure on the army ‘to restore contact and re-establish dialogue with the Government’.⁴⁶ The OAU leadership acknowledged that the Burundian army ‘cannot be entirely trusted’, and that the Government had legitimate cause to be apprehensive. However, senior OAU officials

³⁸ Despite the conventional view that President Nyerere never visited Burundi during the crisis.

³⁹ OAU interlocutor, Bujumbura, 28 October 2008.

⁴⁰ OAU (Organisation of African Unity, 1996a), *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim, Ato Meles Prime Minister and Mwalimu Julius Nyerere held at the Prime Minister’s Office on 27 February 1996*, pp.1–10.

⁴¹ Burundi interlocutor, Bujumbura, 16 October 2008; OAU interlocutor, Addis Ababa, 20 October 2008; President Bagaza was a major advocate of the position.

⁴² AU interlocutor; Burundi interlocutor.

⁴³ OAU, 1993b, pp.3–5.

⁴⁴ OAU, 1993b.

⁴⁵ OAU (Organisation of African Unity, 1993c), *Record of Meeting between OAU Secretary-General Dr Salim Ahmed Salim and the Burundi Army Command at the Headquarters of the General Staff in Bujumbura on 30 October 1993*, p.3.

⁴⁶ OAU, 1993c.

including SG Dr Salim still asked the remaining members of the Government to ‘engage the positive elements within the army’.⁴⁷ At the request of the army high command, Dr Salim assumed the role of a go-between. He drew the attention of the commanders to three main considerations:⁴⁸

1. the army was not as disciplined as it ideally should be and therefore had not played the positive role expected of a professional national army
2. the army had not done enough to prevent the killing of President Ndadaye, and put its commanding officers on the defensive⁴⁹
3. the army bore collective responsibility for the killings of 21 October 1993, and the breakdown of security in Burundi.

Despite his incessant rebukes of the army in private meetings, Dr Salim turned out to be its promoter-in-chief during meetings with the remaining members of the Government. While the exact impact of Dr Salim’s mission and condemnation of the army for the assassination is still unclear, some senior OAU and AU officials claimed that the first phase of OAU/AU missions to Burundi helped re-set the minds of both parties.⁵⁰ The missions can at least be credited with playing a vital role in making the army leadership move, albeit reluctantly, towards accepting the remaining members of the Government as the legitimate authority in Burundi, and creating a secure enough environment for them to resume work.

Despite these successes, the OAU’s entry encountered many challenges. It appeared that the OAU underestimated the capacity of the Burundi army and Tutsi parties to prevent the restoration of the political system established by the results of the June 1993 elections. It took the leadership of the OAU more than a year to realise that it would not be able to recreate the 1993 political arrangement. The OAU leadership would have known this before engagement if they had had better access to information and intelligence.

Moreover, the OAU was caught in a dilemma. The Tutsi-dominated army of Burundi was the only institution capable of restoring peace in Burundi, but the army was against the restoration of the Hutu-led political arrangement created by the outcome of the 1993 elections. The restoration of the democratic process would have spurred further violence. Giving in to the demands of the army would have been unjust to FRODEBU, which had resoundingly won free and fair elections in June 1993. The OAU leadership was also aware that it risked further alienating Nyangoma-led rebels committed to the restoration of the outcome of June 1993 elections if it had given in to the army. During the first phase of intervention, the OAU leadership could not find a way out of this dilemma.

The OAU was unable to achieve its twin goals of ending the violence in Burundi and restoring constitutional rule. The level of violence increased to the extent that militias in the province of Cibitoke attacked an OAU convoy on 14 June 1995, resulting in the death of one OAU military observer. The escalation of violence prompted the search for new approaches to the Burundi crisis.

⁴⁷ OAU, 1993c.

⁴⁸ OAU, 1993c.

⁴⁹ OAU interlocutor, Bujumbura, 30 October 2008; AU interlocutor, Addis Ababa, 20 October 2008; OAU, 1993b, pp.3–4.

⁵⁰ Accounts by senior OAU officials indicated the first delegation of the OAU played a pivotal role in this. They argued that by the time the AU delegation left Burundi, it appeared that key members of the remaining government had reversed their initial position (i.e. blanket condemnation of the army for the 21 October crisis) and rather endorsed the army’s version of the story, which claimed that the assassination was carried out by few disgruntled soldiers. This shift set the stage for the government and the army to start communicating, and to begin the process of bringing the disorderly situation under control.

1.2.2 Phase Two (July 1995 to November 1999): processes and tools

In the second phase of engagement, the OAU worked through the GLRIPB and a facilitation team led by President Nyerere. The OAU also adopted a regional approach, partly because many of the active rebel groups were operating from and backed by some of Burundi's neighbouring states. The OAU leadership felt that a regional approach would ensure that 'whatever measures and pressures' the OAU employed in dealing with the Burundi conflict would not be undermined by other states in the Great Lakes region.⁵¹ To get the states in the Great Lakes region involved in the peace process, Dr Salim undertook 'regional consultations with the neighbouring countries, especially Rwanda, Tanzania, Uganda, Zambia, Kenya and Zaire'.⁵² Tanzania's influence and role were deemed essential, and Dr Salim held a number of private talks with Tanzanian presidents, Ali Hassan Mwinyi and Benjamin Mkapa (from November 1995 onwards). He asked Tanzanian leaders to lead a regional effort to:

- find ways to stop the massive and illegal flow of arms into Burundi
- take a common position on the Burundi conflict
- provide extra political support to the OAU peacemaking efforts
- put pressure on the parties, especially the opposition and the army, to respect the decisions and recommendations of the OAU.⁵³

At the same time, more actors became involved in the Great Lakes region. In two summits held in November 1995 and March 1996, the Carter Center convened the leaders of the Great Lakes region and key international peacemakers to explore ways to resolve the conflicts in the region. The the Carter Center's decision to organise a conference on the Great Lakes region was welcomed by the OAU leadership but raised concerns about the lack of co-ordination between the their peace initiative, and those of the GLRIPB and of the OAU. The seemingly contradictory reaction of the OAU to the Carter Center's involvement was driven by pragmatism.

On one hand, the OAU was acutely aware that it could not solve the conflicts in the region on its own, and therefore welcomed the assistance provided by the Carter Center. On the other hand, President Nyerere had expressed unhappiness about the involvement of external actors in the Burundi peace process and the decision to organise the international conference on the Great Lakes conflicts.⁵⁴ The OAU had to find a way to placate President Nyerere while simultaneously encouraging the Carter Center to remain involved. It did so in a resolution of February 1996, when the Council of Ministers requested Dr Salim to 'take all necessary measures' to ensure 'a better co-ordination' of the Burundi peace process in view of the numerous peace initiatives deployed by the international community to deal with the problem in the Great Lakes region.⁵⁵

The resolution empowered Dr Salim to continue discussions with President Mkapa about the need to bring Burundi's neighbouring states together to serve as a co-ordinating mechanism for the peace process.

⁵¹ A top former OAU official explained that the decision was made based on the role ECOWAS was playing in the search for peace in Liberia. OAU, 1995b; OAU interlocutor.

⁵² OAU, 1995a.

⁵³ OAU, 1995c.

⁵⁴ OAU, 1995a.

⁵⁵ OAU, *Resolution on Burundi*, CM/Res. 1619 (LXIII), adopted February 1996.

President Mkapa convened a regional summit on Burundi in Arusha on 25 June 1996. Dr Salim obtained the OAU's endorsement of the outcome of the regional summit in July 1996.⁵⁶ The July 1996 Council also mandated 'the Secretary-General of the OAU to co-ordinate with the UN Secretary-General to secure the necessary support of the international community for the implementation of the outcome of the Arusha Regional Summit of June 25, 1996'.⁵⁷ 'Arusha One', as it was to be known in the context of Burundi, became the first meeting of the GLRIPB.

The GLRIPB became an ad hoc co-ordinating mechanism. It brought together heads of state of countries in the Great Lakes region, representatives of the facilitation team and the OAU to review the Burundi peace process and take political decisions, which would then be approved by the OAU organs. The creation of the GLRIPB infused some form of political pressure into the peace process.

As part of the strategy to make Tanzania take the lead role in the Burundi peace process, Dr Salim and the OAU Chairperson, Prime Minister Meles Zenawi, asked President Nyerere to act as formal OAU special envoy. President Nyerere felt it was 'not necessary to formally appoint him as an OAU Envoy',⁵⁸ and preferred the role of facilitator. Upon assuming his role as OAU facilitator, he had no backstop support from the OAU and the GLRIPB, and was not given any major briefing on the situation. He had to do his own research and rely on the assistance of a network of former advisers, political appointees and friends who were not mediation experts. According to one Burundi interlocutor, their limitations in mediation made them handle their work 'like freedom fighters and not as mediators'.⁵⁹

Nevertheless, President Nyerere's formal involvement in the peace process marked a turning point in the OAU's search for a systematic approach to resolving the Burundi conflict. He brought a different understanding of the conflict to the peace process, notably convincing both the OAU Chairperson and Secretary-General that the Convention of Government was a 'coup against democracy'⁶⁰ that the OAU could not legitimise.⁶¹ He urged the OAU leadership to stop promoting the Convention of Government and instead help the parties create a new Government that would address the concerns of the majority of the people in Burundi.

President Nyerere drew the attention of the OAU leadership to the possibility that the Tutsi elites and the army could derail any political arrangement that did not offer guarantees for minority rights and their security. President Nyerere's insights and informal interactions with Burundi parties made the OAU request that he bring the Burundi political parties together to negotiate a new political agreement that would give voice to the Hutu majority while protecting the Tutsi elite and the rights of minorities.⁶² This decision led to the birth of the Arusha peace talks.

⁵⁶ Note that the OAU organs were represented at the summit by Prime Minister Meles Zenawi.

⁵⁷ OAU, *Resolution on Burundi*, CM/Res. 1649 (LXIV), adopted July 1996.

⁵⁸ He preferred to conduct his business quietly and did not want to be answerable to any political and bureaucratic institution. He agreed to work 'formally' for the OAU after Dr Salim and Prime Minister Zenawi had assured him that he would not be required to report formally to the OAU or any other organisation. He had the freedom to work as he considered appropriate and would be allowed to brief the OAU organs if he chose to. In addition, he did not want to be caught in the OAU bureaucratic processes and reporting procedures (OAU, 1996a, p.9).

⁵⁹ Burundi interlocutor, Bujumbura, 14 October 2008.

⁶⁰ OAU, 1996a, pp.1–10.

⁶¹ He informed them that he had conveyed a similar message to the Burundian parties.

⁶² Tanzanian interlocutor, Dar es Salaam, 28 October 2008; OAU interlocutor, Bujumbura, 30 October 2008.

1.2.2.1 The Arusha peace talks

The Arusha peace talks started in April 1996 when President Nyerere invited FRODEBU and UPRONA parties to a negotiation table in Mwanza.⁶³ Based on the results of the 1993 elections, he felt FRODEBU and UPRONA were the only two credible parties in Burundi. But the other parties protested, claiming that they had to be present for the process to be truly inclusive. This led President Nyerere to open the talks to all parties in Burundi.⁶⁴ However, this complicated the process as many of the parties had no support base outside the capital, Bujumbura, and were not interested in negotiating in good faith. The all-inclusive negotiation approach was based on the assumption that equitable distribution of power among Burundi's political parties would be enough to persuade the armed parties to stop fighting. As a result, no major effort was made at this stage to set up a parallel process for the armed parties to reach a ceasefire agreement, or to ensure that the armed groups were an integral part of the negotiation process.⁶⁵

The negotiation process was complicated by a split between the main armed groups, the CNDD and PALIPEHUTU. While the Forces for the Defence of Democracy (FDD), comprising the bulk of the CNDD's armed forces, came under new leadership, the FNL – PALIPEHUTU's main armed wing – selected a new leader. These new groups requested representation at the negotiation table in place of their party president.

According to observers at the talks, President Nyerere sought to resolve the challenge by offering the parties three options:⁶⁶

- reconcile their differences and join the negotiations under the old leadership
- let the new leaders replace the old ones, in accordance with their parties' constitutions
- let the new leaders attend the talks as representatives of newly formed political parties.⁶⁷

The groups could not reach a compromise and President Nyerere took the decision to exclude the rebels from the talks. The decision was critical as it meant that those who had real power and the capacity to fight were excluded from the talks. This raised serious doubts about the capacity of the negotiation to end the violence and about the relevance of the entire negotiation. It created an opportunity for Burundi's Tutsi-Hima elite to try to establish a parallel negotiation process to undercut the Arusha peace process.

The negotiation process was made even more complicated when the Burundi army overthrew the Convention of Government on 25 July 1996 and re-instated President Buyoya as the head of a military government.

⁶³ A number of former OAU officials suggested that the seed money for the talks was provided by the OAU. But the audited accounts of the Arusha process submitted to the OAU indicated that the OAU started providing financial support to the negotiations in 1998. In fact, quantifying OAU financial support to the negotiation process is difficult and no documentary evidence of resources provided could be found at the time of writing (May 2010).

⁶⁴ The parties to the negotiation were: the Government of the Republic of Burundi; the National Assembly, the Alliance Burundo-Africaine pour le Salut (ABASA), the Alliance Nationale pour le Droit et le Développement (ANADDE), the Alliance des Vaillants, the Conseil National Pour la Défense de la Démocratie (CNDD), the Front pour la Démocratie au Burundi (FRODEBU), the Front pour la Libération National (FROLINA), the Parti Socialiste et Panafricaniste (INKINZO), the Parti pour la Libération du Peuple Hutu (PALIPEHUTU), the Parti pour le Redressement National (PARENA), the Parti Indépendant des Travailleurs (PIT), the Parti Libéral (PL), the Parti du Peuple (PP), the Parti pour la Réconciliation du Peuple (PRP), the Ralliement pour la Démocratie et le Développement Economique et Social (RADDES), the Rassemblement du Peuple Burundais (RPB), and the Union pour le Progrès National (UPRONA).

⁶⁵ The negotiation started in Mwanza in April 1996 and shifted to Arusha after the second meeting held in early June 1996.

⁶⁶ Tanzanian interlocutors, Dar es Salaam, 27 and 28 October 2008.

⁶⁷ Bentley, A. Kristina and Southall, Roger, *An African Peace Process: Mandela, South Africa and Burundi* (Cape Town: Human Sciences Research Council Press, 2005).

Before the coup, the OAU had made it clear to the Burundi parties that ‘under no circumstances’ would it accept any military government in Burundi.⁶⁸ In addition, the OAU leadership had communicated to Western diplomats that it would call for the ‘isolation and the imposition of carefully selected and targeted sanctions’ on any government emerging from a coup d’état in Burundi.⁶⁹ The installation of then Major Buyoya therefore obliged the OAU, together with the GLRIPB, to condemn the change of government and refuse to recognise the regime. With full OAU support, the GLRIPB imposed sanctions on the new Government on 31 July 1996.⁷⁰ The relationship between the OAU and the GLRIPB, on one hand, and Major Buyoya’s military government, on the other, became confrontational. Under these circumstances, President Nyerere was unable to invite the new regime to the negotiation table.

The tough stand by the OAU and GLRIPB on President Buyoya’s regime was undercut by support for the new regime from Western states such as France, Britain and Belgium.⁷¹ On the surface, the missions of these key states seemed to support the OAU’s strong opposition to the coup, but in reality the French, Belgian, US, and UK missions to Burundi and Ethiopia were willing to work with the new regime. The Ambassadors of these missions established contacts with the regime, and gave qualified support to President Buyoya. They also built support within the diplomatic corps and the international community for the new regime. This development frustrated the OAU leadership which had to expend considerable energy trying to convince Western diplomats in Africa to reject the coup.⁷²

Fearing that the new regime would use international support to undermine its peacemaking initiative, the OAU through the GLRIPB, quietly recognised the new regime, but set conditions for lifting the sanctions. It asked the regime to lift the ban on political parties, restore parliament, and conduct all-inclusive negotiations. President Nyerere was then encouraged to extend an invitation to the new Government to join the Arusha peace talks.⁷³ In a letter to President Nyerere on 12 October 1996, President Buyoya proposed a three-stage approach: engage in a ‘discreet’ negotiation with Leonard Nyangoma’s CNDD under the auspices of Sant’ Egidio; hold all-inclusive negotiations in Burundi; and organise a national debate in Burundi on the way forward for Burundi.⁷⁴

President Nyerere accepted this three-part proposal, although he had serious reservations about the Sant’ Egidio process. He thought the move was a mere delaying tactic and an attempt by the new regime to use the Sant’ Egidio to undermine the Arusha process. Moreover, President Nyerere saw the Sant’ Egidio process as a veiled effort by Europeans to deprive Africans of the opportunity to own the Burundi peace process by deliberately preventing him from resolving a problem European colonial rule helped to create.⁷⁵

To prevent Buyoya’s regime from using the Sant’ Egidio process to undercut the Arusha process, President Nyerere asked Felix Moshia, appointed by UN Secretary-General Kofi Annan as Senior UN Adviser to the

⁶⁸ OAU interlocutor, Bujumbura, 30 October 2008; Burundi interlocutor, Bujumbura, 30 October 2008.

⁶⁹ Record of Consultations between the OAU and David Shinn, US Ambassador to Ethiopia, 24 July 1996, p.1.

⁷⁰ OAU interlocutor, Dar es Salaam, 27 October 2008.

⁷¹ Belgium, France and other European states frequently flew goods and weapons to Burundi. See Daley, 2006.

⁷² OAU (Organisation of African Unity, 1996d), *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim and President Daniel Arap Moi of Kenya held at the State House in Nairobi on 14 August 1996*.

⁷³ AU interlocutor, Bujumbura, 30 October 2008; OAU interlocutor, Dar es Salaam, 27 October 2008; Burundi interlocutor, Addis Ababa, 18 October 2008.

⁷⁴ Pierre Buyoya, ‘Letter to President Nyerere: Facilitator of Burundi Peace Process’, 12 October 1996; Burundi interlocutor, Addis Ababa, 18 October 2008.

⁷⁵ The argument is that Belgium’s colonial policies made it possible for the small Tutsi elite to monopolise power and deprive the majority group of any meaningful voice in the management of Burundi.

Arusha process and facilitation team, to observe the discreet negotiation process on behalf of the GLRIPB, the OAU and the broader international community. The first secret negotiation between the new regime and Leonard Nyangoma's CNDD was organised by the Community of Sant' Egidio in Rome on 11 December 1996. President Nyerere had ensured that he received regular updates from Buyoya himself.⁷⁶ After little progress, and when the media in Burundi published information about the negotiations, the Rome negotiation was abandoned in favour of the 'all-inclusive' Arusha process.

By the time President Nyerere decided to reconvene the Arusha peace process, the dynamics of the conflict had changed. Leonard Nyangoma's CNDD was a spent force, Jean Bosco Ndayikengurukiye's CNDD-FDD and Kossan Kabura's PALIPEHUTU-FNL, which had been excluded from the talks, had emerged as the main Hutu rebel groups. Complicating the peace process further, the Tutsi parties had become increasingly dissatisfied with President Nyerere. They disliked his redistributive approach to the negotiation process and felt he was biased towards the Hutus. What was perhaps surprising was the ease with which they managed to create the impression in the international media and the NGO community that they were victims of the process. Interestingly, internal OAU documents also suggested that some Hutu leaders did not trust President Nyerere either. They were suspicious of his real intentions and feared he was using the negotiation to push for the incorporation of Burundi into Tanzania.⁷⁷

Despite the various complications, President Nyerere proceeded to establish a facilitation team chaired by Mark Bomani from Tanzania.⁷⁸ Two people (Abeid Buttu and Bismark Mwansasu) from the Mwalimu Foundation and about 30 administrative staff members supported the facilitation team.⁷⁹ The facilitation team grouped the negotiation issues into four clusters and set up committees to deal with them. Each committee was asked to reach an agreement and develop a protocol to capture what was agreed. The plan was to generate a final agreement by integrating the various protocols at the end of the work of each committee. The committees were:

- Committee One, chaired by Almando Guebuza from Mozambique and assisted by Ruth Perry from Liberia, on the nature of the Burundi conflict
- Committee Two, chaired by Nicholas 'Fink' Haysom from South Africa and assisted by Thomas Fleiner and later by Julian Hottinger (both from Switzerland), on democracy and good governance
- Committee Three, chaired by Mateo Zuppi (Sant' Egidio) and assisted by Andrew Masondo from South Africa, exploring issues of peace and security for all Burundians
- Committee Four, chaired by George Lenkh from Austria and assisted by Caroline McAskie and later by Pierre Boudoc (both from Canada), on economic development and social reconstruction.

⁷⁶ Much of the literature claims that four negotiation sessions were held, but records of meetings between President Buyoya, EU and US representatives suggest that only two meetings were held. This was confirmed by President Buyoya in an interview for this report.

⁷⁷ OAU, *Record of Consultations*, 18 July 1996.

⁷⁸ The team members were: Hon. Judge Joseph S. Warioba, Ambassador Anthony B. Nyakyi, Mr Joseph Butiku, Prof. Nicholas Haysom, Ambassador Dickson I. Kathambana, Ambassador Ayite J.C. Kpakpo, Brig. Gen. Hashim I. Mbita, Prof. Tarois B. Kabgwegere, Ambassador Adam Marwa, Ms Helen LWegasila, Mr Richard Tibanadebage, Dr Bunting Ikawebe, Mr Donatien Mwemezi, Mr Fahamuel A. Mmasa, Mr Paschal Daud, Mr Michael Shayo, Dr Bismark Mwansasu and Mr Abeid Butu. Ambassador Berhanu Dinka, the Special Representative of the UN Secretary-General and Ambassador Bah, the Special Representative of the OAU Secretary-General, were not part of the facilitation team but they were consulted extensively on every issue by the facilitation team.

⁷⁹ The 30 staff members were reporters, translators, note-takers, revisers, precise writers, documentarists and record keepers' secretaries drawn from the OAU and UN systems.

Later, another committee was established to look into implementation issues.

The parties were divided into two groups. The seven Tutsi parties constituted the Group of Seven and used the acronym G7 (later becoming the G8 when the party, *Ralliement pour la Démocratie et le Développement Economique et Social (RADDES)* joined the talks in 1999), while the ten Hutu parties formed the Group of Ten (G10). This categorisation, while it simplified the process, reinforced the primacy of ethnicity in Burundi politics and social life.

Without any backstop support from the OAU, local staff members became key players in the negotiation process. Yet, they had limited knowledge of Burundi and little expertise in mediation. As Patricia Daley's study has shown,⁸⁰ people in the Mwalimu Foundation and the Tanzanian Ministry of Foreign Affairs deployed on site had no specialised knowledge about Burundi and the parties. The facilitation team had limited access to reliable and independent information on the parties' capabilities and views, and consequently misperceived a range of issues. For instance, President Nyerere's team maintained an exaggerated view of the power base of Nyangoma, focusing on him even when he was no longer a key player. The technical weaknesses of the team became apparent during the negotiations. For instance, the team found it difficult to identify the appropriate time to intervene and compel the parties to commit what they had discussed into a written agreement. They tried to force them to sign an agreement in the northern Tanzanian city, Mwanza, when they had barely started talking, and when that backfired, the facilitation team simply stepped back and allowed the parties to talk endlessly.

The dearth of technical capacity in President Nyerere's team led the Burundi parties to request that the mediation team be broadened to include international experts. The addition of international experts enhanced the technical capacity of the Arusha process, but also brought further problems. Burundian parties felt some of the international experts tried to dictate to them. In their view, some of the experts acted as if they 'knew more about us than we knew ourselves', and behaved as if they knew what was 'best for us [better] than ourselves'.⁸¹ They also claimed that some of the experts' busy schedules meant that negotiation sessions were timed to reflect their own interests rather than the parties'.⁸² As one put it, 'we were called to meetings when the experts were available, and it did not matter whether we were in the mood to talk or not.'⁸³ An experienced OAU observer also pointed out that the international experts were 'usually gone when you needed them most.'⁸⁴

Tensions simmered also between the facilitation team and representatives of donor countries and multilateral institutions. The widespread view within President Nyerere's team was that the external actors tried to turn the negotiation to their own advantage and that some of them made conscious efforts to undermine the Arusha process.⁸⁵ International opposition and the Rome talks were interpreted by some in President Nyerere's team as part of a systematic scheme designed by some Western powers to derail the Arusha process in order to further their claim that Africans were incapable of solving the Burundi crisis.⁸⁶

⁸⁰ Daley, 2006.

⁸¹ Burundi interlocutors, Bujumbura, 16 October 2008.

⁸² Burundi interlocutors, Bujumbura, 14 October 2008.

⁸³ Burundi interlocutor, Bujumbura, 16 October 2008.

⁸⁴ He pointed out, for instance, that the technical experts he was given to deal with another conflict were at their base when he really needed them.

⁸⁵ Daley, 2006.

⁸⁶ Tanzanian interlocutors, Dar es Salaam, 27 October 2008.

The conspiratorial mindset undermined trust between President Nyerere's team and part of the international community. It also created the impression in Burundi and among the Hutu elites that, while Western powers had sympathy for the Tutsi groups, the Africans sympathised with the Hutus.⁸⁷ Western media criticisms of President Nyerere's team, the regional states, and the sanctions, reinforced the perception among Hutu elites that external actors joined the talks in order to protect Tutsi interests. Some observers went even further to blame outside involvement for the 'intensification of the violence, as those members of the political elite who were not invited to the [Rome] talks felt marginalised and were worried about exclusion from any peace pact'.⁸⁸

1.2.2.2 Outcome of Phase Two activities

The OAU mission in Burundi assisted the UN Office in Burundi (UNOB) in the negotiation of the Convention of Government. The OAU and UN missions in the region co-operated well, with good working relations driven largely by friendships developed between senior officers in the two missions. Ambassador Ahmedou Ould Abdallah became a good friend of Ambassador Leandre Bassole and later Ambassador Bah. Similarly, the UN Special Envoy for the Great Lakes Region, Ambassador Berhanu Dinka, became a good friend of Ambassador Bah.

However, some UN agencies felt that the OAU was involved in the decision to impose sanctions. This restricted UN access to Burundi and led to a lukewarm attitude towards the OAU mission staff in Burundi and headquarters. Some senior OAU officials felt that UN agencies pleaded humanitarianism in undermining the imposition of the sanctions. They also felt that UN agencies had no business complaining about the sanctions as the UN Security Council and the UN in general, never seriously pulled their weight on Burundi.⁸⁹ Some leading figures in the OAU believed that the OAU and GLRIPB were doing 'all the dirty work in Burundi', while the UN took all the credit, without acknowledging the role of the OAU.⁹⁰ It was not uncommon to hear senior OAU officials complain that the UN public pronouncements, including media interviews by then SG Kofi Annan, gave the impression that the UN was the only institution working on resolving the Burundian conflict.⁹¹

The disunity between the OAU and UN explained why they neither shared information on any consistent basis, nor co-ordinated their activities in a meaningful way after 1996. The desk officers in New York and at the OAU/AU did not even know each other. Burundian politicians, the majority of whom were aware of the disunity of the international community, and in particular of the weak co-ordination between the UN and the OAU, exploited these vulnerabilities to their advantage.⁹²

The OAU tried to mainstream NGOs' peacemaking activities in the peace process by working with the Carter Center to organise the conference on the Great Lakes conflicts. In addition, Dr Salim was consulted on the decision to allow Felix Moshu to witness the Rome negotiation. However, the OAU did not make a consistent effort to work with and co-ordinate the work of major humanitarian NGOs, and did not ensure that civil society in Burundi participated in the negotiation. It was striking that the OAU remained noticeably

⁸⁷ Burundian interlocutors, Bujumbura, 16 October 2008.

⁸⁸ Daley, 2006.

⁸⁹ OAU, 1996d.

⁹⁰ OAU (Organisation of African Unity, 1996c), *Record of Consultation on Burundi between the Secretary-General and H.E. Ato Melese Zenawi, Prime Minister of Ethiopia held at Prime Minister's Office on Saturday 12 August 1996*, pp.1–5.

⁹¹ OAU, 1996c.

⁹² Burundian interlocutors; Tanzanian interlocutors; AU interlocutors.

silent as the Burundi parties rejected calls by civil-society groups to mainstream gender in the negotiation process. This, together with OAU involvement in the imposition of sanctions and restriction of NGOs' access to Burundi, made NGOs such as the International Crisis Group and ActionAid join the UN in public criticism of the sanctions and the OAU peace process.⁹³ These criticisms and the negative impact of the sanctions on Burundi accounted for the unpopularity of regional and continental peace initiatives outside Africa.

The OAU co-ordinated the activities of the many actors that became involved in the Burundi peace process between July 1995 and 1999. The creation of the GLRIPB was one way of ensuring that Burundi neighbours harmonised their peace activities. The establishment of the GLRIPB enabled regional leaders to meet at least once a year to review the situation and to give political direction to the peace process.⁹⁴

The GLRIPB took a number of important decisions, including the imposition of economic sanctions on Buyoya's military regime at the second summit of the GLRIPB held on 31 July 1996. The GLRIPB set up a Regional Sanctions Co-ordinating Committee of which Dr Salim and a representative of the OAU Chairperson, Menawi, were members. The committee, chaired by Major-General Mrisho Sarakikya of Tanzania, rejected the application for the exemption of UN agencies and humanitarian organisations. The restriction of access of UN and humanitarian agencies to Burundi by the sanctions committee sowed the seeds of animosity between the GLRIPB and the OAU, on one hand, and the UN and humanitarian agencies, on the other.

Although the UN Security Council supported the sanctions in Resolution 1072 (1996), UN missions in Burundi and East Africa generally campaigned vigorously against the sanctions. However, internal documents detailing discussions between President Buyoya's Government and the facilitation team, as well as interviews with key players, indicate that the sanctions played a key role in making the hardliners in the Burundi military soften their stand. This allowed President Buyoya's regime to fulfil the conditions set by the OAU and the GLRIPB.⁹⁵ The sanctions also compelled Buyoya to form a transitional power-sharing government and join the facilitation process.⁹⁶

Moreover, the establishment of the GLRIPB enabled the OAU's political leaders to reduce their direct involvement in the peace process and to delegate political decision-making on the peace process to leaders in the Great Lakes region. The creation of the GLRIPB was therefore a useful conflict-management mechanism. The collaboration between the GLRIPB and the OAU/AU was vital in forcing hardline elements in Burundi to soften their positions on major issues. The creation of the GLRIPB influenced states in the Great Lakes region that were overtly supporting rebel groups such as the CNND, at least to begin to conceal their support for the group. It also gave the OAU the opportunity to allow Tanzania to take the lead nation role in the resolution of the Burundi conflict. Tanzania became the first chair and convener of the Heads of State and Government Summit of the GLRIPB in addition to playing a key role in the Arusha negotiations.

The appointment of President Nyerere as facilitator by the OAU ensured coherence and co-ordination of the various peace initiatives. He brought together the numerous international actors and the heads of Tanzania and Kenyan missions of the US, France, Belgium, the UK, the UN and EU. He met with heads of these delegations on a regular basis, sharing information and trying to put pressure on the parties through

⁹³ Mthembu-Salter, Gregory, *A Policy Past its 'Sell-by' Date: An assessment of sanctions against Burundi* (London: ActionAid, 1998).

⁹⁴ Within the last 12 years, 28 summit meetings have been held.

⁹⁵ OAU (Organisation of African Unity, 1997a), *Record of Consultations on Burundi between OAU Secretary-General Dr Salim Ahmed Salim, the UN and President Buyoya held at Mount Meru Hotel in Arusha on 3 February 1997*; Burundian interlocutor, Addis Ababa, 18 October 2008; OAU/AU interlocutor, Bujumbura, 30 October 2008.

⁹⁶ Bentley and Southall, 2005.

them. Thus, as one senior OAU official maintained, the OAU/AU should be credited, at least in part, for the semblance of coherence and co-ordination that emerged during this phase of the peace process.⁹⁷

The appointment of President Nyerere was also important because he used his international influence to mobilise support worth over \$16 million for the peace process. The Burundian parties were paid per diems, stayed in hotels and were transported to meetings, in some cases, in chartered aircraft. Such luxuries gave the parties incentives to prolong the negotiation process.⁹⁸ Many of the negotiating parties had the habit of showing up at negotiation sessions to talk, collect their per diem and enjoy the lifestyle. In this context, it is not surprising that two years of intense negotiations failed to produce a peace agreement. President Nyerere's death ended the second phase of the peace process. A new facilitator and lead nation had to be found.

1.2.3 Phase Three (December 1999 to May 2009): processes and tools

South Africa was courted by the AU and GLRIPB to take over the facilitation role from Tanzania. The GLRIPB, in consultations with the OAU, selected President Nelson Mandela to replace President Nyerere at the 8th GLRIPB summit held on 1 December 1999. President Mandela maintained the negotiation structures President Nyerere had put in place and admitted one more party, RADDES, into the G7 camp (which then became the G8). He recognised the importance of gender mainstreaming in the negotiation process and placed gender issues on the negotiation table correcting a glaring flaw in the first two phases of the peace process.

The negotiating parties rejected repeated efforts by women's groups to participate in the process, and the United Nations High Commissioner for Refugees (UNHCR) and United Nations Development Fund for Women (UNIFEM) were instrumental in encouraging President Mandela to add gender issues to the agenda of the talks. The two agencies organised an All-party Women's Conference in which women, including those resident in Burundi, internally displaced and refugees, analysed the peace process from women's perspectives. The outcome of the conference was presented to President Mandela who made sure ideas from the conference were put on the negotiation table.

President Mandela adopted facilitation tactics different from those of his predecessor. If President Nyerere had a 'surplus of patience', President Mandela operated as if he had no patience at all.⁹⁹ He told the parties unequivocally that they had had too much time to talk and he had no time to waste. He ridiculed publicly individuals he felt needed to be shamed, threatened to exclude individuals he felt were delaying the process, threatened to take away the resources provided to those he felt were playing games, and 'said and did things only [President] Mandela can get away with'.¹⁰⁰ He fixed the signing date and invited world leaders to witness the ceremony long before the parties had agreed. He then used these measures to push the parties to conclude the negotiation process and sign the Arusha Agreement for Peace and Reconciliation for Burundi on 28 August 2000. His approach led some observers to suggest that the talks concluded because President Mandela 'bullied' the parties into signing the Arusha Agreement.¹⁰¹

⁹⁷ AU interlocutor, Bujumbura, 30 October 2008.

⁹⁸ Burundi interlocutors, Addis Ababa, 18 October 2008; AU interlocutor, Addis Ababa, 20 October 2008.

⁹⁹ UN interlocutor, Addis Ababa, 21 October 2008; Tanzanian interlocutor, Dar es Salam, 28 October 2008.

¹⁰⁰ Burundi interlocutor, Addis Ababa, 18 October 2008.

¹⁰¹ Burundi interlocutors, Addis Ababa on 18 October 2008; Bujumbura, 16 October 2008.

The Arusha Agreement was designed to help Burundi's main political players share power. The presidency of Burundi was to alternate between UPRONA and FRODEBU during a three-year transition period, which was later extended to four years.¹⁰² The Hutus and Tutsis were given 60 and 40 per cent respectively, in both the Government and the National Assembly, and 50 per cent each in the Senate. Additionally, three representatives from the two ethnic group were to be seated in the National Assembly and another three in the Senate. Critically, women were allocated 30 per cent of the seats in each of these three institutions. In addition, a maximum of 67 per cent of any single ethnic group was allowed in municipal institutions. The OAU/AU was one of the guarantors of the Agreement.

The Arusha Agreement was by no means a finished product, as the main warring parties, Pierre Nkurunziza's CNDD–FDD and Agathon Rwasa's PALALIPHEHUTU–FNL, were not parties to it. Of the 18 signatory parties, six, including the main Tutsi party, UPRONA, signed 'with reservations'.¹⁰³ The Agreement provided for a 29-member Implementation Monitoring Committee (IMC). Members of the IMC were the 18 parties to the Arusha Agreement, civil society, the GLRIPB, the OAU, the donors and the international community. The UN (represented by the Special Representative) was asked to chair the IMC.

The IMC encountered major challenges from the outset. The position of the chair remained vacant until the first half of 2003.¹⁰⁴ In the absence of the chair, the IMC could not do serious work. The vacuum created by the IMC had to be filled by a subsidiary organ called the Joint Ceasefire Commission (JCC). As Stephen Jackson, an independent analyst commissioned to carry out an investigation on UNOB, observed, 'while the IMC appeared the more significant body, in reality the JCC did the bulk of the work in implementing the agreements, ensuring that solutions were reached on such issues as harmonisation of ranks and pushing through the security sector legislation'.¹⁰⁵ Furthermore, parties used their membership of the IMC to push for renegotiation of aspects of the Agreement they did not like, instead of assisting in its implementation.¹⁰⁶

The facilitation team assumed that the UN Security Council would be willing to mandate a peacekeeping force to assist the implementation of the Agreement. Protocol V of the Arusha Agreement encouraged the parties to ask the UN for an international peacekeeping force. However, the UN Security Council refused to authorise a peacekeeping force in the absence of a comprehensive ceasefire agreement. As a result, the OAU collaborated with President Mandela to persuade South Africa to deploy the South African Protection Support Detachment (SAPSD) in October 2001. The SAPSD, of 305 persons, was mandated to protect political leaders, mainly Hutus, returning from exile to participate in the peace process. This was the last major role the OAU played in the peace process, as it was replaced by the AU on 26 May 2001.

The creation of the AU was accompanied by a renewal of Pan-Africanism with its slogan, 'African solutions to African problems'. This increased the resolve of the facilitation team to encourage the active rebel forces to negotiate a ceasefire with the Transitional Government of Burundi (TGoB), headed by President Buyoya.¹⁰⁷

¹⁰² UPRONA chose President Buyoya and FRODEBU selected President Domitien Ndayizeye to replace President Buyoya.

¹⁰³ The reservations were attached to the agreement. The other 13 signed without reservations.

¹⁰⁴ The arrival of Ambassador Berhanu Dinka (the designated chair of the IMC), who was appointed as the Special Representative of the UN Secretary-General in June 2002, delayed for almost a year.

¹⁰⁵ Jackson, Stephen, *The United Nations Operation in Burundi (ONUB) – Political and strategic lessons learned* (UN Best Practices Unit, Independent External Study, 2006).

¹⁰⁶ The parties were originally excluded from the IMC, but the Tutsi parties, with the support of major donors to the process, pressurised the facilitation team on the day the agreement was to be signed to include the parties in the IMC.

¹⁰⁷ The facilitation team was led by then South African Vice-President Jacob Zuma, who replaced President Mandela.

The PALIPEHUTU–FNL refused to negotiate with the TGoB, insisting that it would negotiate only directly with the Burundi army. Attempts to persuade the CNDD–FDD to negotiate with the TGoB were undercut by the internal leadership struggle within the CNDD–FDD. The in-fighting led to a split of the group in October 2001, into two factions one led by Jean-Bosco Ndayikengurukiye and the other by Jean-Pierre Nkurunziza. Nkurunziza's group emerged as the strongest faction and would participate in the talks only on condition that the facilitation team would not recognise Ndayikengurukiye as the head of the CNDD–FDD.

Due to these developments, the promoters of the peace process (the facilitation team, the GLRIPB, the AU and the UN) developed a new strategy to deal with the belligerents. The plan was to compel the smaller rebel groups to sign ceasefire agreements with the TGoB that would enable them to play a role in the political process. The thinking was that this would put pressure on Nkurunziza's CNDD–FDD (the major rebel group) to come to the negotiating table out of fear that it would be left out of the political process. The facilitation team therefore prioritised negotiation between the TGoB and the smaller rebel groups.

To compel the rebels to negotiate in good faith, the GLRIPB mounted sustained pressure on them, including threatening to impose sanctions on any belligerent that refused to participate in the negotiation. As part of the GLRIPB pressure, Tanzanian police raided suspected rebel training grounds in Tanzania in December 2001, and the DRC was reported in January 2002 to have given an ultimatum to the families of CNDD–FDD rebels to leave the country.¹⁰⁸ Between January and March 2002, Tanzanian security agencies captured or forced rebels in Burundi refugee camps in Tanzania to flee. This pressure enabled the facilitation team to assist the TGoB, Ndayikengurukiye's CNDD–FDD and Mugabarabona's PALIPEHUTU–FNL to sign a ceasefire agreement on 7 October 2002.

The facilitation team's approach appeared to have worked, at least temporarily, as Nkurunziza's CNDD–FDD joined the peace process as soon as Ndayikengurukiye's CNDD–FDD and Mugabarabona's PALIPEHUTU–FNL signed the ceasefire on 7 October 2002. On 2 December 2002, the TGoB signed a ceasefire agreement with Nkurunziza's CNDD–FDD. Article III of the 2 December 2002 Agreement provided, among other things, that an African mission be made to ensure 'verification and control of the ceasefire agreement'. On 27 January 2003, the TGoB, the two CNDD–FDD factions and Mugabarabona's PALIPEHUTU–FNL signed a memorandum of understanding. The Agreement committed the rebels to supporting the creation of the Joint Ceasefire Commission (JCC), and a date was set for Jean-Bosco Ndayikengurukiye and Alain Mugabarabona to return from exile.

The AU was a co-signatory witness with particular responsibility for the implementation of the ceasefire agreements. The special responsibility granted to the AU, and the Security Council's unwillingness to mandate a peacekeeping force, spurred the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution (MCPMR) to mandate the deployment of an African peacekeeping force. This began in April 2003, and was to be for one year subject to renewal by the Central Organ and pending the deployment of the UN peacekeeping force.

¹⁰⁸ International Crisis Group, *The Burundi Rebellion and the Ceasefire Negotiations* (Africa Report, 2002).

1.2.3.1 African Union Mission in Burundi (AMIB)

AMIB's mandate involved establishing liaison between the parties, and monitoring and verifying the ceasefire. AMIB also facilitated a specialised commission looking at the reform of defence and police forces, securing assembly and demobilisation camps, facilitating and supporting the DDR process, facilitating humanitarian assistance (including to IDPs and refugees), providing VIP and mission protection, and co-ordinating with the UN and other international actors on the ground. The objectives of the mission included:

- overseeing the implementation of the ceasefire agreements
- supporting disarmament and demobilisation initiatives and advising on reintegration of combatants
- striving to ensure conditions favourable for the establishment of a UN peacekeeping mission
- contributing to political and economic stability in Burundi.¹⁰⁹

The mission included civilian and military elements. As of May 2004, there were 2,989¹¹⁰ military personnel, drawn from South Africa, Ethiopia and Mozambique. South Africa assumed the leading role and added 1,471 personnel to the 305 VIP forces it had deployed earlier. Ethiopia deployed 942 troops, consisting of 817 peacekeepers and 125 security personnel. Mozambique deployed 228 peacekeepers.¹¹¹

The deployment of the troops started on 9 April 2003, following the arrival of an advance military team in Bujumbura. The presence of the previously deployed SAPSD speeded up the process of integrating the forces. In April 2004, South Africa increased the number of the SAPSD to about 1,600, constituting the lead contingent of AMIB.¹¹² AMIB reached full deployment in mid-October 2003, with the arrival of the contingent from Mozambique. The military component of the mission established its headquarters on the outskirts of Bujumbura.

The civilian AMIB headquarters were in the centre of Bujumbura, and the separate civilian and military headquarters undermined co-ordination, communication and harmonious working between them. The location of the civilian headquarters in the market area made it relatively difficult for military officers to visit for consultations. They had to recognise that any attack on the mission was likely to affect many innocent civilians.¹¹³ The location also exposed the mission to insecurity, compelling the OAU/AU to contract private security services to protect the mission.

The AU leadership complicated matters further by failing to provide either a military adviser to the Special Representative and the civilian headquarters, or to issue Terms of Reference (TOR) to the Force Commander before the mission was deployed. This undermined effective working relations between the Force Commander

¹⁰⁹ See the Communiqué of the 91st ordinary session of the Central Organ of the MCPMR, http://www.africa-union.org/News_Events/Communiqu%C3%A9s/Communique_E9_20_Eng_2apr03.pdf.

¹¹⁰ Figures provided by Commodore Mesfin Binega.

¹¹¹ The civilian component consisted of 43 observers drawn from Burkina Faso, Gabon, Mali, Togo and Tunisia (about eight observers each). The mission was headed by the Special Representative of the Chairperson of the AU Commission, Ambassador Mamadou Bah from Guinea, and assisted by Ambassador Wellie Nhlapo from South Africa and Retired Lieutenant General Martin Mwakalindile from Tanzania. A third deputy to Ambassador Bah (from Uganda) did not deploy. The troops were commanded by Major General Siphon Binda from South Africa, and assisted by Brigadier-General Gebrat Ayele from Ethiopia.

¹¹² AMIB further had about 40 support staff. See Appendix B for an illustration of the AMIB structure.

¹¹³ Ethiopian interlocutors, Addis Ababa, 21 October 2008.

and the head of the mission, at least initially. For example, the Force Commander was frustrated that the mission head sometimes asked his forces to do things he felt were purely political in nature. These early problems were resolved when the TOR were issued, and the Special Representative was given a military adviser.

The deployment and operations of the mission were affected by the absence of common AU Standing Operating Procedure (SOP).¹¹⁴ Most interesting was that the AU had a draft SOP, but this was never implemented in Burundi. The legal instruments on discipline, codes of conduct and boards of inquiry were issued only towards the end of the mission.

Moreover, there were frequent technical communication problems both within and between the three military contingents (South Africa, Ethiopia and Mozambique), especially in the early days. For example, soldiers were allocated vehicular mobile radio communication equipment (VHF), but repeater problems were frequent, which restricted the range of communication in and among sectors. The absence of common mission support assets created challenges. The South African assets had to be reconfigured to provide certain common services and facilities for the whole mission. AU logistical incapacity also meant that the troop-contributing countries (TCCs) had to sustain themselves throughout the mission instead of for only the first 60 days, as had been stipulated in the MoU between the AU and the TCCs.

An estimated budget of US\$122 million was approved for a year, in support of AMIB's operations. The resources were used to cover military and civilian salaries and allowances, transport, repairs and maintenance, fuel, construction, medicine and equipment.¹¹⁵ The AU and the (TCCs) signed a memorandum of understanding (MoU) on logistics. The AU provided some uniform items whereas the TCCs provided overall logistical requirements, which were reviewed and approved by the AU. In addition, the AU was responsible for the direct payment of all AMIB-related expenditures that could not be attributed to a specific TCC. The AU established a Special Trust Fund from which the TCCs were reimbursed. The AU laid out specific responsibilities for the TCCs.¹¹⁶ The AU did not use the reimbursement rate established by the UN. It could not afford this, and decided to pay the TCCs a lump-sum reimbursement of US\$411 per soldier per month.¹¹⁷

The funds mobilised by the AU to support the military mission were inadequate. The AU managed to raise less than 30 per cent of the estimated budget of US\$122 million.¹¹⁸ This meant that the TCCs had to rely on bilateral assistance. The expectation of the AU was that bilateral support for the mission would be disclosed, and a report would be provided to the AU indicating how the money would be used. Available information appears to indicate that the Netherlands Government provided EUR 1 million for South Africa's participation in AMIB, but the AU had received no report as of the time of writing (May 2010). Informed observers suggested that the United States Government donated around US\$6.1 million to Ethiopia, and the British Government

¹¹⁴ Each troop-contributing country (TCC) had its own SOP.

¹¹⁵ Budget breakdown (\$US million): Mission HQ, 3.23; Force Headquarters, 7.73; South African Contingent, 72.75; Ethiopian Contingent, 29.52; Mozambican Contingent, 6; Contingencies, 2.8.

¹¹⁶ These included preparation of their contingents for deployment; equipping fully their contingents in accordance with the national Tables of Organization and Equipment (TOE); equipping their forces with small arms, light and medium weapons; the Lead Nation, i.e. South Africa, to procure and supply equipment, supplies and services; contingents to be self-sustaining for the initial 60 days and maintain reserve for 14 days throughout the mission, services not provided by TCCs during the mission to be contracted out locally or by international tender; ensuring adequate translation services; ensuring internal communication capability within each contingent; and engineering support. South Africa was asked to take care of communication capability at Force HQ. Support requirements that went beyond the capacity of the TCCs were contracted out.

¹¹⁷ The rates were as follows (\$US per day): daily subsistence allowance, 1.28/soldier; ration per soldier (infantry), 10; ration for security detail, 25; fuel, 2.56; medical, 0.99.

¹¹⁸ The donations pledged and received for AMIB by March 2004 amounted to US\$35.4 million, of which the EU contributed more than US\$29 million.

donated about US\$6.4 million to the Government of Mozambique to cover deployment and sustainment expenses during the initial 60 days. Both states have yet to file a report with the AU on the support they received and how the money was spent.

AMIB staffing was inadequate, and those recruited were not always the best-qualified persons for the job. For a long time the mission had no political or legal experts or senior finance personnel. This made the management of the mission cumbersome. To complicate issues further, of three deputy heads supposed to support the Special Representative, only one was deployed. This made integration of the mission headquarters with the force headquarters difficult.

The deployment of AMIB helped to create the atmosphere necessary for the political process to move forward. It played a key role in assisting the transfer of power from President Buyoya to President Ndayizeye of FRODEBU in April 2003, in accordance with the Arusha Agreement, and helped the new Government to establish firm foundations. The change of government strengthened the resolve of the facilitation team and the GLRIPB to pressure Rwasa's FNL to sign the ceasefire with the new Government. The urgency to get Rwasa's FNL to the negotiation table increased when his forces attacked a Bujumbura neighbourhood on 7 July 2003. In addition, there were sporadic clashes between Nkurunziza's CNDD–FDD and the Burundi army, despite the ascension to power of FRODEBU (the presumed Hutu party).

Frantic shuttle diplomacy by the facilitator, Vice-President Zuma, and the chair of GLRIPB, President Museveni, led to the signing of an agreement on 8 October 2003 between Ndayizeye's TGoB and Nkurunziza's CNDD–FDD on the implementation of the December 2002 ceasefire accord. The two parties signed Protocols in Pretoria on 8 October and 2 November 2003, followed by a comprehensive ceasefire in Dar es Salaam on 16 November 2003. These agreements paved the way for the admission of CNDD–FDD into the transitional institutions, including the defence and security agencies.

The Dar es Salaam conference also mandated the facilitator to request the UN Security Council to deploy peacekeeping forces to support the peace process. The facilitator made the request when he addressed the UN Security Council on 4 December 2003. The request was received favourably, largely because of the stability AMIB had created and because of the signing of the comprehensive agreement.¹¹⁹ The Security Council authorised the UN Operation in Burundi (UNOB) on 1 June 2004. AMIB troops swiftly changed hats to form the core of the UN force.

The transfer of peacekeeping duties to the UN allowed the AU to shift its attention to supporting the transitional process. The parties often sought the counsel of the office of Ambassador Bah on major issues. Bah tried to ensure that the parties followed through on commitments, and kept a vigilant eye on the actions of the TGoB. He often used informal channels to draw the attention of parties to any actions he felt were inconsistent with pledges made or likely to hinder the transition, and focused especially on electoral processes. He lobbied the leadership of the AU and the GLRIPB when he felt it was necessary to extend the transition period. Ambassador Bah ensured that the AU stayed engaged in the conduct of five elections, including a constitutional referendum and municipal, legislative, parliamentary and presidential elections. Pierre Nkurunziza of CNDD–FDD was elected as the new president of Burundi and sworn into office on 26 August 2005.¹²⁰

¹¹⁹ See UN press release at <http://www.un.org/News/Press/docs/2003/sc7966.doc.html> accessed on 20 March 20, 2009.

¹²⁰ He is assisted by two vice-presidents, Yves Sahinguvu, a Tutsi from UPRONA, and Gabriel Ntisezerana, a Hutu with no political affiliation. The CNDD–FDD has 54 per cent of parliamentary seats (64 out of 118), 65 per cent of senate seats (32 out of 49) and 55 per cent of seats in municipal councils (1,781 out of 3,225).

When Pierre Nkurunziza's Government assumed office, the AU encouraged it to enter talks with Agathon Rwasa's PALIPEHUTU–FNL. The talks started in late May 2006 and concluded on 7 September 2006 with the signing of a comprehensive ceasefire agreement during the 27th Summit of the GLRIPB.¹²¹ The Agreement provided for a Joint Verification and Monitoring Mechanism (JVMM), involving the AU. The Burundi parties requested that the AU provide security for the movement of the combatants and the protection of their leadership. In response, the Peace and Security Council approved the establishment of the AU Special Task Force (AUSTF). The AUSTF had three main tasks:¹²²

1. protect the leadership and combatants of PALIPEHUTU–FNL including their movement to assembly areas
2. support the process of integrating into the Burundi army the PALIPEHUTU–FNL fighters who wish to join the security forces
3. assist in implementing the repatriation programme.

South Africa offered to redeploy its UNOB contingent to serve as the nucleus of the AUSTF and transferred its 786 troops operating under UN mandate to the AU on 28 December 2006. As of the end of November 2008, that number had increased to about 1,072. The AU wanted a total of 1,100 on the ground. In addition, the AU strengthened the AUSTF with the arrival of a military adviser (from Mali) and six military observers from Congo-Brazzaville, Chad, Egypt, Ethiopia, Gambia and Tunisia. As of May 2010, the AU office in Burundi was still expecting two more observers from Mali and Zimbabwe.

The facilitation team established a Political Directorate in 2007 to help implement the Agreement and resolve differences between the Government and the PALIPEHUTU–FNL. The implementation was delayed until 9 January 2009 when PALIPEHUTU–FNL agreed to drop its pre-conditions.¹²³ On 30 January 2009, the FNL applied for registration as a political party. It began the disarmament process when Agathon Rwasa symbolically handed over his weapons to the AU at the ceremony in Rubira (west of Bujumbura) on 18 April 2009. This symbolic act marked the beginning of the process to demobilise, rehabilitate and reintegrate the FNL into Burundi's public space and institutions as well, as the official end of the political crisis that started in 1993.

1.2.3.2 Outcome of Phase Three activities

South Africa and President Mandela injected the urgency needed to get the parties to take a compromise position, which eventually led to the signing of the Arusha ceasefire agreements. The South-African-led facilitation team employed different tactics and strategies, including entering into talks with smaller belligerents with the sole purpose of enticing the major parties to negotiate. The GLRIPB continued to apply political pressure and support the peace process. This played a vital role in helping the facilitation team to work toward a ceasefire agreement between the TGoB and the rebels.

¹²¹ These negotiations were conducted in two phases. The first phase led to the signing of the 'Dar es Salaam Agreement of Principles Towards Lasting Peace, Security and Stability in Burundi', during the 26th Regional Initiative Summit, held in Dar es Salaam on 17 and 18 June 2006. The second phase of the peace negotiations took place between 23 June and 7 September 2006.

¹²² See Appendix B for an illustration of the structure of AUSTF.

¹²³ The movement requested the release of political prisoners and prisoners of war, and that the National Defence Force (FDN) disengages from Bubanza, Bujumbura Rural, Cibitoke and Kayanza provinces. In addition, the FNL wanted to negotiate a technical agreement on the modalities for integrating its combatants into Burundi's security forces. It also wanted to use PALIPEHUTU-FNL as the name of its political party, but the Burundian government objected on the grounds that the name represents an ethnic group.

The deployment of AMIB demonstrated strong political will and commitment by member states of the AU to resolve the Burundi conflict. It is estimated that AMIB stabilised 95 per cent of Burundi.¹²⁴ The mission provided a relatively safe environment in areas under its jurisdiction for the delivery of humanitarian assistance. It also allowed for the return of political leaders to Burundi, and VIP protection for the leaders who would be implementing the peace agreements. The mission started the work on DDR, reaching agreement with the TGoB on a first pre-assembly and disarmament area.¹²⁵

The inclusion of gender issues appeared to have had a positive impact on both the outcome of the talks and the political arrangement that emerged. The allocation of 30 per cent of parliamentary seats to women under the country's constitution came out of the proposal submitted by women's groups to the facilitation team. It also appeared that the proposal had an influence on the inclusion of seven women in the 20-member cabinet of Nkurunziza's Government (although the women who benefited from the process were not necessarily those whose lives were interrupted by the war).

The AU tried to mobilise external funds to support the mission during this phase, although the money received represented only a third of the resources needed. Despite the AU's repeated calls on African states to make voluntary financial contributions to the mission, only Senegal did so. The bulk of resources came from foreign donors, mainly the EU, whose contribution was earmarked solely for the payment of a daily subsistence allowance for the troops, in accordance with the Contribution Agreement between the AU and the EU. This had to be implemented over a nine-month period, from 1 December 2003 to August 31 2004.

However, the EU transferred only 80 per cent of the donation; the balance was to be paid within 45 days of the EU approving the final financial and narrative report. This meant that South Africa, which in May 2003 deployed over 70 per cent of its contingent, could not benefit from the EU contribution between May and November 2003. In addition, the EU delayed releasing funds, and the AU and TCCs had to find other sources to finance the mission before the EU money was released. For instance, the Ethiopian Government had to rely on the US Government for assistance on sustainment flights and water for three months, and for help with fuel until March 2004.

Finally, the AU and GLRIPB provided unwavering support for the facilitation team, despite enormous challenges to and criticisms of the peace process. This enabled the facilitator to stay focused and engaged in the peace process. The AU and GLRIPB perseverance seems to have been rewarded with at least a tenuous peace, when in late April 2009 the FNL decided to stop fighting. Only time will tell if this peace will endure. What ordinary Burundians will be hoping for is that Agathon Rwasa's emphatic claim that he will never wage another civil war is genuine – and that other Burundian elites will be willing to allow them to live in peace.

¹²⁴ Aboagye, Festus, 'The African Mission in Burundi: lessons learned from the first African Union peacekeeping operation', *Conflict Trends* (2004) 2, pp.9–15.

¹²⁵ Jackson, 2006.

Part II: Comoros case study

Executive summary

The involvement of the Organisation of African Unity (OAU) in the settlement of the secessionist and constitutional crises in the Comoros began in 1995 when President Djohar's Government fell after a coup. This crisis led to the involvement of the OAU, to the condemnation of the coup, and the international community's refusal to recognise the regime. However, it was the outbreak of the secessionist crisis in the island of Anjouan in August 1997 that led to deeper involvement of the OAU, as the demand for secession was a major challenge to the OAU principle of respect for the territorial integrity of member states.

There were two main phases of involvement of the OAU/AU in Comoros. The OAU efforts during the first phase (1995–2007) were aimed at denouncing the illegal regime, restoring constitutional rule and reinstating the deposed President Djohar. Although successful in reinstating Djohar, the OAU became more deeply involved in the Comoros following various island secessionist demands, beginning in Anjouan. The OAU approach involved bringing the concerned parties together, facilitating a series of dialogue conferences, and getting countries of the region involved. These efforts culminated in the signing of two agreements, which the OAU also played an important part in designing. The OAU/AU complemented its political and diplomatic instruments with the deployment of observer missions and electoral assistance teams to facilitate the implementation of peace agreements, to build confidence, and to monitor the security situation.

In the second phase (2007–2009), the AU pursued a more forceful intervention, partly in reaction to the escalating secessionist crisis in Anjouan and the failure of previous diplomatic efforts to resolve matters. Following the failure of targeted economic sanctions imposed against President Bacar's regime in Anjouan, the AU resorted to military action. With the restoration of the central authority on the island, the AU, in partnership with the international community and key actors such as France, has led the efforts to facilitate the process of national reconciliation in Comoros.

To facilitate its peacemaking efforts, the OAU established an extensive mediation structure, which was, however, fraught with political and administrative difficulties. The initial ad hoc nature of the efforts created serious problems of co-ordination within the mediation team, and constrained the process. Administrative problems were further compounded by the limited staffing capacity, both at the OAU/AU Secretariat and the Liaison Office in Moroni, and the lack of training in mediation and conflict resolution offered to the staff and advisers.

Furthermore, the process lacked coherence, a problem common to many multi-party processes. Third parties, such as France and the Organisation Internationale de la Francophonie (OIF), applied strategies different from those of the OAU/AU, offering opportunities to the parties to forum-shop when they were unhappy with the OAU/AU-led process. The initial strategy of the OIF stressed the need for the OAU to move beyond its original brokered decisions and engage in new negotiations with Anjouan and all Comorian parties, including Colonel Azali Assoumani's regime. Some have criticised the OIF for attempting to sideline the OAU's previous efforts, but others consider OIF involvement to have added fresh impetus to a stagnating peace process.

To manage the crisis, the OAU/AU applied a variety of tools including: shuttle diplomacy, facilitation and mediation; coercive diplomatic pressure by Western powers, African states and regional forums; and economic sanctions, observer missions and military intervention. Undoubtedly, the OAU/AU's work was difficult when member states did not agree about whether to use sanctions or military intervention. The complex nature of the secession crisis in Comoros and the diverse and constantly shifting positions of the Comorian parties also prevented a speedy resolution of the conflict. In combination, these challenges led to the protracted management of the separatist crisis, which has lasted until today. Although the OAU/AU's peacemaking efforts prevented the break-up of the state of Comoros and, in the process, succeeded in preserving its Charter principle of respect for territorial integrity, the grievances and governance challenges that created the conditions for political instability have not been fully addressed.

The complex process in Comoros presented a challenge for the OAU/AU. This case illustrates how the OAU/AU took on peacemaking without taking fully into consideration its institutional capacity to deliver. The intervention came at an early stage in the development of the OAU/AU as an actor in peacemaking and peacebuilding, and challenged the organisation.

Lastly, the involvement of the OAU/AU in the Comoros was framed by its pursuit of the OAU/AU Charter principles of respect for territorial integrity and the inviolability of African states' borders. The OAU/AU intervention aimed to avoid the secession of any of the islands, ensuring the territorial integrity of the country and providing the platform to engage with the grievances of Anjouan and Moheli separatists. Consequently, this put the OAU/AU at odds with some of the Comorian parties. Therefore, the OAU/AU did not conduct the process as an impartial third party, but as an actor with a clear stand on the question of territorial integrity.

2.1 Context

The federal state of Comoros consists of the three islands of Anjouan (capital Nzwani, island area 374 square kilometres), Moheli (capital Mwali, island area 290 square kilometres) and the Grande Comore (capital Njazidja, island area 1,148 square kilometres). Grand Comore is the seat of the central government. This federation, bringing together a multi-ethnic island population of 839,000, is officially called The Union of Comoros.

As a multi-ethnic society, Comoros includes Africans and migrants from the Indian Ocean islands, the Middle East and Asia. The country's predominant religion is Islam (98 per cent) and its official languages are Arabic and French. Besides this, Shikomori, a national language, is spoken on all the islands, with some variations. In recent history, Comoros has been described by media commentators as the 'archipelago of instability' due to the frequency of military coups, counter-coups and mercenary interventions. The country has experienced more than 20 military coups since independence from France in 1975.¹²⁶

2.1.1 The political landscape

The turbulent political history of Comoros can be divided into three different but interrelated phases of political development. The first phase, from 1886 to 1975, saw direct French colonial rule and governance of the island territories. In 1974, the three islands that constitute Comoros voted for political independence from France,

¹²⁶ BBC World News, *Africa Country Profile: Comoros – Timeline* (<http://.newsvote.bbc.co.uk/mpapps/pagetools/news.bbc.co.uk/1/world/africa/>).

but the fourth island, Mayotte (424 square kilometres), voted to remain a French-administered province.¹²⁷ Comoros became independent in July 1975, with Ahmed Abdallah as the country's first president. As noted by a former AU senior official, 'at independence, Comoros was born handicapped because of the issue of Mayotte and the dominance of French influence'.¹²⁸

The second phase of political development, the post-independence period from 1975 to 2000, was defined by a multiplicity of military coups, counter coups, mercenary interventions and outbreaks of secessionist rebellion. Between August 1975 and 1990, four presidents were installed, overthrown, reinstated or assassinated due to a combination of mercenary activity led by Colonel Bob Denard, French involvement in the internal affairs of Comoros, and the nature of domestic politics characterised by poor governance and mismanagement of state governing institutions.

The 'wind of democratic change' that swept the globe following the end of the Cold War also affected Comoros. This led in 1990 to Comoros's first democratic elections, won by President Djohar. However, this democratic period was short-lived when Colonel Denard removed Djohar in 1995 in a military coup, which was later reversed by the intervention of French troops.¹²⁹ In 1996, Mohamed Taki Abdul Karim became president, bringing new hope of resolving the tensions. However, his attempts to strengthen central-government control over the islands (as well as to reform corrupt state institutions) prompted further tensions and could not stop the islands of Anjouan and Moheli from publicly claiming secession in 1997. This secessionist rebellion led to a new wave of political violence and a further military coup by the Army Chief of Staff, Colonel Azali Assoumani in April 1999. This period was marred by violent conflicts between the central government and the breakaway island of Anjouan, and armed confrontations between rival militias in Anjouan itself.

The third phase in the political development of Comoros covers the period from 2001 to March 2008. This period saw the introduction of a federal constitution based on power sharing, and its problematic implementation. It also saw the joint military invasion of Anjouan by the AU and the Government of Comoros.

2.1.2 Socio-economic context

Beyond the rhetoric of secession and self-determination, the Comoros conflict is primarily rooted in questions of contested island identities, wealth sharing and control over state power. Anjouan is the country's most strategically relevant island, and control of the state can be achieved only through controlling Anjouan's wealth. The island hosts the only deep-sea harbour of the archipelago, which means that it controls most of the international trade and customs revenue. Anjouan has economically viable off-shore banking, shipping and gambling sectors, as well as a tourism sector that accounts for 5 per cent of total employment in the country. Anjouan is also responsible for most of the country's production of vanilla and ylang-ylang. Further, the majority of the members of the armed forces are drawn from Anjouan, which is also the location of the army's ammunition depot.

¹²⁷ Comoros has never given up its claim of sovereignty over Mayotte. At the September 2008 UN General Assembly, President Sambi reiterated the claim of Comoros over Mayotte, confirming to the world body that the state of Comoros constitutes the four islands of Mayotte, Anjouan, Moheli and Grande Comore.

¹²⁸ Interview with former AU senior official, 13 November 2008.

¹²⁹ Colonel Denard was given a five-year suspended jail sentence for his part in the 1995 abortive coup. The defence team for Colonel Denard claimed that he was 'made a scapegoat by the French state' because the attempted coup had the support of the French secret service. Colonel Denard's mercenary activities are legendary and they involve covert and subversive mercenary activities not only in Comoros but also in Zaire (DRC), Benin, Gabon and Yemen (BBC African News, 'French "dog of war" spared jail' <http://newsvote.bbc.co.uk/>).

The history of political instability in the Comoros has led to underdevelopment, extreme poverty and depressing socio-economic indicators. With limited natural resources, the chief exports include vanilla, cloves, perfume essence and fish, which makes the country heavily dependent on foreign aid and diaspora remittances. The prevalent political culture of nepotism and corruption has further resulted in a bloated administration whereby resources are divided among the elite, and public expenditures have increased faster than revenue income.

This situation is prevalent in Anjouan, Moheli and Grande Comore. The state of Comoros has simply failed to serve its people. In this context, Anjouan and Moheli declared their independence from Comoros as a response to years of bad governance.

2.1.3 OAU/AU involvement in Comoros

The direct involvement of the OAU in Comoros began as a response to Anjouan's self-declared independence in 1997. During the following decade, the OAU/AU remained in Moroni, facilitating three Inter-Comorian Dialogue Conferences and the signing of three agreements between the three islands Grand Comoros, Moheli and Anjouan. The main tools applied by the OAU/AU were political dialogue, 'smart' sanctions and observer missions.

From 2007, the AU changed strategy: first imposing targeted sanctions on the regime in Anjouan, including a naval blockade, and then militarily invading Anjouan with Comorian and AU troops in March 2008. This led to the fourth Inter-Comorian Dialogue on National Reconciliation in March 2009.

2.2 Phase One (1995–2007): processes and tools

The crisis in Comoros began in 1995 when the overthrow of President Djohar's democratically elected Government threatened the country's constitutional order. The OAU condemned the military coup and led a diplomatic initiative mobilising the international community to refuse to recognise the illegal regime. The OAU called for the restoration of constitutional rule and the reinstatement of the deposed president.¹³⁰

At the start of OAU involvement, Secretary-General (SG) Dr Salim Ahmed Salim, appointed his Chief of Staff, Ambassador Said Djinnit, to manage the organisation's political involvement in Comoros on his behalf, making him the *de facto* OAU chief mediator. Ambassador Djinnit's appointment was an informal arrangement without specific Terms of Reference and detailed instructions. Instead, he was given a free hand to act in response to political realities, but in adherence to the OAU Charter's fundamental principle of territorial integrity.

In the following negotiations, the OAU insisted on the restoration of constitutional rule and the reinstatement of the deposed president. This was achieved, albeit with limited powers for the re-instated Djohar. However, during March and August 1997, separatist violence broke out in Anjouan and Moheli. Both accused the central government, located in the capital Moroni on Grande Comore Island, of economic marginalising them. Anjouan and Moheli stated publicly their intention to secede from Comoros and become part of France as French-administered territories, with status similar to Mayotte's. France refused to accept their request.

¹³⁰ The decision was later formalised to apply in other contexts by the OAU's Algiers Declaration (signed by the Heads of State and Government of the Member States meeting in Algiers, Algeria, from 12 to 14 July 1999) on the rejection of military coups and unconstitutional change of democratically elected governments in Africa.

In response, the central Government of Comoros launched a military attack against Anjouan, which failed. Ambassador Djinnit strongly objected to the military invasion of Anjouan. The failed attack only emboldened the separatist authorities and led them to declare on 3 August 1997 outright secession from Comoros and independence as a separate state. Similarly, on 5 August 1997, Moheli declared its independence. Foundi Abdallah Ibrahim, the self-declared President of Anjouan, led the secession.

To avoid future conflict, President Foundi later negotiated a political compromise with the central government that would lead to the re-unification of Anjouan with the rest of the country. This deal was opposed by the island Prime Minister, Chamasse Said Omar who was subsequently dismissed by Foundi, sparking violence between political factions in Anjouan. The outbreak of factional violence in Anjouan led to a fully fledged secessionist crisis. This development created additional difficulties for the OAU, due to the growing number of conflict parties.

The need for a Special Envoy quickly became apparent. To deal with the day-to-day mediation, Ambassador Pierre Yere, the Ivorian Permanent Representative at the OAU and United Nations Economic Commission for Africa (UNECA), was appointed as the first Special Envoy of the SG. The Special Envoy was not expected to be a specialist on Comoros, but was to be supported by experts familiar with the crisis and its background. As Ambassador Yere would later state, he did not consider himself an expert on Comoros¹³¹ nor particularly familiar with the political developments and the nature of the conflict. However, Ambassador Yere had extensive experience working with island states, which turned out to be vital in the process.

On his appointment in 1997, the Special Envoy was given Terms of Reference that specifically mandated him not to accept any form of separation of the islands of Comoros, hence complying with the OAU Charter principles of maintaining territorial integrity.¹³² Therefore, the OAU's intervention was framed by the need to avoid the secession of any of the islands, to ensure the territorial integrity of the country, and to provide a platform for addressing the grievances of Anjouan and Moheli. This precondition for dialogue put the OAU at odds with some of the Comorian parties to the conflict. As Yere stated: 'We were not neutral – and not meant to be neutral'.¹³³ However, the OAU still aimed to provide objective approaches to important substantive issues related to the conflict, such as the claim of economic and political marginalisation of Anjouan and Moheli.

2.2.1 Preparing the ground and bringing the parties to the table

Between 1997 and 1999, the OAU was under heavy pressure to resolve the situation peacefully and to prevent any further attempts of secession. Special Envoy Yere's approach was to use the good offices of the OAU to advocate for adherence to the principle of inviolability of the territorial integrity of Comoros. Furthermore, in response to the deteriorating political situation in August 1997, following the declaration of independence by

¹³¹ Ambassador Yere's assessment of the circumstances in which he was hired, stated in a telephone interview conducted with him on 22 January 2009.

¹³² The question of territorial integrity is a recurrent challenge to mediators. For instance, it was faced by Martti Ahtisaari, in Aceh, Indonesia, where he informed the armed group (GAM) that independence would not be on the negotiating table (for further information, see Edward Aspinall's article 'Peace without justice? The Helsinki peace process in Aceh' <http://www.hdcentre.org/files/Justice%20Aceh%20final.pdf>), and in Kosovo, where independence was sought by the Albanian majority from Serbia, but overwhelmingly opposed by the Serb majority – no agreement could be reached by the UN Security Council (for further information see the International Crisis Group's report, *Kosovo's Fragile Transition* (<http://www.crisisgroup.org/home/index.cfm?id=5695&l=1>)). Likewise, in the most recent EU-supported mediation in Georgia, the EU supported Georgia's claim for territorial integrity (see the International Crisis Group's report, *Georgia–Russia: Still Insecure and Dangerous* (<http://www.crisisgroup.org/home/index.cfm?id=6171&l=1>)).

¹³³ Interview with Ambassador Pierre Yere, 11 March 2009, Addis Ababa, Ethiopia.

Anjouan and Moheli, the OAU initiated a process of shuttle diplomacy. This involved all the Comorian parties, including the military junta, and political groups. Special Envoy Yere conducted this diplomatic effort, with Chief of Staff, Ambassador Djinnit, who remained instrumental in the process.

The OAU's shuttle diplomacy resulted in finding common ground for a further process. The Comorian parties agreed to:

- hold an international conference to find solutions to the crisis¹³⁴
- deploy an OAU observer mission to restore trust and confidence among the Comorian parties and the populace
- hold a donor conference to mobilise resources for the socio-economic development of Comoros.

Following this agreement in August 1997, the OAU Central Organ of the Mechanism for Conflict Prevention, Management and Resolution (CPMRM)¹³⁵ decided to continue to support the ongoing process in Comoros and to increase its presence in the country. This led to the establishment of an OAU Liaison Office in Moroni, headed by a liaison officer, Mahmoud Kane. The OAU Secretariat was thereby able to provide its officials on the ground with both substantive and logistical support – for example, supporting their travel between islands and organising the subsequent Inter-Comorian Dialogue Conferences.

Mahmoud Kane became the de facto 'OAU Ambassador' to Comoros, with political and administrative leadership of the Liaison Office and access to all Comorian stakeholders and parties to the conflict. He played a critical role and co-ordinated all the lists of parties invited to attend the Inter-Comorian Dialogue Conferences. In addition, Mahmoud Kane submitted reports and briefing papers to the OAU/AU Secretariat and Peace and Security Council (PSC).

A desk officer at the Conflict Management Division (CMD) of the OAU Secretariat supported the process and provided substantive input and advice. This included drafting and contributing to key documents such as peace agreements, communiqués and decisions. In effect, the desk officer provided backstop support to Special Envoy Yere and the team on the ground. The desk officers assigned to the process over the years were not necessarily experts on Comoros but assumed responsibility for Comoros as part of a wider portfolio providing support to up to four missions.¹³⁶

2.2.2 The Inter-Comorian Dialogue Conferences

2.2.2.1 Addis Ababa Agreement

Following extensive shuttle diplomacy, the parties agreed to convene at an international conference on the situation in Comoros. The conference was held in Addis Ababa, from 10 to 13 December 1997. The conference brought together representatives of the Anjouan and Moheli separatist authorities, the central Government of Comoros, opposition parties, Member States of the OAU Central Organ, Countries of the Region Committee

¹³⁴ The outcome of this item, the Inter-Comorian Dialogue Conferences, will be discussed below in Section 2.2.2.

¹³⁵ This decision was made at the 36th Ordinary Session of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution (CPMRM) in Lomé, Togo, 10–12 July 2000.

¹³⁶ To date, there have been four Desk Officers: Mr El Gassim Wane, Dr Musifky Mwanasali, Ms Janet Amoo and Mr Salvator Nkeshimana.

on Comoros, selected members of the UN Security Council, the Arab League¹³⁷ and the European Union (EU). This conference was vital to the process, because it was the first forum that brought together all the political parties and secessionist leaders within a national framework for dialogue and reconciliation.

At the outcome of the conference, the Addis Ababa Agreement:

- provided for the establishment of an international commission to investigate the crisis in Anjouan and establish responsibility¹³⁸
- endorsed the principle of an Inter-Comorian conference aimed at defining new political and governance institutions that fulfilled the aspirations of the Comorian populace
- set up a commission charged with responsibility for implementing the Agreement
- asked the OAU to organise a donors' conference to mobilise international assistance for the development of Comoros.

Taking advantage of the momentum created by the Addis Ababa international conference, the OAU SG dispatched a mission to Comoros on 25–27 December 1997. The mission was led by Ambassador Djinnit and aimed to build consensus with the Comorian parties on the implementation of the Addis Ababa Agreement and on the establishment of the Follow-Up Committee to monitor implementation and measures to reduce tensions on the islands.

At its 67th Session, the CPMRM authorised a Ministerial Commission to Comoros, to be led by then Tanzanian Foreign Minister, Jakaya Kikwete. However, the mission ended abruptly on 18 March 1998, when the delegation was physically prevented from meeting with the separatist leaders in Moheli and Anjouan. The 34th OAU Summit of the Heads of State and Government appointed South Africa and President Mandela to lead and co-ordinate the OAU regional efforts on the crisis, supporting the ongoing OAU-led process.¹³⁹

The view was that South Africa's leadership and military, financial and economic weight in the region would provide much-needed enforcement capabilities, should sanctions be imposed on Anjouan. According to Ambassadors Yere and Madeira, the appointment of Mandela was based on the OAU's perception that military action was the only means of settling the secessionist crisis, despite the ongoing mediation process facilitated by the OAU. The OAU felt that South Africa could lead military action on behalf of the OAU.¹⁴⁰

In December 1998, the Government of Comoros asked the OAU to send a Fact Finding Mission to look at the conflict between rival political factions in Anjouan. The mission was led by a South African General, Jan Lusse, who called on the international community not to recognise Anjouan's secession and its separatist regime.

¹³⁷ Comoros is part of the Organisation of the Islamic Conference (OIC) and the Arab League, and, throughout, the Arab League played a limited but important and constructive role in support of the OAU/AU peacemaking process.

¹³⁸ OAU (Organisation of African Unity, 1997c), *Agreement in Addis Ababa: International Conference on the Comoros*, Addis Ababa, Ethiopia, 10–13 December 1997.

¹³⁹ South Africa's historic link with Comoros dates back to the apartheid years. Denard, once the head of the Comoros presidential guard, had provided military support to South Africa in its war against anti-apartheid movements. South Africa also used Comoros as a transit point for arms shipments to its proxy, the Mozambican National Resistance, during the Mozambican civil war. For further information see Alwahti, Ali, 'Prevention of secessionist movements in a micro-state: the international mediation in the Comoros Islands', *International Affairs* (2003) 13:1, pp.65–85. Also, in the post-apartheid era, there has been considerable South African investment in the construction and tourist industries in Comoros. South Africa's interest in Comoros is based on the country's location, providing vital access to the Mozambican channel and hence facilitating international access to and from the Cape of Good Hope.

¹⁴⁰ Interview with Ambassador Madeira, 17 October 2009; telephone interview with Ambassador Yere, 22 January 2009.

2.2.2.2 The Antananarivo Agreement

Acting on the recommendations of the Addis Ababa Agreement and the findings from the mission in December 1997, the OAU organised the second Inter-Comorian Dialogue in Madagascar's capital, Antananarivo, on 19–23 April 1999. Participants included most of the Comorian political parties, separatist leaders and key external actors, such as France and the Arab League. Ambassador Djinnit further managed to overcome one of the main obstacles to the process when he secured the participation of the deposed president, Said Djohar. Djohar's participation was also credited to France's former Prime Minister, Michel Rocard, who attended the talks in support of the French Ambassador to Comoros. The French Government's security guarantees were instrumental in securing Djohar's participation.¹⁴¹

The second Inter-Comorian Dialogue Conference led to the signing by most parties of the Antananarivo Agreement (23 April 1999),¹⁴² which contained two main points.

1. The recommendation for all Comorian parties to work together to establish new governance institutions based on greater autonomy for the islands, decentralisation and the creation of national institutions such as a new national assembly.
2. Introduction of a concept of greater autonomy of the islands, whereby each island would have its own executive and parliament with a rotating national presidency among the islands.

As a part of the Antananarivo Agreement, Anjouan agreed to be reunited with Comoros on the condition that it could organise a referendum to ascertain the status of the island's relation to the rest of the country. According to the separatist authorities in Anjouan led by Colonel Said Abeid, the referendum rejected the reunification and thus they refused to sign the Agreement.

The Antananarivo Agreement was signed on 23 April 1999, and implementation was planned to follow. However, on 30 April 1999, just a week after the signing, Army Chief of Staff, Colonel Azali Assoumani staged a coup and became the new president of the Comoros. The implementation of the OAU-brokered Agreement was put on hold. Consequently, the OAU refused to recognise the newly emerged military junta and excluded President Azali from the 36th OAU Summit,¹⁴³ deeming that his inclusion would have amounted to recognising his regime. Thus, at this stage, the Comoros faced both a constitutional and secessionist crisis.

2.2.2.3 Stalemate

From April to July 1999, Colonel Azali tried to affirm his powers after the coup. While the OAU was quite firm in its condemnation of the junta, Azali refused to meet with the OAU representatives on the ground. The situation escalated, and Colonel Azali even accused the OAU of illegal activities. In an attempt to exert political pressure on the OAU, the Azali Government demanded the withdrawal of both the OAU Liaison Officer and the Special Envoy from Comoros. The former left and the latter asked the OAU SG to relieve him of his responsibility. The situation had reached a stalemate.

When Ambassador Yere and Mr Kane left Moroni in July 1999, Colonel Azali continued his efforts to legitimise

¹⁴¹ The deposed president, who had previously refused to co-operate with the OAU, was under French protection removed to the French island of Reunion. He was later transported to attend the conference, but mainly stayed in his hotel in Antananarivo.

¹⁴² OAU (Organisation of African Unity), *Agree Antananarivo: Conference Inter-Comorian Islands* (Antananarivo, Madagascar, 19–23 April 1999). The Comorian political parties participating in the conference included: The Forum, Feredation, PRC, RND, FNJ and RND Renoveteur.

¹⁴³ This summit was held in Lomé, Togo, 4–12 July.

his position. Since the OAU was out of the picture, Colonel Azali invited the Organisation Internationale de la Francophonie (OIF),¹⁴⁴ to lead the dialogue with the separatists and to support his constitutional reform agenda.¹⁴⁵ Although the OAU-led peacemaking process had reached a stalemate, the OIF initially refused to engage in what was seen as an attempt to sideline the OAU. A number of OIF resolutions supported the OAU-led process and publicly condemned the Azali coup, refusing the junta's invitation to a conference that would have changed the Comorian constitution in order to secure Azali's prolonged stay in power.

Nevertheless, during September and October 1999, the Azali Government and Anjouan's secessionist regime discussed the terms of the so-called 'Fomboni Common Declaration' under the facilitation of the OIF, supported by France. It is commonly thought that France used the OIF as its primary vehicle in the process:¹⁴⁶ 'France (...) took a significant and controversial role in that mediation, at some point, to overpower the OAU's responsibility'. The 'ambivalence of France was reflected in the ambiguities of La Francophonie and this considerably frustrated and undermined the OAU mediation of the Comorian crisis'.¹⁴⁷

In September 1999, SG Salim and French Minister of Foreign Affairs, Hubert Vedrine met in New York to discuss the situation in Comoros. While the OAU was adamant on the position of non-secession, France was more accommodating, although concerned about the islands' request join France. The meeting resulted in no strategic agreement between the OAU and France on this matter.¹⁴⁸ Consequently, the OIF continued with the talks on the Fomboni Common Declaration, which not only excluded the Comorian opposition parties, but also in the end indeed sidelined the OAU.

2.2.2.4 Preparing the ground for the Fomboni Agreement

To give fresh impetus to the process, in August 1999 the OAU appointed a new Special Envoy, Francisco Madeira, a senior Mozambican Government minister. He was not a francophone, but had a working knowledge of the French language. He was accepted by the Comorian parties, including Colonel Azali who seemed eager to re-engage with the AU. Ambassador Madeira had served as the Mozambican Ambassador to Comoros, and spent several weeks studying the current situation before travelling to Moroni.

The mandate of Ambassador Madeira involved 'facilitating the attainment of the OAU's objectives on the Comoros, including the implementation of the Antananarivo Agreement which, inter alia, provides for the preservation of the unity and territorial integrity of the Comoros.'¹⁴⁹ In other words, Madeira's task was to enable the implementation of the Antananarivo Agreement, and if necessary to amend it so that it could be implemented. Ambassador Madeira was also mandated to restore the legality of the Government and ensure that Colonel Azali relinquished power, allowing elections to be held.

The appointment of Ambassador Madeira coincided with the transformation of the OAU into the African Union (AU), adding further political, management and administrative challenges to an already complex Comoros

¹⁴⁴ Comoros is a member of the Organisation Internationale de la Francophonie.

¹⁴⁵ So far, the OIF had been quite supportive of the process. The OIF conference in Vietnam in December 1997 condemned the outbreak of secession in Anjouan and expressed support for the OAU initiative to organise the Inter-Comorian Conference.

¹⁴⁶ Information from an interview with representatives from the French Foreign Ministry in Paris, 24 September 2008. As Secretary-Generals of the OIF, France has placed diplomatic heavyweights such as former UN Secretary-General, Boutros-Ghali and former President Diouf of Senegal. During his term, President Diouf participated in and signed the 2003 Beit Salam Agreement.

¹⁴⁷ Alwahti, 2003.

¹⁴⁸ Interview with AU official, Addis Ababa, October 2009.

¹⁴⁹ Xinhua News Agency, 'OAU Calls to Withhold Co-op with Comoros', 11 May 1999.

crisis. Nevertheless, Madeira tried to make full use of the support the organisation could provide. He consulted with the Commission periodically, so that it would lobby relevant heads of state and governments to support the organisation's peacemaking strategy.

In the new AU era,¹⁵⁰ more key officers had to be consulted to ascertain the organisation's position on important issues. These included the AU Commission President, the Peace and Security Commissioner, the Director of the Peace and Security Department, the Head of the Conflict Management Division and the Head of the AU Liaison Office. However, according to Ambassador Madeira, the wide range of consultations did not impede the process. On the contrary, it allowed him to stay attuned with the position and approach of the Commission while still being able to take day-to-day initiatives.

As newly appointed Special Envoy to the Comoros, Ambassador Madeira's first priority was to publicly oppose the Fomboni Common Declaration. It was his clear opinion that this was an African matter which required the leadership of the OAU. Second, he recommended that the OAU start looking for ways to work with the Anjouanese to assess their grievances. Ambassador Madeira therefore undertook several diplomatic visits to Anjouan to persuade the Anjouanese leaders to accept the terms of the Agreement.

Secretary-General Salim instructed Ambassador Madeira to convince Colonel Azali to relinquish power, allowing the process to move on. Azali remained unconvinced, however. Aware of the considerable political tensions and stalemate in the process, Ambassador Madeira mobilised local Comorian political parties and civil-society organisations to support the renewed process. To achieve this, he used his knowledge of the relevant political and economic stakeholders as well as his network of local groups and government agencies. This combined usage of the largely formal and official Track I mediation with that of Track II was an important turning point, as it enabled the AU to regain control of the process.

At the beginning of 2000, the impasse continued in getting the parties to adhere to the directives put forward by the OAU. Therefore, the Council of Ministers (as detailed below) and the OAU Summit of February 2000 decided to impose 'smart' sanctions. These included an arms embargo, travel restrictions and a freezing of assets on Azali's regime. However, France did not implement the AU-imposed sanctions.¹⁵¹

When Ambassador Madeira returned to Moroni from the summit in Addis Ababa, he was under great pressure from the parties – especially the Anjouanese. Since the OIF had good relations with the Anjouanese, Madeira asked the OIF join him in his efforts to engage Colonel Abeid in dialogue. Abeid, as a French citizen who served in the French army, welcomed the joint approach and the proposal of the OAU to organise a conference to undertake new negotiations based on the Antananarivo Agreement. This approach was in line with the recommendations of the OIF. In October 2000, the OIF sent an assessment mission to Madagascar, Moroni, Anjouan, Cairo and Addis Ababa, to assess the situation on the ground and the requirements for moving forward.¹⁵²

The Fomboni Common Declaration had made it possible for the Azali regime to engage with political opposition parties that had refused to acknowledge his power beforehand. The process had legitimised the position of Colonel Azali. When the OAU proposed that the parties convene in Moheli to discuss how the Antananarivo

¹⁵⁰ The AU came into effect on 26 May 2001, and replaced the OAU. However, the transformation process began in 1999.

¹⁵¹ Most Anjouan leaders kept financial and economic assets in both France and Mayotte, and, given the proximity of Mayotte, the OAU sanctions could be effectively implemented only if France was politically willing.

¹⁵² The schedule was set up for the mission to liaise with the parties and then debrief with the Arab League in Cairo and the OAU in Addis.

Agreement could be revised, both the Azali regime and the political opposition agreed. This prepared the way for a third Inter-Comorian Dialogue Conference.

The AU's renewed leadership of the process, the involvement of OIF as well as the Arab League,¹⁵³ and the international pressure on the Comorian parties to come back to the negotiating table led to the Third Inter-Comorian Conference. The objective of the conference was to reformulate the Antananarivo Agreement while still ensuring that the principles of the Agreement were implemented in accordance with Madeira's mandate. The conference led to the signing of the General Agreement on National Reconciliation,¹⁵⁴ on 17 February 2001, in Fomboni, a city in Moheli.¹⁵⁵ The Fomboni Agreement, which is different from the Fomboni Common Declaration (Section 2.2.2.3 above), provided for the political reunification of Anjouan with the state of Comoros, thereby officially putting an end to the Anjouan secession.

2.2.2.5 Fomboni Agreement

During the negotiation of the Fomboni Agreement, the OAU made an effort to include civil society in the talks. The problem the OAU faced, however, was the marginalisation of neutral civil society. Most civil-society groups were affiliated with political parties. The few groups that were neutral were disliked by the politicised civil-society groups and the island representatives, and ended up withdrawing from the process. The island representatives questioned the right of these groups to participate in the process, claiming that they were not 'real civil society' and made threats to induce them to leave the process. Ambassador Madeira, however, met with all stakeholders including those from civil society either inside or outside the talks. The various stakeholders provided useful information on the political temperature and prevailing local conditions. Also, elders were engaged and advised Madeira.

The Fomboni Agreement succeeded in forging a political compromise through a process of national reconciliation and federal power sharing. This arrangement ended the decades of political instability on the archipelago. The Fomboni Agreement provided for the creation of a new Comorian ensemble, with a new name – the Union of the Comoros. The change of name was a major feature of the Agreement, and an important contribution of the AU. The presidency would rotate between the three autonomous islands. The Agreement also specified areas of administrative competence between the central government and islands,¹⁵⁶ and gave greater autonomy to the islands. It stipulated the holding of presidential elections for the three islands and national presidential elections in April 2002, as well as the establishment of a follow-up committee.

The Agreement provided for an independent commission to draft a new constitution to be submitted to a referendum by June 2001. The commission was to consist of equal numbers of delegates from each of the islands, and represent all of the signatory groups. The new constitution was to define the areas of jurisdiction of the new entity and the individual islands, although the central administration would retain control over religion, nationality, foreign affairs, currency and defence. Following the referendum, a transitional government

¹⁵³ The Arab League not only attended all the peace talks but also provided strategic resources to support the facilitation of the OAU/AU process, i.e. during the Fomboni process. However, the Arab League did not always agree with the OAU peacemaking strategies in Comoros. Later in the process, the League would welcome the Common Declaration of Fomboni, signed between President Azali's Government and Anjouan, arguing that the agreement provided the basis for Anjouan to be reunited with Comoros. This view was contrary to the OAU position because the agreement sidelined the organisation from the peacemaking process.

¹⁵⁴ OAU (Organisation of African Unity), Framework Agreement for Reconciliation in the Comoros (Fomboni, 17 February 2001). See <http://www.pcr.uu.se/gpdatabase/peace/com20010217.pdf>.

¹⁵⁵ Fomboni was merely the venue for signing the final peace agreement, but it gave Moheli Island enhanced profile and ownership of the peace agreement.

¹⁵⁶ OAU, 2001.

of national unity was to be formed which would create the new institutions, hold elections and transfer power by 31 December 2001.¹⁵⁷

However, following the signing of the Agreement, new concerns and difficulties arose. The AU argued that the Fomboni Agreement was a peace initiative and framework led and owned by the Comorians, that the AU had only facilitated. However, Comorian voices, including senior government ministers, blamed the AU for facilitating and imposing what is now popularly described as a 'very bad peace agreement that has created a dysfunctional state with an unnecessarily huge and expensive financial burden that this small and underdeveloped country can ill-afford'.¹⁵⁸

While the respective influences on the final agreement remain debatable, the agreement was indeed cumbersome. In particular, it did not specify all the areas of competence between central government and island administrations, but rather passed on this responsibility to a process of constitution drafting. This was a result of the AU's concern that negotiating areas of competence would have further protracted the talks, and that the island representatives would have used it to instigate another round of conflict with central government and among themselves.

The most important consideration in deciding what sort of agreement to promote in Fomboni was the then OAU's principle of respect for the territorial integrity of African states. This fundamental principle framed and shaped the negotiations. It was necessary to accommodate some degree of autonomy for the islands, rather than outright secession (as some of the islands were arguing for), while maintaining the integrity of the newly proposed federal state. As one former senior AU officer stated, 'We had a sense of history and destiny of the organisation on our shoulders. We wanted a united country. Neither the OAU nor any mediator can accept a separated country. Our case was not simply mediation of a crisis; it was mediation with determination to ensure the unity of the country'.¹⁵⁹

The Fomboni Agreement strongly advocated a federal form of government. A federal state meant restricted powers given to the decentralised islands under the umbrella of the ensemble. The Agreement stipulated that the 'Constitution will determine the fields of competence of the Ensemble and of the islands. However, the prerogatives relating to the sovereignty of the state (religion, nationality, currency, foreign relations and exterior defence) and the national symbols (the flag, the national anthem, the national emblems) are within the competence exclusively of the New Comorian Ensemble.' As discussed above, the Agreement also states that the constitution, drawn up by the 'technical committee', will be 'submitted to a referendum' for approval.¹⁶⁰

The outcome of the Fomboni Agreement was partly influenced by France's position. Initially, the OAU supported a single presidency of Comoros with island leaders serving as elected governors, sharing responsibility for administrative competences over limited areas of governance. At the talks, the Special Envoy and the OAU constitutional experts from Madagascar refused to accept the position of 'president' for the island governments, because of the potential for confusion. On the other hand, the French Ambassador and the Anjouanese administration agreed to use the title 'president' and 'ministers' for the island governments, as

¹⁵⁷ Harrison Church, R.J., 'The Comoros' in *Africa South of the Sahara 2004* (33rd edition, London: Europa Publications, 2004).

¹⁵⁸ Interview with former senior government minister, 29 October 2008, Moroni, Comoros.

¹⁵⁹ Interview with former senior AU official, 13 November 2008, Dakar, Senegal.

¹⁶⁰ Constitution of the Union, 23 December 2001.

a concession to the islands' representatives. Finally, a compromise position of 'Executive Legislator' was agreed, although the term 'president' has since been more frequently used.

Despite the OAU's emphasis on territorial integrity, France deemed that a politically divided Comoros was an acceptable scenario to avoid a prolonged crisis that could result in increased migration to the nearby French island territory of Mayotte. The island representatives appreciated the leverage France's support gave them, and therefore refused to compromise on the status and designation of executives for each of the islands.¹⁶¹ The OAU had no choice but to accept the compromise.

France's foreign-policy approach to Comoros is driven by domestic considerations, in that its continued sovereignty over the island of Mayotte has created serious immigration problems. The socio-economically well-off island has become the main destination for illegal immigrants from Comoros and other neighbouring countries. These illegal immigrants use Mayotte as the gateway to a better life in France. As one senior French Foreign Ministry Officer noted, 'Comoros is a small country but a big problem for us'.¹⁶²

France's pre-eminent influence has engendered a popular view among Comorians that no elected president or military ruler can emerge without the tacit approval and support of France. The political influence of France has had a profound psychological impact on Comorians (of whom the majority have dual citizenship): their identity is based primarily on their island and then on being French, rather than on a Comorian national identity. This partly explains France's extensive leverage throughout the process.

2.2.2.6 Implementation deadlock

Immediately after the signing of the Fomboni Agreement, the implementation phase began. Implementation first involved the creation of the new institutions and the writing of new constitutions (national and federal), reflecting the letter and the spirit of the Agreement. Second, it meant organising presidential elections, island executive elections, and national assembly elections. Third, it included forming a new interim government to co-operate with all the islands and ensure the new constitutions were adopted by national referendum. The follow-up committee in charge of implementation had two components: Comorian parties, and guarantors of the Agreement monitoring the implementation process. The latter component had the decision-making power in case the parties could not come to an agreement on the interpretation of the Agreement. Hence, the guarantors of the Agreement had substantial power to ensure implementation.

While the Antananarivo Agreement failed, the Fomboni Agreement succeeded in bringing Anjouan back to Comoros. However, secession had ended only on paper, and the Anjouanese now needed to take the next steps through implementation. Colonel Abeid began the implementation process, but in August 2001, only six months after the signing of the Fomboni Agreement, Colonel Bacar – a military leader – staged a coup overthrowing Abeid. He seized power in Anjouan and formed a military regime, officially promoting the agenda of reunification of Anjouan with the Union of Comoros, while in reality impeding the implementation process. Despite the latest developments in Anjouan, on 12 December 2001, a national referendum took place across the country on whether or not to approve the new constitution, which effectively provided for a federal state. The result of the vote was strongly in favour (74 per cent, with 26 per cent against). During March and April 2002, the executive legislators of the autonomous islands of Anjouan, Grande Comore and Moheli were

¹⁶¹ France's management of its own pivotal role led to the continuing problem of the conflict parties generally not acknowledging the need to compromise and accept the OAU's position, in the full knowledge and expectation that France would support them. This partly explains the lack of commitment of the Comorian parties to the implementation of the OAU/AU-brokered peace agreements.

¹⁶² Interview, Paris, 25 September 2008.

elected. While Colonel Azali was elected as president of the Union of Comoros in April 2002, Colonel Bacar was elected as the civilian executive legislator (commonly referred to as 'president') of Anjouan.

Following this progress, the AU lifted in July 2002 all sanctions against Anjouan and the Comoros Government, including the exclusion of Comoros from the newly formed African Union (AU). (The AU came into effect on 26 May 2001, replacing the OAU.) Since the coup, it had been obvious to Ambassador Madeira that Colonel Bacar had no serious intention to implement the Fomboni Agreement. The problem was whether to view Colonel Bacar as either a spoiler or a stakeholder in the process. It was difficult to view him as the latter, as he had not been part of the negotiation team nor did he contribute constructively to the implementation process.

On the contrary, after entering into office, Colonel Bacar had disrupted the implementation of the provisions of the Fomboni Agreement and the newly adopted federal constitution of Comoros. He held back on implementing institutions such as the national assembly, the constitutional court and the island assemblies. Furthermore, during the election, Bacar had ensured that no AU observers were allowed to enter Anjouan. He had jailed the opposition and impeded opposition-elected candidates from entering parliament.

After the election, Colonel Bacar began mobilising the other islands to form a confederation of island administrations, a decision-making body. This was contrary to the letter of the Fomboni Agreement, which Bacar requested be revised. According to the Fomboni Agreement, the sharing of competences was to be decided by the national assembly (as written in the constitution). Bacar's stand was that the powers of the union (flag, currency, etc.) should be defined in the constitution, while the rest should be managed by the island executives (security, financial matters, etc.). Nevertheless, encouraged by Bacar, each island began deciding its own competences rather than allowing the elected national assembly to decide.

Consequently, Colonel Bacar posed a serious danger to the consensus reached in Fomboni. The AU's approach was that Bacar should be removed in order to prevent a complete collapse of the process and of the state of Comoros. To support the process, the OIF invited the parties to Paris to continue the discussion on implementation. These talks took place between November 2002 and August 2003 and became known as Paris I and II or the Paris Consensus. The OIF charged a technical committee with drawing up preliminary laws for the Union of Comoros and the new governance structure. The committee proposed a temporary division of powers to accommodate the request of the island executives.

The AU perceived the decision of the OIF to align itself with the island executives as misguided. The AU felt that Colonel Bacar should have been persuaded to allow room for the state institutions to be established, as provided by the Agreement. If the national and constitutional assemblies had been established, they could then have tackled the outstanding issues of power division and ensured the drafting of the constitution according to the law of Comoros. Consequently, the AU opposed the Paris recommendations. At a summit in Addis Ababa, the AU decided to disregard the OIF-brokered Agreement, which it regarded as premature. Instead, and through the leverage of President Mbeki, the AU determined to ensure that elections for the Comorian national assembly were held as stipulated in the Fomboni Agreement.

2.2.2.7 The Beit Salam Agreement

In an attempt to resolve the political impasse in Comoros, the AU organised a third Inter-Comorian Dialogue Conference in Moroni, under the leadership of President Mbeki of South Africa.¹⁶³ The dialogue took place on 18–19 December 2003 at the technical level, while the presidential level was held 20 December 2003. The intention was to use the influence of President Mbeki to persuade the parties to accept the holding of elections.

The meeting addressed the establishment of the political and administrative institutions and governance structures of the new Comorian federal entity. All the political parties signed the Beit Salam Agreement on 20 December 2003¹⁶⁴. This Agreement attempted to demarcate areas of competence between the federal and island governments as follows.

- Elections for the assembly of the union and assemblies of the autonomous islands would be held during March and April 2004.
- The constitutional court and a national government would be established with the participation of all autonomous islands.
- Tax revenue would be shared according to the following formula: Union, 28 per cent; Grande Comore, 32.5 per cent; Anjouan, 30.5 per cent; and Moheli, 9 per cent.¹⁶⁵

The AU-brokered Agreement provided the framework for the governance arrangement currently in place in Comoros. The Beit Salam Agreement did not fundamentally change the status of what had been previously decided in Antananarivo and Fomboni, but it averted the real possibility of greater separation among the islands. Before the Beit Salam Agreement, the island executives were pushing for greater separation, and the Agreement represented a formal step in continuing the federal process in Comoros.

To provide financial support to the implementation of the Agreement and the national reconciliation processes, the Paris donor meeting on 21 January 2004 established the Comoros Trust Fund. In addition, the AU organised a donor round table in Mauritius, on 8 December 2005 to mobilise international support for political reconciliation in Comoros. This led to the pledge of US\$200 million from the international community.

With financial support, and as stipulated in the Beit Salam Agreement, general elections for the assemblies of the autonomous islands and the union went ahead in March/April 2004. France provided the technical assistance to establish the constitutional court and the implementation of the areas of competence between the central government and the islands' administrations.

However, the newly created institutions failed to work properly and the ensuing political difficulties launched the country into a new crisis. Azali Assoumani, elected president of the Union of Comoros in May 2002,

¹⁶³ Thabo Mbeki chaired the AU Troika and the Committee of the Countries of the Region on Comoros.

¹⁶⁴ Beit Salam is the presidential palace in Moroni. Although Beit Salam is generally described as the Third Inter-Comorian Dialogue, the agreement is not the outcome of a conference; rather it was a result of the meeting of the Fomboni Agreement OAU-led Follow-up Implementation Committee that brought together local parties, the AU and key external actors. It was a one-day, high-level event attended by political heavyweights such as President Mbeki of South Africa, Former President Diouf as SG of OIF, the AU Special Envoy and the French Ambassador.

¹⁶⁵ African Union (2003b), *Accord sur les Dispositions Transitoires Aux Comores* (Moroni: AU, 20 December 2003) (<http://www.issafrika.org/AF/current/comorosagmt.pdf>).

refused to co-operate with the island governments. Successful national and island assembly elections (legislative elections) in April 2004, supervised by AU observers, gave a clear majority of parliamentary seats to the 'The Camp of the Autonomous Islands'. This was a federalist political party consisting of a coalition of island leaders opposed to President Azali. The islands therefore used their majority to take steps to legalise greater separation. During this period, the islands also attempted to create their own military forces, which was not permitted in the constitution. This created a dysfunctional state and governance system and led to yet another stalemate in the peacemaking process.

In May 2006, the first democratic presidential elections in Comoros resulted in the election of Mohamed Sambi from Anjouan as the new president of Comoros. The outcome was in accord with the constitutional provision of rotating presidency between the autonomous islands (and following the previous president, Azali, from Grande Comore Island). However, the election of Sambi did not end the political and constitutional deadlock. To alter the constitution, President Sambi, whose term of office ran until May 2010, had to negotiate with the executive legislators (presidents) of the islands, to carry out a constitutionally approved restructuring process.¹⁶⁶ In May 2010, the Constitutional Court annulled a law extending the term of President Sambi. The court's decision followed weeks of heightened political tension in the Comoros. The AU appeared in May 2010 to have brokered a deal to hold elections in November 2010 but the talks were short after suspended.

2.2.3 The role of regional instruments

To expand the OAU's level of involvement, the Secretary-General established the Countries of the Region Ministerial Committee on Comoros. Further, at the OAU 1999 Summit, a 'Troika' was set up in Ouagadougou. The Troika was chaired by South Africa and included the previous, current and in-coming chairs of the OAU. This mechanism was to complement the work of the Countries of the Region Committee in an effort to secure the support and commitment of regional countries that might be directly or indirectly affected by the crisis or had strategic interests in Comoros.¹⁶⁷

Through the regional organs, resources became available to which the OAU may not otherwise necessarily have had access. This strategy for underwriting the costs of the OAU peacemaking efforts involved some member states taking responsibility for financing aspects of the process. Furthermore, the regional organs enabled the political involvement of major regional powers, which could provide political clout and leverage to the process.

With its major political, economic and military influence, South Africa played a key role in driving the OAU/AU process. It exercised its leadership through the Troika on Comoros and Countries of the Region Ministerial meetings. Throughout the process, President Mbeki and Deputy-President Zuma were also involved in shuttle mediation to build confidence and lend political support to the process.

Tanzania's membership of the Countries of the Region Ministerial Committee inevitably increased its political involvement. President Kikwete played a leading role in facilitating the initial process through the Countries of the Region on Comoros Ministerial Committee. He was also involved in the first diplomatic efforts conducted by the OAU to engage with the Comorian parties in 1997.

¹⁶⁶ See article 37 of the Constitution of Comoros, which deals with constitutional change.

¹⁶⁷ The membership included South Africa, Tanzania, Kenya, Mozambique, Seychelles, Mauritius and Madagascar. Meetings were held at ministerial level and co-ordinated by South Africa. The committee reported to the OAU Council of Ministers.

The involvement of senior government ministers from the region, as well as the direct involvement of influential leaders such as Kikwete, Mbeki and Zuma, significantly supported the OAU/AU's mediation efforts. In fact, the initiative helped resolve the constitutional stalemate between the central government and islands in the early stages following the 1997 intervention. Special Envoy Madeira often used the Ministerial Committee of the Countries of the Region and the Troika to engage with the Comorian parties. When the Comorian parties failed to agree on implementation of the 'Paris Consensus' on constitutional, institutional and governance arrangements, the talks continued under the auspices of the Ministerial Committee of the Countries of the Region and Troika, co-ordinated under South African leadership.

However, relations between the Countries of the Region and OAU/AU secretariat and mediation team were not without tension. This was primarily due to the member states' (of the Countries of the Region Ministerial Committee) unwillingness to bear the cost of deploying their respective senior staff and representatives over a long period. While the OAU/AU secretariat could support the deployment of staff in Comoros for a considerable period of time, representatives of the Countries of the Region often had to cut short their involvement as they were required to return to their countries, irrespective of whether or not a particular process had been completed.

2.2.4 Military instruments (observer missions)

The OAU/AU complemented its political and diplomatic instruments with the deployment of observer missions and electoral assistance teams. This was to facilitate the implementation of peace agreements, build confidence, and monitor the security situation. As proposed by the parties in August 1997, and in an effort to strengthen the OAU peacemaking effort, the Central Organ in November 1997 approved the deployment of the first OAU Observer Mission in Comoros (OMIC I). The mission was responsible for monitoring the security situation in Comoros, and especially in Anjouan. France provided logistical and financial support for the deployment of OMIC I.

The OAU/AU deployed three subsequent observer and security-assistance missions: OMIC II from December 2001 to February 2002, OMIC III from March to May 2002, and OMIC IV from March to May 2004. However, the four missions were small: only 14 to 20 military liaison observers for OMICs I to III, and 40 in the case of OMIC IV. Therefore, the missions could provide only limited support to the peacemaking process, and could not effectively monitor the situation across the three islands. In fact, in 1999, when the country most needed OAU presence on the ground, OMIC I was withdrawn due to the opposition of President Azali. Between 2001 and 2004, South Africa was the lead nation and main contributor in the Observer Missions.

From March 2004, the AU deployed a Military Observer Mission in the Comoros (MIOC) for four months, to support of the provisions the 2004 Beit Salam Agreement. Led by South Africa, MIOC involved the deployment of 39 observers to the three islands to 'promote the necessary conditions of serenity and security to conclude the reconciliation process'. This mission has been credited with facilitating the March/April 2004 electoral process for the assemblies of the islands and of the Union.¹⁶⁸

In May 2006, a new AU mission was deployed to monitor the election of a new president of the Union of Comoros. The AU Mission for Support to the Elections in Comoros (AMISEC) consisted of 462 military and police personnel, again with South Africa as the main contributor. The mission was authorised by the AU

¹⁶⁸ Report of the Chairperson of the Commission on the situation in the Comoros, Peace and Security 6th Session, 29 April 2004, p.4 (see: <http://www.africa-union.org/Reports/29%20April%20Rpt%20of%20Chairperson%20-%20Comoros.pdf>).

Peace and Security Council at its 47th meeting in March 2006, in response to a request from the president of Comoros. AMISEC was deployed under the authority of the AU Special Envoy who was to supervise and coordinate its activities. As with OMICs I–IV, the Department of Peace Support Operations at the AU secretariat was to provide the mission with the required support. As with MIOC, the deployment of AMISEC created an environment conducive to holding elections.

In May 2007, another round of elections was planned, to elect the executive legislators of each island in the union. However, Anjouan's executive Legislator, President Bacar, refused to step down at the end of his term. The ensuing political crisis led to armed clashes between the national army and the Anjouan gendarmerie. In response, the AU announced the deployment of the AU Electoral and Security Assistance Mission to the Comoros (MAES), to monitor the election process.

Disregarding the planned electoral process, as well as the announcement of the AU, President Bacar moved to organise elections in Anjouan where, in the absence of MAES monitoring, he was re-elected with 89.6 per cent of the vote. Anjouan's election was unsurprisingly seen as neither free nor fair, condemned by the AU and the international community, and nullified by the Constitutional Court of the Union of Comoros. Meantime, in June 2007, the scheduled elections took place on the islands of Grande Comore and Moheli, both monitored and endorsed by the MAES.

2.2.5 Outcome of Phase One activities

From 1995 to 2007, the OAU/AU was extensively involved in peacemaking in Comoros, resorting to a range of diplomatic and peacemaking tools, as well as numerous sanctions. As chief mediator representing the international community, the OAU/AU was able to bring together the relevant stakeholders, despite their often-competing interests. Although the various agreements signed over the years did not end the conflict, in the short term they helped to contain the numerous crises, mostly by establishing power-sharing arrangements. Arguably, this peacemaking contributed to turning the views of the general populace against the hardline secessionist stance of the Anjouanese authorities, thereby presenting those authorities as the main obstacle to peace.

Throughout this period, the OAU/AU tried to engage and manage the involvement of a number of external actors. The role of South Africa was critical. As in Burundi, Nelson Mandela's good offices brought political and moral authority to the OAU process. His involvement was a strategic decision to lend political weight and enforcement capability to the diplomatic efforts of the OAU, and, throughout the process, South Africa was instrumental in ensuring the support of France.

Relations with the OIF were complicated. However, according to OIF adviser, Ntoli Kazadi, the OIF supported OAU/AU efforts by providing expertise to develop the institutional and governance framework outlined in the Fomboni and Beit Salam Agreements,¹⁶⁹ technical expertise for the development of electoral guidelines and the Constitutional Review Commission, as well as financial resources. Ambassador Madeira has since rejected this claim, and stated that the OIF provided only technical expertise rather than full-scale financial support.

¹⁶⁹ The Ministerial Meeting of the Troika in Pretoria on 27 December 2000 acknowledged the role and contribution of the OIF to the process. The 'Preamble' to the Fomboni Agreement, signed by both the OAU and the OIF on behalf of the international community, also explicitly acknowledged the participation of OIF in making the agreement possible.

It is important to note that the OAU/AU efforts took place despite critical institutional capacity deficits, and were facilitated through an ad hoc mediation structure. Since its establishment, the OAU/AU Liaison Office has been under-resourced and poorly staffed and equipped. Despite its pivotal role, even at the height of the crisis between 1997 and 1999, the office only had a skeletal staff of two (a Liaison Officer and a secretariat support worker). This challenge remained after the transition from OAU to AU. Although the infrastructure and equipment at the office have improved, one person still combines the post of administrative/financial officer and political affairs officer and consequently spends the bulk of their time on political affairs, to the detriment of managerial issues.

Finally, during its involvement in the Comoros, the OAU/AU imposed numerous sanctions, which ultimately did not succeed in altering the behaviour of their targets. The responsibility to implement the sanctions was assigned to the AU Follow-up Mechanism, itself composed of a wide range of actors.¹⁷⁰ A combined lack of resources and political will resulted in sanctions being implemented half-heartedly or not at all. Lukewarm enforcement of sanctions by France and the EU also hampered the AU's effort.

2.3 Phase Two (October 2007 – March 2009): processes and tools

2.3.1 Military intervention

Shortly after the election of President Sambi, the crisis between the island executives and the president of the Union of Comoros escalated. Sambi, who is Anjouanese, was refused access to Anjouan by Colonel Bacar who insisted that the president could not bring his security guard to the island. Following negotiations with Bacar, the president was finally allowed to enter Anjouan. However, the authorities on Anjouan restricted his freedom of movement. President Sambi's report of this to the AU was confirmed by Ambassador Madeira.

In anticipation of problems with the island elections, scheduled for June 2006, the AU's assessment was that there was a clear need for a military observer mission. However, it was doubtful whether deployment to Anjouan would be possible in time for the elections. President Sambi therefore attempted to postpone the elections in Anjouan, while holding the remaining island elections as scheduled. However, Colonel Bacar refused, and held the Anjouan election without the observers being in place. Colonel Bacar was elected island executive in Anjouan.

The Ministers of the Troika and of the Countries of the Region met a number of times in Addis and Moroni to discuss the situation. Colonel Bacar argued for the creation of a state of Anjouan, and refused to allow the central state institutions to enter Anjouan. Nevertheless, the majority of the population wanted to proceed with the implementation of the peace process. Consequently, the Ministers of the Countries of the Region started in 2007 to discuss military intervention as an option. Ambassador Madeira instead proposed continuing with diplomatic efforts. His proposal included requesting fresh elections, and setting up a committee to look into the remaining areas of implementation such as constitutional issues and power sharing.

¹⁷⁰ Angola and Senegal, representatives of the Countries of the Region, AMISEC, MAES, troop-contributing countries, the Government of the Union of Comoros and AU Commission.

Colonel Bacar rejected that proposal and requested instead that the AU conduct a proper assessment of guilt between Colonel Bacar and President Sambi. The AU refused, on the basis that President Sambi was the properly elected president of the Union of Comoros, while Colonel Bacar had gained power through unconstitutional elections. As a last attempt, a ministerial delegation led by Madam Zuma from South Africa asked Bacar to stop obstructing the process and to open the island to external observers. Madam Zuma invited the parties to Pretoria to review the process, as requested by the island executives.

The Pretoria meeting discussed the governmental institutions provided for in the Fomboni Agreement, and agreed that the proposed constitution was too cumbersome and should be streamlined. However, those issues would be addressed only after legality had been re-established in Anjouan through free and fair elections. Bacar was given three months to consider, before sanctions would be imposed.

2.3.1.1 Sanctions and deliberations

In October 2007, the AU Peace and Security Council (PSC) adopted a new set of sanctions against President Bacar's regime in Anjouan. The targeted sanctions included the freezing of funds, other financial assets and economic resources 'owned or controlled by the illegal authorities of Anjouan and all other persons and entities that impede the process of reconciliation and constitute a threat to peace and security in the Comoros'. The PSC also agreed that 'in the event of non-compliance, Council shall meet to adopt further measures, including sea and air blockade of the Island.'¹⁷¹

By January 2008, the sanctions were having limited impact on the crisis. Bacar started applying sanctions towards the central government by preventing ships from carrying goods to Grand Comore. President Sambi was frustrated with the failure to resolve the standoff with Anjouan, and eager to re-establish the authority of the central government. At the 10th AU Summit in Addis Ababa (31 January to 2 February 2008), he expressed impatience with the sanctions and announced his intention to resort to unilateral military action in Anjouan.¹⁷²

Among AU member states at the summit, there was general agreement on the need to resolve the Comorian crisis, but divisions on how to do this. In debating a draft resolution, one group opposed the very idea of the AU imposing sanctions in the first place, whether they were political or economic. Other member states supported the sanctions, but opposed the principle of military intervention as a way to end the crisis. South Africa, represented by President Mbeki, was one of these.¹⁷³ The South African position was initially contrary to the AU's official view that military intervention was a viable means to end the crisis. South Africa nevertheless changed its position and decided not to oppose the resolution officially. South Africa's initial hesitation adversely affected the process, making it difficult for the AU to mobilise the support of troop-contributing countries.

¹⁷¹ Peace and Security Council 'Communique', PSC/PR/Comm (XCV), 10 October 2007 (http://www.iss.co.za/dynamic/administration/file_manager/file_links/PSC95COM.PDF?link_id=22&slink_id=5081&link_type=12&slink_type=13&tmpl_id=3).

¹⁷² 'Comoros Says Will Take Action Against Rebel Island', REUTERS, 1 February 2008, <http://africa.reuters.com/top/news/usnBAN234039.html>.

¹⁷³ It would seem that South Africa's lack of support for military action, before the military intervention in March 2009, was affected by the country's concern to avoid a diplomatic confrontation with France. The existence of a bilateral defence agreement between Comoros and France, which guaranteed the security and defence of the island state by France in the event of any external military aggression, was key in South Africa's cautious approach and reluctance to be involved in the military invasion of Anjouan. In addition, the strained diplomatic relations between President Sambi's administration and the Government of South Africa may also have contributed to the lack of support for military action. Allegedly, senior South African government ministers and representatives in Comoros became sympathetic to Colonel Bacar, who cast himself as a victim of President Sambi's populist rule that refused to accept the rule of law (information obtained from an interview, 12 March 2009, Addis Ababa, Ethiopia).

A third group of AU members supported military intervention, and Senegal, Tanzania, Sudan and Libya offered to provide tactical military support to an invasion.¹⁷⁴ With this support, the AU was able to secure much needed financial and logistical resources for the military operations of the troop-contributing countries.

2.3.1.2 Point of no return

In February 2008, AU Chairperson, Jean Ping publicly voiced disappointment at the inefficacy of AU sanctions and concluded that Anjouan's rebel government, led by Bacar, was to blame for the standoff.¹⁷⁵ Military intervention had long been established as an option for the OAU/AU,¹⁷⁶ which had issued numerous warnings to the parties that it might apply military means to end the crisis. This message was repeated in AU Assembly decisions, Communiqués of the Peace and Security Council, and Ministerial meetings of the Countries of the Region and AU Troika.¹⁷⁷ It was clear within the AU Commission that forceful measures would be applied only as a last resort. However, with no positive development in Anjouan, key AU officials such as the Special Envoy, the AU Commission President, Chair of the AU, AU Commissioner, Peace and Security Commissioner and the Head of the CMD felt that they had done what they could to resolve the crisis with the peaceful means available to them.¹⁷⁸

Colonel Bacar gained power through a coup, was elected twice through staged elections in the absence of international monitors, and continued for years to obstruct the implementation of signed Agreements. Combined with President Sambani's determination to settle the crisis, the AU Commission and member states accepted the need first to impose sanctions and then to intervene militarily.

With the backing of key member states, the Assembly of the Heads of State therefore requested that 'all member states capable of doing so to provide the necessary support to the Comorian Government in its efforts to restore as quickly as possible, the authority of the Union in Anjouan and to put an end to the crisis'.¹⁷⁹ This unanimous decision taken by member states paved the way for the military invasion of Anjouan, code-named 'Operation Democracy in Comoros'. The military and political objectives of the invasion were to:

- facilitate the organisation, in Anjouan, of the first round of the election of the president of the island, in accordance with the constitution and relevant electoral legislation, and provide requisite security for the holding of free, fair and transparent elections
- supervise the encampment of the elements of the Anjouanese Gendarmerie, so that they are not involved in the supervision of the electoral process, as well as their disarmament and integration into the Comorian National Army
- assist in the establishment of an internal security force in accordance with the constitution of the Union

¹⁷⁴ Massey, Simon and Baker, Bruce, *Comoros: External involvement in a small state* (Chatham House, Programme Paper AFP 2009/1, July 2009).

¹⁷⁵ Wangui, Kanina, 'AU Blames Rebel Islanders for Comoros Crisis', Reuters, 22 February 2008, <http://africa>.

¹⁷⁶ At the height of the 1998 secessionist crisis, the OAU had already threatened military action to end Anjouan's rebellion, although its ability to deliver was uncertain.

¹⁷⁷ Sentences such as 'the Council deplores the intransigence so far displayed by the de facto authorities of Anjouan', the 'lack of co-operation of the illegal regime in Anjouan', and 'take all necessary means' were not unusual.

¹⁷⁸ Telephone interview, 26 August 2009.

¹⁷⁹ AU, *Decisions and Declarations: Assembly of the African Union Tenth Ordinary Session 31 January – 2 February 2008* (Addis Ababa, Ethiopia, Assembly/AU/Draft/Dec.171-191(X)).

- facilitate the restoration of the authority of the Union in Anjouan.¹⁸⁰

Before the invasion, the AU Liaison Officer in Moroni, Ambassador Taiati Mourad led a high-level delegation with an ultimatum to Colonel Bacar either to stand down with the promise by France of asylum in a third country, or face military invasion. Colonel Bacar and his supporters did not believe that the AU would undertake military action. Clearly, Colonel Bacar was emboldened by the previous military successes of the Anjouanese army against the national army in 1997 and 2001. The prognosis of the AU Special Envoy was that President Bacar '[would] be overwhelmed ... I am afraid to say that if he tries to [resist], it will be the end of him physically, if necessary.'¹⁸¹

Evidently, Colonel Bacar underestimated the new determination of the AU to settle the crisis, and did not anticipate the commitment of troop-contributing countries to deploy the needed military force. In an attempt to avoid military invasion, Colonel Bacar agreed to hold fresh elections in May 2008, a condition he had previously refused to accept. This proposal was supported by South Africa, but rejected by the AU, which was not convinced of the good faith of the proposal.¹⁸²

On 25 March 2008, a joint AU-led military invasion of 1,500 troops of the Comorian National Army, and allied troops of Tanzania and Sudan, with logistical and financial support from France¹⁸³ and the EU,¹⁸⁴ invaded Anjouan with no casualties resulting.¹⁸⁵ This made it possible to achieve the primary objectives of removing the illegal regime of Colonel Bacar and restoring the authority of the central government on the island.

2.3.2 The continuation of dialogue

With the restoration of the central government's powers in Anjouan, the AU, in partnership with the international community and key actors such as France, led efforts to facilitate national reconciliation in Comoros. In April 2008, President Sambu visited Anjouan on a reconciliation mission. This led to the holding of free and fair elections for a new executive legislator in Anjouan on 29 June 2008, under the auspices of MAES. Moussa Toybou became the new executive legislator, ending the interim government of Kaambi Houmadi.

¹⁸⁰ AU, *Communiqué by PSC, 87th Meeting* (13 August 2007); AU, *Communiqué of the 95th Peace and Security Council Meeting* (10 October 2007), Addis Ababa, PSC/PR/Comm. (xcv).

¹⁸¹ BBC African News, 'AU Troops arrive in the Comoros' 11 March 2008, <http://news.bbc.co.uk/2/hi/africa/7289318.stm>.

¹⁸² South Africa's non-military approach during the Comoros crisis was much in line with the country's own history of only applying peaceful means when resolving internal conflicts.

¹⁸³ Despite France's divergent policy approach to that of the AU in Comoros, it nevertheless supported the AU-led military intervention by providing logistics and airlift facilities for AU troops to Anjouan. France's actions in the post-military intervention period have been widely criticised, and France's refusal to return Colonel Bacar to face trial in the Comoros led to anti-French protests in the country. At the time of writing (May 2010), Colonel Bacar had been granted French-negotiated political asylum in Benin, prompting fears of his return to 'unleash violence and instability in the future' (interview with opposition party leaders, Moroni, 30 October 2008).

¹⁸⁴ The European Union had, through its Commission, consistently supported the OAU/AU process including the use of sanctions and military measures. In response to a letter dated 25 October 2007 from the AU Commission President requesting the EU and its member states to support the implementation of the sanctions on Anjouan, the EU adopted a common position on restrictive measures against the government of Anjouan. The EU common position noticeably outlined: i) a travel ban and restrictions imposed on seven Anjouanese leaders (article 1), mandating EU member states to take 'necessary measures to prevent the entry into or transit' through their territories of the selected individuals: Colonel Bacar; Jaffer Salim (Minister of Interior); Mohamed Madi (Minister of Co-operation); Ali Mchirdra (Minister of Education); Houmadi Souf (Minister of FoP); Rehema Boinali (Minister of Energy) and Shoihirou Halidi (Minister of Cabinet); ii) the freezing of 'all funds and economic resources belonging to, owned, held or controlled by the individual members [...] and belonging to, owned, held or controlled by the natural or legal persons, entities or bodies associated with them'. See Council of the European Union, Council Common Position 2008/CFSP (2008), concerning restrictive measures against the illegal government of the Comorian Island of Anjouan. However, many detailed exemptions rendered the implementation of the AU sanctions impossible and diluted their impact. As a consequence and according to a prominent Comorian interlocutor, 'the EC common position in support of the AU sanctions [was] nothing really. It simply amount(ed) to business as usual'(interview with political party leader, Moroni, 30 October 2008).

¹⁸⁵ The assault led by the joint Comorian army and AU troops included the following troop-contributing countries: Sudan (750 troops), Tanzania (500 troops), Senegal (military and tactical advice), Libya and France (logistics and finance), EU (funding).

By the end of 2008, all AU contingents had withdrawn from Comorian soil.¹⁸⁶ President Sambu raised concerns that the withdrawal was effected without consulting the Government of Comoros. In his view, the withdrawal undermined the stability of Comoros and, in particular, Anjouan. According to the president, the continuing presence of AU troops would have provided much-needed reassurance for the populace of Anjouan. The preference expressed by senior government officials was a time-bound AU troop deployment until March 2009, to help stabilise the security situation and to assist in military retraining.

From 2 to 7 March 2009, the AU facilitated the Fourth Inter-Comorian Dialogue Conference in Moroni. The primary objective was to draft new governance structures with a particular focus on streamlining the mandates of the executive of the central and island governments, as well as rationalising the electoral provisions, to avoid the costly constitutional requirement of yearly elections. In organising the conference, Special Envoy Madeira was supported by the Liaison Office in Moroni and seconded experts from the UN Mediation Support Unit. The OIF and the Arab League were also both invited by the Comorian Government and contributed to the process. On 24 March 2009, this process resulted in the first opportunity for a closed-door meeting of the president and the three executive legislators (central and island governments) after more than a year of political and personal disputes.

2.3.2.1 Post-conflict involvement

Despite President Sambu's attempts of reconciliation, the underlying political tensions remain unresolved. This is not surprising as Comoros' institutions are young and will take time to grow roots and serve as a source of stability in the country. An ongoing issue is the relationship between the president of the Union and the executive legislators of the three islands. President Sambu argues that the only viable strategy for national reconciliation and development is to change the provisions of the federal constitution derived from the Fomboni Agreement. However, the executive legislators do not share this view, making constitutional amendment difficult.

Serious socio-economic and developmental problems also persist in Comoros: growing poverty, limited and largely under-funded basic services such as schools, hospitals and infrastructure. The ongoing political challenges (particularly posed by President Sambu) and the serious socio-economic problems have forced the AU to remain involved in Comoros. In May 2008, an AU assessment mission to Comoros put forward a proposal for the AU's role and contribution during the post-conflict reconstruction period, emphasising institutional and governance reform.¹⁸⁷ Based on the recommendations of the assessment mission, the chairperson of the AU Commission approved the recruitment of three legal experts specialising in constitutional matters to provide technical assistance in revising the current constitution of the Union of Comoros.¹⁸⁸

Key actors in Comoros and other external agencies have suggested that the AU should continue to play a leadership role in the 'post-conflict' period. To this end the AU, through the Special Envoy, is making efforts to mobilise the international community, donors included, to develop and implement a post-conflict reconciliation and development programme. The idea of an AU-led International Contact Group on Comoros was mooted by highly influential senior cabinet ministers of the Government of Comoros.

¹⁸⁶ The Tanzanian contingent withdrew on 28 October 2008, and the Sudanese contingent left Comoros on 4 December 2008.

¹⁸⁷ Memo. PSD/210/01409, 29 May 2008.

¹⁸⁸ Memo. DPS/210/A/3722, 21 November 2008. The three constitutional experts are from Niger, Djibouti and Mauritius.

Such AU-led support could provide technical assistance on constitutional revision, the rationalisation of institutions (for example concerning security matters, status of public enterprises, judicial institutions) and sharing of competences between the Union and the semi-autonomous islands. President Sambu pointedly suggested that the AU, in collaboration with the UN and France,¹⁸⁹ could explore the possibility of applying the Governance and Economic Management Assistance Programme (GEMAP) strategy, used in post-war Liberia, to the context of Comoros.¹⁹⁰

2.3.3 Outcome of Phase Two activities

Although the military intervention was successful in ousting Bacar and restoring constitutional governance, the post-conflict reconciliation and reconstruction tasks and continuing socio-economic problems have meant that the AU has had to remain involved in the Comoros. The AU's peacemaking efforts prevented the break-up of the state of Comoros and, in the process, preserved its Charter principle of respect for territorial integrity. However, the process left unaddressed the fundamental grievances and governance challenges that created the conditions for recurrent political instability.

Contributing to post-conflict activities, although not entirely new territory for the AU, has seriously tested its capacity. On the other hand, the stability created by the restoration of constitutional order has created confidence for foreign countries and others seeking to invest in the country. It would seem that longer-term stability and a commitment to reconstruction from the AU and the international community is crucial for the recovery of the country.¹⁹¹

The AU has not addressed, at least publicly, an exit strategy. Designing an exit strategy is extremely difficult given the complex ongoing political and economic problems in Comoros. Although the country is by most accounts the most stable it has been since 1995, with secession no longer a threat, other issues remain, including the exact nature of centralisation/decentralisation and the dire socio-economic conditions.

During the second phase of the peacemaking process, the multiplicity of actors involved inevitably complicated the process. The range of actors included a variety of local actors, the central Comorian Government, the governments of the three islands, more than 18 political parties, and civil society organisations. The process also included a number of external actors: France, the OIF, the EU, the Arab League and the UN, the Countries of the Region Committee and the AU Troika – including the two main African lead nations, South Africa and Tanzania.

An example of the complex nature of the process is that external AU government actors were split on the important question of whether to pursue military intervention ahead of other options. As Chris Ayangafac,

¹⁸⁹ In an attempt to promote stability and national reconciliation in the country, France signed a bilateral Framework Partnership Document with the Union of Comoros, for 2006 until 2010. The Partnership further strengthened the inclusion of Comoros in the French government's Priority Solidarity Zone and added to the conclusions of the joint Franco-Comorian Commission on 4–5 April 2005 and the commitments made at the donor conference on Comoros in Mauritius on 8 December 2005. The recognition of this Partnership has placed France in a strategic position to co-ordinate and lead all EU development co-operation support for Comoros. Furthermore, on 28 September 2007 in Paris, both President Sarkozy and President Sambu signed the Franco-Comorian co-operation agreement in support of peace and national reconciliation in Comoros, as well as support for the AU-, OIF- and South-African-facilitated peacemaking efforts.

¹⁹⁰ Interview, Beit Salam Palace, 30 October 2008.

¹⁹¹ Massey, Simon and Baker, Bruce, *Comoros: External involvement in a small state* (Chatham House, Programme Paper AFP 2009/1, July 2009).

a senior researcher for a research institute based in South Africa¹⁹² warned on the eve of the intervention: 'military intervention is not a viable option as all diplomatic options have not yet been exploited. Furthermore, military intervention will have high diplomatic, human and financial cost implications for the AU which it can ill afford.'

The efforts to manage the crisis in Comoros challenged the capacity of the OAU/AU, especially considering that the OAU 1995–97 intervention to address the 'double crisis' took place in the absence of an internal discussion of whether in fact the OAU had the capacity to undertake such a peacemaking effort. It is therefore not surprising that the OAU/AU peacemaking has been characterised as ad hoc and improvised. Learning from these challenges, the OAU/AU established a support structure to strengthen not only its own facilitation role, but also its co-ordination of other external actors.

The co-ordination effort involved the difficult task of working with different interpretations of the Comorian problem, and different interests among the various external actors. Overall, through its use of coercive and non-coercive means, the OAU/AU was able to contain and manage the political and secessionist crisis. The OAU/AU-brokered peace Agreements, despite the limitations discussed throughout this paper, created stability and a political framework for a power-sharing governance structure between the central government and the islands. The AU-led military intervention, supported by the Comorian Government and a 'coalition of willing states', settled the secessionist crisis in Anjouan.

¹⁹² See Ayangafac, Chris, *Situation Critical: The Anjouan political crisis* (Institute for Security Studies Situation Report, Report 5, March 2008), (http://www.iss.co.za/static/templates/tmpl_html.php?node_id=3412&slink_id=122&slink_type=12&link_id=3).

Part III: Lessons identified

3.1 General lessons

There are a number of lessons that may be drawn from the OAU/AU's work in Burundi and Comoros to inform the AU's current and future peacemaking efforts. The challenges faced in these two cases are outlined with a view to assisting the AU leadership in improving management of similar challenges in future.

This section attempts to look beyond the obvious capacity issues which affected the two processes, especially in the 1990s. As several senior AU officials have pointed out, the support and the resources provided to the processes in Burundi and Comoros were merely symbolic. The AU was – and to some extent still is – overstretched and confronted by multiple demands for political solutions despite limited capacity.

3.1.1 Entry, planning and preparation

This report suggests that neither OAU/AU involvement in Burundi nor its work in Comoros was sufficiently guided by a strategic approach. Important guiding principles were of course in place, such as the organisation's desire to achieve peace and ensure that constitutional rule was returned to Burundi, and to settle the secessionist crisis in Comoros. However, there was no specific strategy outlining the long-term objectives of the missions, ways to achieve them and guidelines for intervention. This meant that the OAU became involved in Burundi and Comoros without:

- structured and systematic planning machinery
- clear entry and exit strategies
- clear rules of engagement
- the necessary backstopping and technical support
- pre-deployment dossier or briefing to the senior officials, including the Special Representatives
- appreciation that any involvement was going to be long.

It is undoubtedly very difficult for any mediation actor to achieve all of this preparation, and most actors face the exact same challenges. Within the AU, it is recognised that more careful planning would have limited the challenges it faced in Burundi and Comoros. At the early stages of both processes, more systematic preparation would have allowed the development of strategic frameworks as well as contingency plans. It would also have helped to anticipate potential political developments and define expected outcomes.

This experience points to the usefulness of providing the AU special envoys with a variety of pre-deployment briefings and options on how to address specific issues and developments. Neither of the country teams was provided with a briefing on the conflict, its actors, the interests at stake or the underlying grievances. Such briefings would have been beneficial, given that understanding the parties' motivation and the complexity of

the conflict is likely to contribute to a mediation process that is better informed and better managed. It would therefore be useful to continue the ongoing effort to develop the AU's strategic framework, backstopping capacity and background knowledge at the pre-deployment stage. This will benefit future mediation and peacemaking activities.

3.1.2 Headquarters–field relations

The OAU/AU established an early field presence in Burundi, allowing the Special Representative to become familiar with the issues and generally 'learn on the job'. This also allowed OAU/AU staff members to build trust with the parties and their constituencies. A physical presence on the ground brings the mediation process closer to the parties and the relevant constituencies, signals long-term commitment, and creates the opportunity for feedback into the strategy developed at headquarters.

Neither mission, however, was adequately staffed to handle these important tasks. For a long time, the mission in Burundi had no political or legal experts, although these skills were deemed central to its proper functioning. This made the management of the mission slow and cumbersome, especially when the larger peacekeeping force was deployed in 2003. The mission in Comoros had a similar shortage of resident political, legal and constitutional experts, although experts were eventually brought in.

The line of reporting between field officers and those at OAU/AU headquarters was not, and is still not, properly delineated. Communication between the Special Representative and headquarters is not always straightforward. In summary, an early presence in the field could not compensate for the lack of a clear line of communication between the field and headquarters. Based on this experience, future field missions would benefit from better-defined procedures for communication with headquarters, as well as from more resources.

3.1.3 Engagement and political will

The OAU demonstrated strong political will in the resolution of the Burundi conflict. The OAU spoke early and with clarity, and took a decisive stand, and the OAU's commitment was key in ensuring that the parties took it seriously. Moreover, the OAU's commitment raised awareness of the conflict within the international community and, in particular, the UN. Although Burundi did not have a major advocate within the UN, and the importance of the conflict was not always appreciated, the UN engaged in the process following the OAU's active efforts.

Similarly, the OAU/AU showed strong political will in its engagement in Comoros and was instrumental throughout the process. This experience highlights the seriousness with which parties consider the OAU/AU, as with other mediators, when it speaks and acts swiftly, decisively, and with clarity.

3.1.4 Exit strategy

The OAU/AU demonstrated the willingness and capacity to have a long-term engagement in both Comoros and Burundi. The organisation worked in both peace processes for more than a decade and, especially in Comoros, invested considerable resources. The question here is whether adequate discussion took place within the AU about its evolving strategy, the need for resources and the question of exit.

When the OAU originally got involved in both countries, there was little time and capacity to develop an overall strategic approach for its involvement. Nevertheless, the case studies point to the need for the AU to include

a well-defined exit strategy in its future peacemaking efforts. This could be an incremental strategy outlining the different phases of involvement, how to move from one phase to another and how to disengage. An exit strategy does not necessarily imply complete withdrawal following the signing of a peace agreement. An exit strategy would give the AU a set of benchmarks for incremental disengagement, including on how to plan for the monitoring of peace agreements and for any involvement in the post-agreement period.

3.1.5 Co-ordination and communication

The cases of Burundi and Comoros show the importance of co-ordination among international actors involved in conflict resolution. Co-ordination is challenging, both politically and administratively, but vital to mediation processes. International actors may differ in how they understand the causes of a conflict and appropriate solutions to it; they may also have different interests and motivations for getting involved in the resolution of the conflict. In addition, events tend to develop very fast in the peacemaking process, making co-ordination among actors with different and sometimes competing interests even more difficult. This reality makes co-ordination even more of a priority for a mediation actor.

Burundi became a theatre for several peacemaking initiatives. The challenge for the OAU/AU was to ensure coherent co-ordination. The OAU/AU built strong relations with Burundi's neighbouring states and encouraged them to co-ordinate their efforts. However, the OAU/AU headquarters did not succeed in developing an adequate level of communication with the broader international community, including the NGO sector.

The assistance of the OAU to the United Nations Office in Burundi (UNOB) between July 1996 and November 1999 in the negotiation of the Convention of Government worked well for the most part, but was largely driven by the personal friendship developed between senior officers in the missions. Also, some UN agencies' opposition to the sanctions resulted in a lukewarm attitude towards the OAU mission staff in Burundi and headquarters. Voices within the OAU criticised UN agencies and the UN in general for not 'pulling their weight' while taking most of the credit. Due to the disunity that developed between the two organisations, information sharing and co-ordination became limited after 1996 – and parties to the conflict were swift to exploit this. The fall-out over the imposition of sanctions on Burundi demonstrates the importance of developing good rapport with key humanitarian agencies during peace missions.

In Comoros in 2008, all parties involved in the military intervention – including the central Government of Comoros, troop-contributing countries and key external actors – expected the AU to co-ordinate their diverse interests. Given the obvious difficulties of this task, the AU's co-ordination of the intervention went relatively smoothly.

In Comoros, the OAU/AU faced the difficult task of preventing the parties from 'forum shopping'. With the involvement of the OIF and to a lesser extent the Arab League, the OAU/AU had to work with partner institutions, which sometimes had differing objectives. On some occasions, these organisations seemed to distance themselves from the work of the AU and even to doubt the appropriateness of its approach. While the Comoros parties accepted the leading role of the OAU from the very beginning, they did in certain situations take advantage of the involvement of the OIF and Arab League to forum-shop.

An uncoordinated process reinforces fragmentation and complicates the conflict- resolution effort. One clear lesson here is that it is vitally important to improve co-ordination between intermediaries – in this case the OAU/AU, the OIF and the Arab League. Co-ordination involves considerable difficulties in mediation due to the political nature of mediation processes, disagreements on strategy among third parties, different professional

cultures and personalities involved in any given process, and the need to maintain confidentiality and establish trust with the parties. However, it is still important for mediators to try to create the best possible co-ordinating structure for their processes.

3.1.6 Regional involvement

The Burundi and Comoros cases demonstrate the benefit of involving powerful states in mediation processes. Such states may well be willing to invest resources in the process, and have the political capital to influence the parties. There are three useful mechanisms for regional involvement in the Burundi and Comoros peace processes: the use of lead nations, the Great lakes Regional Initiative for Peace in Burundi (GLRIPB) process and the AU coalition of willing states.

South Africa and Tanzania played instrumental roles as lead-nations in both Burundi and Comoros. Effective collaboration between the GLRIPB and the lead nations, and between the GLRIPB and the OAU/AU, was vital in forcing Burundi's hardliners to seek a negotiated settlement. Similarly, the AU Troika and the Countries of the Region Initiative both played important roles in resolving the Comoros crisis. The contributions of the coalition of willing states to the AU-led intervention were imperative for the rapid deployment of troops in Comoros.

Regional involvement is not always easy to manage and does not always contribute positively to a mediation effort. In some cases, regional governments may officially be peace-brokers but unofficially support one or another faction in the conflict. The Burundi case illustrates this point vividly. Overall, however, bringing in regional powers as lead nations, either in formal regional structures like the AU Troika and the Countries of the Region Initiative in Comoros and the GLRIPB in Burundi, or in an ad hoc manner, has proved useful. Similar structures and approaches could be used in future processes.

3.1.7 Implementation

The signing of an agreement is not the end of peacemaking, as both Comoros and Burundi demonstrate. Several agreements were signed over many years in Burundi and Comoros. It therefore proved important for the AU to remain engaged and to provide the necessary guarantees to the Agreements. The AU demonstrated stamina to stay on after each Agreement was signed, and to help the parties adopt joint implementation plans and other confidence-building measures. It did so more in Comoros than in Burundi, where the UN was the main actor working on the implementation of Agreements.

Maintaining involvement and presence through the implementation phase as a third-party guarantor enabled the OAU/AU to exert leverage and pressure, but also to monitor the process closely. As it turned out, this provided the OAU/AU with the opportunity to anticipate further challenges to the peace process.

In Comoros, the OAU/AU complemented the political process with the deployment of observer missions and electoral assistance teams to facilitate the implementation of peace agreements, build confidence, and monitor the security situation. During the implementation processes, the OAU/AU was able to deploy experts on customs, constitution, security-sector reform, DDR, among others, who were able to assist the Comorian parties in addressing implementation challenges. The implementation assistance included helping to reconcile contrasting views of different islands on administration, security, electoral and constitutional issues. This implementation assistance was greatly appreciated by the parties in Comoros, and, with adequate resources and staffing, this model could be applied elsewhere.

In Burundi, the various peace and ceasefire agreements made provisions for establishing useful and workable implementation structures. However, it was an error to include in the Implementation Monitoring Committee (IMC) all the signatory parties to the Arusha Agreement, because this gave the parties the chance to try to renegotiate the terms of the Agreement. The IMC became an extension of the Arusha negotiation, instead of a forum for dealing with implementation issues or a place to hold the parties to account. Other institutions had to take on the work that the IMC was supposed to do.

3.1.8 Information management

Information about and documentation of OAU/AU peacemaking activities in Burundi and Comoros had important weaknesses. General materials produced in recent years, such as reports of peace agreements and AU resolutions, are scattered between desk officer, situation room, CMD documentation unit, general archive and registry. A lot of informative materials on OAU/AU involvement can actually be found outside the AU secretariat.

The absence of proper documentation has many effects, including undermining the building of institutional memory. In the absence of good documentation, it is difficult to obtain reliable information on the OAU/AU role in Comoros and Burundi, especially in the 1990s.¹⁹³ This perhaps explains the dearth of information on the AU's role – especially in Burundi – in mainstream academic and policy works, despite the considerable attention researchers have given to the Burundi peace process. The few works that do contain information about the OAU/AU work in Burundi demonstrate that the process has been poorly understood, partly as a consequence of the dearth of information within and provided by the AU secretariat itself.¹⁹⁴

3.1.9 Tools

Mediation is a creative endeavour, and requires the deployment of several techniques and tools. During the Burundi and Comoros processes, tools and techniques applied included: short-term missions to evaluate the situation, election observation missions, appointment of envoys, setting up of in-country missions/offices, reconciliation conferences (in Comoros), and international conferences, among others. The AU used a balance of facilitation, diplomatic pressure and intervention, depending on the situation. In some cases, the AU relied on strong pressure and used more coercion than incentives in order to push the parties forward. In other cases, it relied more on facilitation.

When using facilitation, the AU found that processes did not advance, because of either lack of adequate information or lack of political pressure from member states. It therefore resorted to exerting greater pressure in order to create momentum and to push the process forward. For example, as the conflicts in Comoros were dominated by generations of hardliners, several coercive approaches were applied to manage the spoilers of the process, first through targeted sanctions and later by removing Colonel Bacar forcefully. When using the softer facilitation approach in future processes, the AU could consider engaging international and regional actors intensively to deal with problematic parties through the use of political leverage. Further, the AU could benefit from emphasising the use of positive incentives facilitated by careful assessments of spoilers' and hardliners' motivations.

¹⁹³ Many interviewees could not remember beyond generalities or with any meaningful degree of accuracy the OAU/AU's work prior to 1999. Such difficulties meant that researchers had to reconstruct the Burundi story based on meeting notes and other documents that were not easy to obtain.

¹⁹⁴ For instance, many people fail to recognise that both South Africa and Tanzania obtained legal authority from the OAU/AU, and actually worked for the OAU/AU.

3.2 Process-specific issues in Burundi

3.2.1 Facilitation by the OAU Secretary-General

Burundi was fortunate in that the OAU SG, Dr Salim, acted as a mediator during the first phase of the process. Dr Salim's personal involvement ensured a sustained and high level of attention within the OAU/AU system. However, there was no development within the OAU secretariat of durable institutional mechanisms to deal with the Burundi crisis. Therefore, when Dr Salim left the organisation in 2000, Burundi became an orphan at the AU headquarters, especially following the development of the Darfur crisis. This, of course, is not specific to the AU: most international institutions lack the resources to sustain high-level focus when a crisis is perceived to have dissipated. In the case of Burundi, even with South African backing from 2005, Burundi was not seen as a priority country at AU headquarters. Until 2006, when a desk officer was appointed, Burundi files were handled at AU headquarters by a consultant.

Dr Salim showed unparalleled commitment to resolving the Burundi conflict, but did not benefit from professional support at the secretariat, which could have assisted him in better understanding Burundian social structure, the issues and the players involved in the conflict. He received neither good research nor intelligence reports, and depended mostly on the media, Western intelligence sources and mission reports for information. This of course is characteristic of all intergovernmental organisations, which for the most part do not benefit from their own intelligence services and need to rely on their member states to provide them with certain types of information. However, improved mediation support capacity at AU headquarters would improve the efficiency of information gathering, and the quality of analysis.

3.2.2 Facilitation by Presidents Nyerere and Mandela

The Burundi process benefited from the leadership and reputation of two iconic African figures, President Nyerere and President Mandela. Both contributed a wealth of knowledge and experience to the facilitation process, and their involvement brought international attention and support from donors. Both presidents were appointed by the GLRIPB as facilitators under the OAU umbrella.

Even these highly experienced statesmen, however, would have benefited from improved support from the AU secretariat, including access to reliable information on the parties' capabilities. With hindsight, some interviewees argued that the two facilitators at times relied on trial and error, especially in the early phase of the Arusha negotiations, and that avoidable errors were made due to the limited resources available.

3.2.3 Donor community

The donor community in Burundi was very engaged in the process, providing generous support to the facilitation team and funding the deployment of AMIB. Yet the Burundi experience points to the importance of co-ordination and communication between the mediation team and the donor community, as donor interventions in the process did not always yield positive results. Often, donors had divergent opinions from those of the mediator.

The insistence of the donor community accounted for the inclusion of all 18 Burundi parties in the IMC. Some would argue that the peace process would have benefited from less donor interference in the actual mediation and negotiation work. The lesson here is that careful discussion needs to take place and, ideally, the mediator should then be trusted and given the lead to take the final decisions.

3.2.4 International experts

International experts of the thematic committees established in 1996 as part of Nyerere's facilitation process brought the necessary technical skills to the negotiation table and the mediation process in Burundi.¹⁹⁵ But the experts were sometimes unavailable at the very times when they were most needed. The experts' busy schedules meant that negotiation sessions were timed to reflect those rather than the natural flow of the process. This points to the importance of strong networks of experts who can be speedily deployed, as well as the importance of donor support to get these experts to the process as fast as possible.

3.2.5 AMIB–UNOB collaboration

The OAU/AU mission staff in Burundi developed cordial and friendly relations with their UN counterparts. The ad hoc nature of the relationships undercut any effort to create an institutionalised co-operation. Both the AU and the UN have recognised the importance of assessing best practices for how to work together in peacemaking. They are therefore currently in the process of conducting lesson-learning exercises on their collaboration in Darfur, Kenya, Guinea-Bissau and Somalia.

As also outlined in the AU–UN lessons-learned workshop in April 2009¹⁹⁶, it is necessary for the AU and the UN to develop a framework for joint interventions to improve co-operation and co-ordination. The process in Burundi clearly shows the need to institutionalise the AU–UN relationship when co-managing a peace process. Further, the AU and the UN would ideally co-ordinate their work not only in the field but also at headquarters, both among desk officers on a strategic level. (This is discussed further in Section 3.3.1 below.) One approach would be to designate co-ordination responsibility, increase secondment of AU staff to the UN and vice versa, and establish an internet listserv for political and desk officers in the AU to share information with their counterparts in the UN secretariat.

3.2.6 Gender issues

Women and issues of concern to women entered into the Burundi peace process only at a later stage. The effective organisation of women affected by the war, together with the insistence by the facilitator that women's issues must be taken into account, enabled voices of, and issues of concern to, women to be reflected in the final Agreement. The inclusion of women's issues in the peace agreement in turn prevented Burundi political leaders from failing to prioritise and recognise the importance of these issues. It has also allowed some Burundi women to take up prominent positions in Burundi national institutions.

3.2.7 Managing military missions

Operationally, the peace-support operation worked well. The challenges stemmed from inadequate planning, limited funding and logistical support, and the absence of clear lines of communication between civilian and military heads. The South African leadership in Burundi, while not without faults, offers a good model for the future. The contingent defied conventional views about lead nations, and shifted the opinion even of critics

¹⁹⁵ Each committee worked on specific issues in order to develop a protocol to capture what was agreed in the Arusha process. The plan was to generate a final agreement by integrating the various protocols at the end of the work of each committee. The thematic categories were: a) the nature of the conflict b) democracy and good governance c) peace and security for all Burundians d) economic development and social reconstruction.

¹⁹⁶ African Union and United Nations. (2009) "Workshop on Lessons Learned from the Somalia and Guinea Bissau Mediation Processes: Joint AU-UN Cooperation." 19-20 August 2009, Nairobi. Workshop Report.

who thought South Africa went to Burundi to protect its own economic interests. The cordial relationship that AU troops formed with the people of Burundi and their leaders is no mere coincidence.

3.2.8 The impact of sanctions

The regional sanctions imposed on Burundi and enforced by the GLRIPB and the OAU were roundly condemned by the international community and aid agencies in particular, and by many analysts. The general consensus in the academic community is that the sanctions had little positive effect in the Burundi peace process. However, internal documents detailing discussions between President Buyoya's Government and the facilitation team, as well as interviews with key players including President Buyoya, showed that the sanctions changed the dynamics of the peace process.

There is evidence that the sanctions induced the hardliners in the Burundi military to soften their stand, and made President Buyoya's regime fulfil the conditions set by the OAU and the GLRIPB. Although the sanctions eventually succeeded in forcing the military regime to join the Arusha talks, more targeted sanctions would have produced a similar outcome without undermining the foundations of the Burundian economy.

3.2.9 Funding and financial management

Details of the overall resources used by the OAU/AU in Burundi were not available. The degree to which funding information on the Burundian mission is scattered, and the informality of some aspects of the OAU/AU Burundian peace process, means that major research and forensic auditing would be required to establish the actual cost of the mission. The information available makes clear that the overall mission was underfunded. The bulk of the money provided came from foreign donors who either delayed releasing the money or did not disburse all the pledged resources.

3.3 Process-specific issues in Comoros

3.3.1 Managing relations with external actors

The management of relationships with external actors is a continuous challenge for mediators, and the AU intervention in Comoros was no exception. The relationship between the OAU/AU and France was ambiguous at best. Through the OIF, France obtained a significant but also controversial role in that mediation, which at times frustrated and undermined the OAU. Managing its relations with France soon became a demanding task for the OAU. The challenges the AU encountered on this front were partly because it did not engage France on a sustained basis from the beginning.

In future peacemaking efforts, it may be helpful for the AU to engage proactively with the key patron states and other external actors, including donors. Such an approach could provide the opportunity to raise funds for peacemaking – costs that the AU cannot afford on its own. Early engagement could enhance the co-ordination of the process and might help to reduce tensions between actors with competing interests and priorities, allowing for the development of a common understanding on how to settle the crisis.

The AU would benefit from keeping external actors informed at the strategic-planning stage of the process. The AU can ensure that all external parties are informed by keeping channels of regular communication open throughout the process. The process in Comoros indicates the need to develop a strategy on how the AU can exercise leadership in a peacemaking context, where a number of governments, inter-governmental agencies, NGOs, local political parties and civil-society organisations are involved. Although AU leadership of the process was accepted in Comoros, its political and economic leverage was at times contested by other powerful African and external actors. Efforts to co-ordinate strategies with dominant external partners are crucial.

3.3.2 Impartiality

It is sometimes helpful for a third party to limit the scope of negotiations and to exclude some issues from the negotiating table. In the Comoros, the AU stated that secession was not on the menu of options that the talks would consider. This is not uncommon, as mediators generally need to respect the principles of state territorial integrity. This, some could argue, puts mediators in an awkward situation, since they appear to be ‘taking sides’ in the conflict, given that the side of the Government opposes secession. A balancing act and well-crafted political strategy are required to work with the reality of having to keep some issues ‘off limits’ and having to preserve some principles that are not opposed by one side or the other.

3.3.3 The impact of sanctions

In the Comorian process, it became obvious that the targeted sanctions were not effective, as they affected ordinary Comorians but not the political elites. The AU/OAU did not put in place the administrative structures needed to monitor and manage the targeted sanctions. Until adequate capacity exists within the AU to manage targeted sanctions, it may be helpful for the AU to consider other tools in peacemaking.

3.3.4 Managing military interventions

Timing is everything. Military intervention too early or too late can become catastrophic, so the ultimate decision to intervene is very important. The AU has been criticised for resorting to the use of force in Comoros. The South African argument – ‘why intervene militarily when the conflict could still be contained politically?’ – is a valid one. However, in the case of Comoros, military intervention had the intended impact: it removed Colonel Bacar and contributed to an environment receptive to dialogue. The swift victory of the combined forces of the AU and the central Government of Comoros prevented an escalation of the dispute between Anjouan and the central government.

Overall, however, the Comoros cases raises an important set of issues on how to decide when dialogue and facilitation efforts have exhausted all available options. How is it best to decide which situations require military intervention? Again, this dilemma is not unique to the AU.

3.3.5 Addressing underlying grievances

Military intervention may solve one problem, but will not solve the conflict, address the underlying issues, or necessarily lead to peacebuilding. When underlying grievances are not resolved, they will recur. It is therefore important to complement military interventions with ongoing dialogue, as happened in Moroni in March 2009, and with other peacebuilding measures.

Part IV: Recommendations

4.1 Building capacity for managing knowledge

Context is important when assessing the OAU/AU peacemaking efforts in Burundi and Comoros. It is only recently that the international community has launched efforts to ‘professionalise’ mediation in general, and AU mediation in particular. Carrying out well-supported mediation efforts is a difficult endeavour and the AU is not the only organisation that has faced difficulties in the past 10–15 years in this respect. The whole international community finds this a difficult task.

Many mediation actors have only recently recognised that mediation requires skills and resources. Consequently, the capacities to support mediation appropriately are only now being built. Not only the AU, but also the UN, EU and individual governments are currently trying to develop these capacities as far as possible. Thus, the AU is in no way ‘behind’ other intergovernmental or governmental actors.

Both Comoros and Burundi demonstrate that peacemaking is a long-term process; it does not happen from one day to the next. It often lasts more than a decade and requires a variety of tools as it evolves. Given the longevity and complexity of mediation, it is essential that mediation actors have the capacity to sustain the needs of such demanding processes. They must understand the importance of the ongoing innovation of techniques, updating strategy and use of a variety of resources in order to keep the process going. It is also essential that mediation is seen from the beginning as a potentially long-term process, and that mediation actors are prepared for a long-term engagement. This is one of the reasons why a mediation actor benefits from a standing mediation-support capacity, which will allow it both to respond quickly to requests and to sustain long-term commitments.

One gap in the AU structures is the absence of an institutional mechanism to support mediation. The present system relies largely on ad hoc measures and informal networks. Although AU officials and envoys have ample political skills, the AU as an institution lacks the requisite technical capacity to support a long-term mediation process. This lack is by no means limited to the AU, as the international community has only recently begun learning from experience and recognising that mediation processes require substantial support. This includes clear decision-making and co-ordination structures, administrative and funding mechanisms, access to expert networks, well-trained staff, well-briefed mediation teams, and accessible reference materials. The absence of this may hinder peace processes: momentum may be lost, available options may not be explored, and existing expertise may not be brought to bear.

The obvious recommendation to address this issue is that the AU should focus on enhancing the capacity and strength of its Conflict Management Division (CMD). This process has already begun, and indeed this report is a contribution to it. The AU convened a Seminar, ‘Towards a more Strategic Approach in Enhancing the AU Mediation Capacity’, in Addis Ababa in October 2009. This meeting launched the process of strengthening of the CMD by discussing lessons learned and best practices, and by starting to define a comprehensive strategic approach to both mediation and building support mechanisms.

Thus, the AU is already in the process of outlining and developing necessary capacity within the CMD to manage and support the political process across the continent. Other AU partners are exploring different capacity needs, such as training, rosters and UN–AU collaboration. Therefore, this section of the report will stay within the expertise of the HD Centre and focus on how knowledge management can assist in improving the practice of mediation within the African Union.

4.1.1 Knowledge-management framework

Despite its significant contribution to regional peace and security to date, the AU dedicates inadequate resources to recording and learning from its experience. Further, it has insufficient capacity to develop its thinking and practice in mediation. As a result, newly appointed envoys depend on their personal networks to learn about previous successes and failures, mid-level staff working in mediation teams or at headquarters do not have adequate reference materials, and the AU as an institution does not over the years develop and improve its practice.

It is recommended that the AU considers initiating an internal process of knowledge management, which would allow it to record and learn systematically from its ongoing mediation work. A knowledge-management framework could address issues such as: the timing and methodology of lessons-learned exercises, techniques for evaluating and learning from ongoing processes, the methodology for debriefing envoys and mediation teams, the dissemination of the material assembled, and its use in staff training. The goal would be for the AU to evaluate and learn from current, as well as recently completed, mediation work. The development of this framework would benefit from the existing two case studies on the AU's contribution to the Burundi and Comoros peace processes, and from the separate lessons-learned exercise conducted by the AU and the UN Mediation Support Unit.

4.1.2 Standing operating procedures on mediation

In conjunction with the above work, it is recommended that the AU considers drafting a set of internal standing operating procedures on the management of its mediation work, including on the briefing and debriefing of mediators, the preparation of mediation teams, and the support of mediation teams. The topics to be covered by these procedures should be related to the support the AU Commission is expected to offer to mediation teams and envoys deployed on the ground. The topics could include the following.

- **Procedures and templates for briefing mediators/envoys and mediation teams before deployment.** Such briefings could include an overview of the conflict, the actors and the issues disputed, the history of AU involvement, the AU mandate, the terms of reference of the mediator, challenges facing the mediation, and resources available to the team. The briefing material could be developed on the basis of the guidelines and procedures produced in previous project activities, and briefing templates should be submitted to the CMD.
- **Procedures and criteria for determining the mediation team and resources.** The team's size, and the skills it needs to include, should be selected for a specific situation, as should the support resources it will require. This will include procedures on how to optimise the role of women in AU mediation processes.
- **Procedures for evaluating progress made during a mediation process.**
- **Procedures and templates for debriefing envoys and staff.** At the end of a process, debriefing information should also be incorporated into the AU's knowledge-management effort.

4.1.3 Mediation guidelines

It is recommended that the AU considers developing guidelines for mediators and mediation teams on how to manage various practical aspects of mediation processes. The guidelines should draw on the experiences of African peace processes, present options on how to address a specific issue, and discuss the advantages and disadvantages of the various options. This material would be intended to assist staff on the ground to think through the various demands of the process. It would provide mediators with a set of options to apply, depending on the situation, and help them to benefit from comparative experiences and learn about resources available to them in addressing these issues.

Issues covered by the guidelines may include: (i) dealing with non-state armed actors; (ii) managing the mediator's relationship with external actors; (iii) designing the role of civil society in the process; and (iv) the inclusion of gender considerations. These guidelines could consist of a series of short, practice-based publications addressing a range of process-management issues. They would offer the reader a concise overview, discuss dilemmas, offer options and present examples of how these dilemmas were addressed in other African peace processes.

The guidelines should recognise that mediation is a complicated endeavour and that there are many different ways of managing a process. They should probably not prescribe appropriate practices, but attempt to share experiences across processes and among mediators in a practical format in order to inform the thinking of mediators and their teams. This builds on the two other areas of activity also recommended above for development: knowledge management and standard operating procedures.

4.2 Professionalised support mechanisms

The three areas for capacity development recommended above indicate several ways in which the AU may support its mediation processes. Before listing a final set of recommendations, it is important to emphasise that micromanagement is never practical, or even desirable, for a multilateral institution like the AU. The development of the services listed below will require time, resources and human capacity. Also, not all of what is listed below will need to be used in all processes. Therefore, the AU should ideally develop the capacity recommended here and offer the various services discussed below if and when needed by each process.

The recommendations discussed above in terms of capacity would enable the AU to professionalise the support it offers to its processes – before during and after operation. Specifically, there are 11 key processes the AU could develop, as follows.

1. Streamline the **envoys' appointment procedures**, including guidelines, verifiable benchmarks and a formal mechanism for appointing and evaluating potential candidates.
2. Develop **internal standing operating procedures** on the management of the AU's mediation work, including templates for briefing and debriefing of mediators, the preparation of mediation teams, and the support of mediation teams.

3. Provide **expert briefings** to AU Special Envoys before departure, or alternatively set up a strategic partnership with a separate organisation that can provide the mediation team with expert briefings according to the adopted briefing procedures.

The briefing process could include some or all of the following elements:

- (i) A dossier reflecting the current state of analysis on a given conflict: the parties, dynamics, external actors, root causes, past processes and outcomes.
 - (ii) Information to complement historical accounts and updated conflict analysis conducted by discreet contact (without publicity) by dispatching either external consultants or middle-level officials to meet with as many parties as possible, including from civil society, gather information on every aspect of the situation, and find out how AU can play a role. This information would be processed by headquarters and subjected to thoroughgoing debate including all relevant departments and divisions. Based on the in-house debates and analysis, a tentative framework for action could be elaborated. The appointed special envoy and the team would participate in these deliberations and the outcome would be in alignment with the AU's strategic approach to mediation in general, as well as with the mandate and terms of reference for the mission and the special envoy. Throughout the process it will be vital to keep this framework updated, avoiding any ad hoc improvisation.
 - (iii) A speed-briefing session, with experts giving succinct yet informed briefings, at short notice, to AU officials who have been designated to work on a particular crisis. The briefing would focus on specific issues, such as the nature of the conflict, the personalities involved and their traits, things to watch out for, and suggested 'Do's and Don'ts'. Under the CMD, these sessions could also include strategic discussions of the conflict, options to be considered, relationships with other organisations involved in the process, and the course of action outlined in the mandate/terms of reference.
4. Provide the Special Envoy with **continuing information**, which could be of relevance to his assigned task when available. **Routine reporting channels** need to be clear from day one. Political direction from headquarters and alterations of the strategic course of action should be shared with the mediation team and external partners, as far as possible.
 5. Organise **reviews of specific peace processes**, to allow stakeholders to take stock of the process and assess options. Reviews or 'stock-taking' sessions would allow AU mediation teams to reflect on the process they are involved in. Furthermore, they would allow for real-time evaluations – learning from the process while it is still ongoing. Under the auspices of the CMD, such reviews could take stock of experiences, dilemmas and successes for the purposes of reviewing existing strategies. These review sessions could be conducted as discreet, closed meetings with limited participation, in order to ensure as much frank discussion as possible. They could also be conducted with broader participation, bringing together those with case-specific knowledge, such as past and current special envoys, Special Representatives, political officers on the ground, and desk officers and experts with a broad understanding of African conflicts. Semi-guided interviews with conflict parties, experts and the mediation team could be conducted in advance, leading to a report on the given peace process, to serve as a basis for the review. Such reports could become invaluable documents for AU officials on the ground as well as for future AU officials.

6. Provide **expert advice** on the design of mediation processes, combined with operational process support. The latter could include expert advice on specific process-related challenges and/or brainstorming sessions during the mediation process (in the field). This could help the mediation team redefine or adjust its strategy, or tackle specific issues. Both approaches would entail gathering experts at short notice to advise the mediation team.
7. Develop a **knowledge-management framework** on how to record and systematically learn from the AU's mediation work. This could apply to future case studies documenting past and ongoing AU processes.
8. Provide a set of **guidelines** on how to manage various practical aspects of mediation processes applicable to African mediation – for mediators, special envoys, mediation teams, and senior staff. The production of guidelines on what constitutes effective mediation process management can assist mediators and their staff to work in a structured, strategic fashion.
9. Hold **process reviews**, through discussion of a mediation process, for a small circle of people all involved in the process. The aims would be to reflect on the process, identify lessons learned, anticipate upcoming challenges, and codify lessons that can be shared with the rest of the organisation, to the benefit of other AU-led and AU-supported mediation processes. The purpose of the process review is to take stock and to inform future processes (for the same team or others in the AU), and will lead to the identification of lessons and action points or recommendations. If undertaken in a spirit of openness and learning, reviews can contribute both to capturing lessons and to team building.
10. Conduct **debriefing** exercises and **lessons-learned** sessions.
11. Provide professional **training** in analytical and applied fields of mediation and negotiation in the form of executive simulation exercises and seminars, using the lessons-learned and best-practice material developed through the knowledge-management framework. This training should focus on the practical needs of desk officers and other support staff providing professional mediation support.

References

- Aboagye, Festus, 'The African Mission in Burundi: lessons learned from the first African Union peacekeeping operation', *Conflict Trends* (2004) 2, pp.9–15.
- Alwahti, Ali, 'Prevention of secessionist movements in a micro-state: the international mediation in the Comoros Islands', *International Affairs* (2003) 13:1, pp.65–85.
- African Union, *The African Union Mission in Burundi (AMIB): An explanatory memorandum*. (Bujumbura: AU, 2003a).
- African Union, *Accord sur les Dispositions Transitoires Aux Comores* (Moroni: AU, 20 December 2003b).
- Ayangafac, Chris, *Situation Critical: The Anjouan political crisis* (Institute for Security Studies Situation Report, Report 5, March 2008).
- Bartrop, Richard, *The Negotiation of Security Issues in the Burundi Peace Talks* (Geneva: HD Centre, Negotiating Disarmament Country Study 1, 2008).
- BBC World News, *Africa Country Profile: Comoros – Timeline* (<http://.newsvote.bbc.co.uk/mpapps/pagetools/news.bbc.co.uk/1/world/africa/>).
- Bentley, A. Kristina and Southall, Roger, *An African Peace Process: Mandela, South Africa and Burundi* (Cape Town: Human Sciences Research Council Press, 2005).
- Chrétien, Jean-Pierre, *The Great Lakes of Africa: Two thousand years of history* (New York: Zone Books, 2003, translated by Scott Straus).
- Collins, O. Robert and Burns, James M., *A History of Sub-Saharan Africa* (Cambridge University Press, 2007).
- Cornwell, Richard, 'Anjouan: a spat in the Indian Ocean', *African Security Review* (1998) 7:3.
- Council of the European Union, *Council Common Position 2008/CFSP* (2008).
- Daley, Patricia, 'Ethnicity and political violence in Africa: the challenge to the Burundi state', *Political Geography* (2006) 25:6, pp.657–679.
- Economist Intelligence Unit, *Country Profile: Burundi*, New York: Economist Intelligence Unit, 2008).
- Government of Republic of Burundi, *Interim Strategic Framework for Accelerating Economic Growth and Reducing Poverty* (Republic of Burundi, 2003, http://povlibrary.worldbank.org/files/Burundi_IPRSP.pdf, accessed 18 August 2008).
- Human Rights Watch, *Everyday Victims: Civilians in the Burundian war* (December 2003), pp.15, 20.
- Human Rights Watch, Burundi: *Suffering in silence: Civilians in continuing combat in Bujumbura Rural* (Human Rights Watch Briefing Paper, 2004).
- Huntington, P. Samuel, *The Third Wave: Democratization in the late twentieth century* (Norman University of Oklahoma Press, 1991).
- International Crisis Group, *The Burundi Rebellion and the Ceasefire Negotiations* (Africa Report, 2002).

Jackson, Stephen, *The United Nations Operation in Burundi (ONUB) – Political and strategic lessons learned* (UN Best Practices Unit, Independent External Study, 2006).

Khadiagala, M. Gilbert, Maundi, Mohammed O., Nuamah, Kwaku and Zartman, I. William., *Getting In: Mediators' entry into the settlement of African conflicts* (Washington, DC: United States Institute of Peace Press, 2006).

Lemarchand, René, *Rwanda and Burundi* (New York: Praeger, 1970).

Lemarchand, René, *Burundi: Ethnic conflict and genocide* (Woodrow Wilson Center Press/Cambridge University Press, 1996).

Lemarchand, René, 'The Burundi genocide' in Totten, Samuel, Parsons, William S. and Charny, Israel W. (eds), *Century of Genocide: Critical essays and eyewitness accounts* (New York: Routledge, 2004) pp.321–338.

Lemarchand, René, 'Burundi at a crossroads' in Khadiagala, Gilbert M. (ed.), *Security Dynamics in Africa's Great Lakes Region* (Boulder, Colorado: Lynne Rienner Publishers, 2006) pp.41–58.

Lemarchand, René, 'The Burundi killings of 1972', *Online Encyclopaedia of Mass Violence* (June 2008).

Makoba, W. Johnson and Ndura, Elavie, 'The roots of contemporary ethnic conflict and violence in Burundi' in Saha, Santosh C. (ed.), *Perspectives on Contemporary Ethnic Conflict: Primal violence or the politics of conviction?* (Lanham, MD: Lexington Books, 2006).

Malkki, Liisa, *Purity and Exile: Transformations in historical-national consciousness among Hutu refugees in Tanzania* (Chicago: University of Chicago Press, 1995).

Mpangala, P. Gaudens and Mwansasu, Bismarck U., *Beyond Conflict in Burundi* (Da-re-Salaam: Mwalimu Nyerere Foundation, 2004).

Mthembu-Salter, Gregory, *A Policy Past its 'Sell-by' Date: An assessment of sanctions against Burundi* (London: Action Aid, 1998).

Mukonnoweshuro, Eliphaz, 'The politics of squalor and dependency: chronic political instability and economic collapse in the Comoros Islands', *African Affairs* (1990) 89:357, pp.555–577.

Ngaruko, Floribert and Nkurunziza, Janvier D., 'An economic interpretation of conflict in Burundi', *Journal of African Economics* (2000) 9:3, pp.404–405.

OAU (Organisation of African Unity, 1993a), *Record of Consultation between the Ambassador of Burundi H.E. Mr Pierre Claver Ndayicariye and OAU Secretary-General Dr Salim Ahmed Salim on Monday 25 October 1993*.

OAU (Organisation of African Unity, 1993b), *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim and the Legitimate Government of Burundi held at the French Embassy in Bujumbura on 30 of October 1993*, pp.1–5.

OAU (Organisation of African Unity, 1993c), *Record of Meeting between OAU Secretary-General Dr Salim Ahmed Salim and the Burundi Army Command at the Headquarters of the General Staff in Bujumbura on 30 October 1993*.

OAU (Organisation of African Unity, 1994), *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim and the Military Commanders of the OAU Mission to Burundi – Cabinet Office on 30 January 1994*.

OAU (Organisation of African Unity, 1995a), *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim and Mwalimu Julius Nyerere held on 18 July 1995 at the South Centre, Dar es Salaam*.

OAU (Organisation of African Unity), (1995b) *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim and H.E Prime Minister Ato Melese Zenawi, Presidnet of the Transitional Government of Ethiopia and Current Chairman of the OAU held on 18 July 1995 at the National Palace in Addis Ababa*.

OAU (Organisation of African Unity, 1995c), *Record of Consultation on Burundi between OAU Secretary-General Dr Salim Ahmed Salim and Foreign Minister of Burundi held at the Cabinet Office in Addis Ababa, 20 December 1995*, pp.1–12.

OAU (Organisation of African Unity, 1996a), *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim, Ato Meles Prime Minister and Mwalimu Julius Nyerere held at the Prime Minister's Office on 27 February 1996*, pp.1–10.

OAU (Organisation of African Unity, 1996b), *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim and Prime Minister Ato Meles Zenawi held in Arusha in Tanzania on 24 June 1996*.

OAU (Organisation of African Unity, 1996c), *Record of Consultation on Burundi between the Secretary-General and H.E. Ato Melese Zenawi, Prime Minister of Ethiopia held at Prime Minister's Office on Saturday 12 August 1996*, pp. 1–5.

OAU (Organisation of African Unity, 1996d). *Record of Consultation between OAU Secretary-General Dr Salim Ahmed Salim and President Daniel Arap Moi of Kenya held at the State House in Nairobi on 14 August 1996*.

OAU (Organisation of African Unity, 1997a), *Record of Consultations on Burundi between OAU Secretary-General Dr Salim Ahmed Salim, the UN and President Buyoya held at Mount Meru Hotel in Arusha on 3 February 1997*.

OAU (Organisation of African Unity, 1997b), *Record of Consultation on Burundi between OAU Secretary-General Dr Salim Ahmed Salim and H.E Ato Melese Zenawi, Prime Minister of Ethiopia held at Prime Minister's Office on Saturday 29 November 1997*, pp.1–9.

OAU (Organisation of African Unity, 1997c), *Addis Ababa Agreement: International Conference on the Comoros (Addis Ababa, Ethiopia, 10–13 December 1997)*.

OAU (Organisation of African Unity), *Agree Antananarivo: Conference Inter-Comorian Islands (Antananarivo, Madagascar, 19–23 April 1999)*.

OAU (Organisation of African Unity), *Framework Agreement for Reconciliation in the Comoros (Fomboni, 17 February 2001)*.

Othieno, Timothy, 'Unpacking the crisis in Anjouan: a thin line between independence and the struggle for power', *Global Insight* (2007) 74, November.

Population Reference Bureau, *Burundi* (<http://www.prb.org/Countries/Burundi.aspx> (accessed 20 August 2008)).

PriceWaterhouseCoopers and the Tanzania Audit Corporation, *Management Audit Report for Burundi Peace Negotiation Process for the Three Year Period ended 31 December 2001* (2001).

United Nations Children's Fund, *Basic Indicators* (United Nations Organization, 2006, http://www.unicef.org/infobycountry/burundi_statistics.html (accessed 16 August 2008)).

United Nations Economic Commission for Africa. 1999. 'Burundi Profile' *United Nations Organization* (http://www.uneca.org/aisi/NICI/country_profiles/burundi/burab.htm (accessed 16 August 2008)).

United Nations Security Council, *Report of the Secretary-General on Burundi* (New York: United Nations Organization, 16 March 2004).

World Bank, *Burundi: World Development Indicators* (Washington DC: World Bank, 2008).

List of Acronyms and Abbreviations

AMIB	African Union Mission in Burundi
AMISEC	African Union Mission for Support of the Elections in the Comoros
ANADDE	Alliance Nationale pour le Droit et le Développement
ASF	African Standby Force
AU	African Union
AUSTF	African Union Special Task Force
CMD	Conflict Management Division (AU)
CNDD	Conseil National pour La Défense de la Démocratie
DPS	Department for Peace and Security
EU	European Union
FDD	Forces for the Defence of Democracy
FLORINA	Front Pour la Libération Nationale (also FNL)
FRODEBU	Democratic Front of Burundi
GEMAP	Governance and Economic Management Assistance Program
GLRIPB	Great Lakes Regional Initiative for Peace in Burundi
IOC	Indian Ocean Commission
MAES	Electoral and Security Mission in Comoros
MCPMR	Mechanism for Conflict Prevention, Management and Resolution
MIOC	Military Observer Mission in the Comoros
MIPROBU	Protection and Observation Mission to Re-establish Confidence in Burundi
OAU	Organisation of African Unity
OFPRA	French Office of Protection of Refugees and Stateless Persons
OIF	Organisation Internationale de la Francophonie
OIC	Organisation of the Islamic Conference
OMIB	Observer Mission in Burundi
OMIC	OAU Observer Mission on Comoros
PALIPEHUTU	Parti pour la Libération du Peuple Hutu
PRP	People's Reconciliation Party
PSC	Peace and Security Council (AU)
SAPSD	South African Protection Support Detachment
SRSG	Special Representative of the UN Secretary-General
TCC	troop-contributing country
TGoB	Transitional Government of Burundi
TPI	third-party intervention
UN	United Nations
UNOB	United Nations Operation in Burundi
UPRONA	The Party of National Union and Progress

Appendix – Chronology of events

Burundi

Before 1300s	Small group of Bantu people now called the Twa settled in Burundi.
1300s	Another group of Bantu people, now known as Hutu people, migrate in mass numbers to Burundi.
1400s	A third batch of Bantu people, now called Tutsi, move to Burundi and soon establish the Urundi kingdom.
1890	The kingdom of Urundi together with Ruanda (Rwanda) becomes part of the German East Africa colony. The Germans administered the two territories as a single territory called Ruanda-Urundi.
1923	Administration of Ruanda-Urundi comes under the jurisdiction of the League of Nations following the defeat of Germany in World War I and Belgium gets the chance to administer it.
1962	Urundi is separated from Ruanda-Urundi and gains independence as a monarchy under a Tutsi King, Mwambutsa IV.
1963	Thousands of Hutus flee to Rwanda following ethnic violence.
1965	First major elections; a Hutu-led party wins the majority of seats in parliament. King Mwambutsa, however, refuses to appoint a Hutu prime minister as required by the electoral arrangement. Michel Micombero attempted a coup but was brutally suppressed.
1966	King Mwambutsa is deposed by his son, Ntare V. Michel Micombero successfully stages a second coup and declares himself president and abolishes the monarchy.
1969	Mass killings of Hutu elites.
1972	An estimated 150,000 Hutus are massacred after Hutus were accused of killing King Ntare V.
1976	Jean-Baptiste Bagaza, a relative of Micombero, overthrows Micombero's Government.
1981	Jean-Baptiste Bagaza makes Burundi a one-party state.
1987	Major Pierre Buyoya, a nephew of Bagaza, deposes him.
1988	Thousands of people, mostly Hutus, are massacred by the army and many Hutus flee to Rwanda.
1992	A new constitution setting the stage for a multi-party elections is adopted in a referendum.

1993	<p>Melchior Ndadaye is elected as president. He becomes the first Hutu to rule Burundi.</p> <p>Ndadaye is assassinated by a group of Tutsi army officers, provoking clashes between Hutus and Tutsi.</p> <p>OAU mission led by the Secretary-General, Dr Salim Ahmed Salim visits Burundi.</p> <p>OAU sends Ambassador Papa Louis Fall to Burundi as the Special Representative of the Secretary-General; OAU decides to deploy about 180 troops to help build confidence and stop violence: the Protection and Observation Mission to Re-establish Confidence in Burundi (MIPROBU).</p>
1994	<p>Parliament appoints Cyprien Ntaryamira, a Hutu, as president, but he is soon killed in a plane crash together with the President of Rwanda. Ethnic clashes follow the death of Ntaryamira and thousands of people in Burundi flee to neighbouring states.</p> <p>Leonard Nyangoma (Ndadaye's former Minister of Interior) launches a military campaign from DRC with a view to restoring the outcome of the 1993 elections.</p> <p>Advance team of MIPROBU arrives but resistance by the army prevents the full deployment of the forces. Instead, the OAU deploys 47 military observers under the umbrella name of the Observation Mission in Burundi (OMIB).</p> <p>The UN, OAU and Roman Catholic Church in Burundi help Burundi parties negotiate the Convention of Government. Parliamentary speaker, Sylvestre Ntibantunganya, a Hutu, is appointed to head the new Government.</p>
1995	<p>The army leadership is unhappy with the new Government and a group of them massacre Hutu refugees (ostensibly to undermine confidence in the Hutu-led coalition government). The killing sparks ethnic violence.</p> <p>The OAU asks President Nyerere to facilitate dialogue between key players, encourage parties in Burundi to share power and to implement the Convention of Government. President Nyerere decides to be a facilitator of the peace process for the entire international community. He set up the Arusha peace process which he hopes will produce a new and fair (to winners of 1993 elections) political arrangement to replace the Convention of Government. Only political parties are invited to the talks.</p> <p>OAU brings together regional leaders to form the Great Lakes Regional Initiative for Peace in Burundi (GLRIPB) to provide political support to the Arusha peace process. A number of non-state actors including the Carter Centre get involved in the peace process.</p>
1996	<p>The army leadership stages a coup, suspends the constitution and replaces Ntibantunganya with Major Pierre Buyoya. The coup derails the Arusha peace process as the power the political parties hope to share is monopolised by the army.</p> <p>OAU tries to encourage the international community to isolate the new military regime and encourages neighbouring states of Burundi to impose sanctions on Major Buyoya's Government. The GLRIPB is asked to enforce the sanctions (1996–1999). Major Buyoya's Government gets strong support within the international community. He enters into a secret negotiation with Leonard Nyangoma's CNDD under the auspices of Sant' Egidio. Information about the secret and parallel negotiation is published in Burundi, and Major Buyoya and Nyangoma decide to abandon the talks.</p>
1997	<p>Arusha process resumes and Major Buyoya's Government joins the negotiation. The international community including the Sant' Egidio throws its support behind the Arusha process.</p>
1998	<p>Major Buyoya and parliament agree on a transitional constitution under which Buyoya is formally sworn in as president.</p>
1999	<p>President Nyerere dies. The GLRIPB appoints President Mandela as new facilitator.</p>

2000	<p>The Arusha Agreement for Peace and Reconciliation is signed and the Burundi main parties agree to share power. The presidency of Burundi was to alternate between UPRONA and FRODEBU during a transition period. Major Buyoya's Government gets the chance to run the first 18 months of the transition. FRODEBU is required to take over for the next 18 months, followed by general elections.</p> <p>The UN is asked to send peacekeepers to help implement the Agreement.</p> <p>The UN refuses and President Mandela and the OAU persuade South Africa to deploy the South African Protection Support Detachment (SAPSD) to protect about 150 politicians returned from exile to help implement the peace accord. The OAU decides to fill the void left by the UN and agrees to deploy a peacekeeping mission – the African Union Mission in Burundi (AMIB).</p>
2001	<p>South African Vice President Jacob Zuma replaces President Mandela as the head of the facilitation team. The facilitation team brings President Buyoya's transitional government (TGoB) and rebel groups together to negotiate a ceasefire and stop the violence.</p>
2002	<p>The TGoB signs a ceasefire agreement with Ndayikengurukiye's CNDD–FDD and Mugabarabona's PALIPEHUTU–FNL.</p> <p>Nkurunziza's CNDD–FDD joins the negotiation and Nkurunziza agrees to sign a ceasefire agreement with the TGoB.</p>
2003	<p>The TGoB, the two CNDD–FDD factions and Mugabarabona's PALIPEHUTU–FNL sign a memorandum of understanding.</p> <p>Ethiopia, Mozambique and South Africa deploy 3,500 peacekeepers under the auspices of the AU.</p> <p>Domitien Ndayizeye and FRODEBU take over the leadership of the TGoB.</p> <p>Ndayizeye's TGoB and Nkurunziza's CNDD–FDD sign an Agreement on the implementation of the December 2002 ceasefire accord. Ndayikengurukiye's CNDD–FDD and Mugabarabona's PALIPEHUTU–FNL sign protocols in Pretoria and a comprehensive ceasefire agreement in Dar es Salaam.</p> <p>Vice President Zuma addresses the UN Security Council and requests a UN peacekeeping force.</p>
2004	<p>The Security Council authorises the UN Operation in Burundi (UNOB).</p>
2005	<p>Burundians adopt a new constitution that gives 60 per cent of parliamentary seats to Hutus and 40 per cent to Tutsis.</p>
2005	<p>Nkurunziza's CNDD–FDD wins 58.23 per cent of parliamentary votes in national elections, and Pierre Nkurunziza becomes President of Burundi.</p> <p>The Burundi Government asks the UN to withdraw its peacekeeping forces, and the UN begins phase drawdown of its troops.</p>
2006	<p>Agathon Rwasa's PALIPEHUTU–FNL agrees to peace talks with the Government in Tanzania.</p> <p>Agathon Rwasa and Pierre Nkurunziza sign a permanent ceasefire</p> <p>The UN Security Council decides formally to end the UN peacekeeping mission in Burundi.</p> <p>The AU deploys the AU Special Task Force (AUSTF) to assist the implementation of the last peace agreement.</p>
2007	<p>Implementation of the peace agreement stalls.</p>

2008	Negotiations to reinstate the ceasefire end in a deadlock but Agathon Rwaso returns from exile into Bujumbura, ostensibly to implement the stalled peace talks.
2009	PALIPEHUTU–FNL agrees to lay down its arms, and Agathon Rwaso symbolically hands over his weapons to the AU at a ceremony in Rubira (west of Bujumbura) on 18 April.

Comoros¹⁹⁷

1912	Comoros formally becomes a French colony administered from Madagascar, before becoming an overseas territory and being given representation in the French parliament in 1947.
1961	Comoros given autonomy.
1974	Three of the islands making up the Comoros vote for independence, but a fourth island, Mayotte, votes to stay with France.
1975–78	Formal independence of Comoros. Abdallah, the first president, is deposed in a coup and replaced by Jaffar (August 1975), himself replaced by Soilih (1976), toppled and killed by mercenaries led by Denard, who restore Abdallah to power in 1978.
1989	Abdallah is assassinated by his presidential guard under command of Denard, who stages a coup before being ousted by a French military intervention.
1990	Said Mohamed Djohar is elected president, then 1995.
1995	President Djohar is removed in a coup OAU entry into peacemaking in Comoros, at the request of the deposed president.
1996	Newly elected President Taki drafts a constitution which extends the authority of the president and establishes Islam as the basis of law.
1997	August: the islands of Anjouan and Moheli declare independence from the Comoros. November: deployment of the first OAU Observer Mission in Comoros, OMIC 1. 10–13 December: First OAU-led Inter-Comorian Conference.
1998	June: OAU Summit appoints President Mandela of South Africa to facilitate the regional peacemaking efforts on Comoros in support of OAU mediation involvement.
1999	19–23 April: First Inter-Comorian Dialogue Conference, leading to the signing of the Antananarivo Peace Accord. The president is ousted in a coup led by Colonel Azali Assoumani.
2000	The OAU imposes ‘smart’ sanctions on the Azali Government and Anjouan separatists.
2001	17 February: Second Inter-Comorian Dialogue Conference and signing of the Fomboni Peace Framework on National Reconciliation. 9 August: Colonel Mohamed Bacar seizes power in the breakaway island of Anjouan.

¹⁹⁷ This timeline is based on a BBC timeline on Comoros (<http://news.bbc.co.uk/2/hi/africa/1070770.stm>).

2002	April: Colonel Bacar is elected leader of Anjouan, and Mohamed Said Fazul elected leader of Moheli. Azali Assoumani is named President of the united Comoros.
2003	20 December: Third Inter-Comorian Dialogue Conference, leading to the signing of the Beit Salam Peace Accord; leaders of the semi-autonomous islands reach a power-sharing deal, paving the way for elections.
2004	Local elections for assemblies on the three semi-autonomous islands and the national assembly.
2006	May: deployment of the AU Mission in Support of the Elections in Comoros (AMISEC). May: Muslim cleric, Sambu, from Anjouan, wins federal presidential elections.
2007	May: AU deploys Electoral and Security Assistance Mission to the Comoros (MAES). The African Union sends troops to help keep the peace in June's elections after Anjouan president Mohamed Bacar refuses to stand down. October: The African Union imposes targeted sanctions on Bacar's regime in Anjouan while calling for fresh elections.
2007 –08	In November 2007, the AU begins a naval blockade of Anjouan Island, leading to a military invasion by Comorian and AU troops in March 2008.
2009	2–7 March: Fourth Inter-Comorian Dialogue on National Reconciliation.

Annexe

AU documents relating to the processes in
Burundi and the Comoros

TABLE OF CONTENT

COMMUNIQUÉ OF THE EIGHTY-SIXTH SESSION, HELD AT AMBASSADOR LEVEL, OF THE CENTRAL ORGAN OF THE AFRICAN UNION MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION, ADDIS ABABA, 29 OCTOBER 2002	86
INDICATIVE WORK PROGRAMME ON PEACE AND SECURITY ISSUES IN AFRICA FOR THE CENTRAL ORGAN OF THE AFRICAN UNION FOR THE PERIOD 2002-2003, 29 OCTOBER 2002	88
REPORT OF THE INTERIM CHAIRPERSON OF THE COMMISSION OF THE AFRICAN UNION ON THE SITUATION IN BURUNDI, 29 OCTOBER 2002	90
REPORT OF THE INTERIM CHAIRPERSON OF THE COMMISSION OF THE AFRICAN UNION ON THE SITUATION IN BURUNDI, 14 JANUARY 2003	100
COMMUNIQUE OF THE NINETY-FIRST ORDINARY SESSION OF THE CENTRAL ORGAN OF THE MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION AT AMBASSADORIAL LEVEL, 2 APRIL 2003	111
COMMUNIQUE OF THE NINETY-FIFTH ORDINARY SESSION AT AMBASSADORIAL LEVEL OF THE CENTRAL ORGAN OF THE MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION, 18 SEPTEMBER 2003	115
COMMUNIQUE OF THE NINETY-SIXTH ORDINARY SESSION AT AMBASSADORIAL LEVEL OF THE CENTRAL ORGAN OF THE MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION, 21 OCTOBER 2003	118
AGREEMENT ON THE TRANSITIONAL ARRANGEMENTS IN THE COMOROS, 20 DECEMBER 2003	120
COMMUNIQUE OF THE NINETY-SEVENTH ORDINARY SESSION AT AMBASSADORIAL LEVEL OF THE CENTRAL ORGAN OF THE MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION, 30 JANUARY 2004	127
REPORT OF THE CHAIRPERSON OF THE COMMISSION ON DEVELOPMENTS IN THE SITUATION IN THE COMOROS, 30 JANUARY 2004	131
COMMUNIQUÉ OF THE PEACE AND SECURITY COUNCIL, 25 MARCH 2004	139
REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION IN THE COMOROS, 29 APRIL 2004	142
COMMUNIQUÉ OF THE SIXTH SESSION OF THE PEACE AND SECURITY COUNCIL, 29 APRIL 2004	148
REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION IN BURUNDI, 4TH JULY 2004	151
COMMUNIQUÉ OF THE FIFTEENTH MEETING OF THE PEACE AND SECURITY COUNCIL, 17 AUGUST 2004	159
COMMUNIQUE OF THE 37TH MEETING OF THE PEACE AND SECURITY COUNCIL, 8 SEPTEMBER 2005	161
BRIEFING NOTE ON THE SITUATION IN BURUNDI, 8 SEPTEMBER 2005	163
COMMUNIQUE OF THE 37TH MEETING OF THE PEACE AND SECURITY COUNCIL, 8 SEPTEMBER 2005	167
COMMUNIQUE OF THE PEACE AND SECURITY COUNCIL ON THE SITUATION IN THE COMOROS, 21 MARCH 2006	169

COMMUNIQUE OF THE 56TH MEETING OF THE PEACE AND SECURITY COUNCIL, 19 JUNE 2006	172
BRIEF ON THE NEGOTIATIONS BETWEEN THE GOVERNMENT OF BURUNDI AND THE PALIPEHUTU/ <i>FORCES NATIONALES DE LIBÉRATION</i> (FNL), 19 JUNE 2006.....	174
REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE IMPLEMENTATION OF THE COMPREHENSIVE CEASEFIRE AGREEMENT OF 7 SEPTEMBER 2006 BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BURUNDI AND THE PALIPEHUTU-FNL, 9 NOVEMBER 2006	177
COMMUNIQUÉ OF THE 65TH MEETING OF THE PEACE AND SECURITY COUNCIL, 9 NOVEMBER 2006	181
COMMUNIQUE OF THE 77TH MEETING OF THE PEACE AND SECURITY COUNCIL ON THE SITUATION IN THE COMOROS, 9 MAY 2007	183
COMMUNIQUE OF THE 78 TH MEETING OF THE PEACE AND SECURITY COUNCIL ON THE SITUATION IN THE COMOROS, 9 JUNE 2007	186
INFORMATION NOTE ON THE IMPLEMENTATION OF THE COMPREHENSIVE CEASEFIRE AGREEMENT OF 7 SEPTEMBER 2006 BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BURUNDI AND THE PALIPEHUTU-FNL, 20 JULY 2007	188
PRESS STATEMENT ON THE SITUATION IN THE COMOROS, 23 JULY 2007	193
COMMUNIQUE OF THE 81 ST MEETING OF THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION ON THE IMPLEMENTATION OF THE COMPREHENSIVE CEASEFIRE AGREEMENT OF 7 SEPTEMBER 2006 BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BURUNDI AND THE PALIPEHUTU-FNL OF AGATHON RWASA, 20 JULY 2007	195
COMMUNIQUÉ, 31 JULY 2007	197
REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION IN THE COMOROS, 13 AUGUST 2007	198
PRESS STATEMENT, 27 SEPTEMBER 2007	212
COMMUNIQUE OF THE 95TH PEACE AND SECURITY COUNCIL MEETING, 10 OCTOBER 2007	213
REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION IN THE COMOROS, 10 OCTOBER 2007	217
COMMUNIQUE OF THE 102ND MEETING OF THE PEACE AND SECURITY COUNCIL, 26 NOVEMBER 2007	222
REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE FOLLOW-UP OF THE COMMUNIQUE OF THE 95 TH MEETING OF THE PEACE AND SECURITY COUNCIL ON THE SITUATION IN THE COMOROS, 26 NOVEMBER 2007	224
COMMUNIQUÉ ON THE SITUATION IN THE COMORIAN ISLAND OF ANJOUAN, 21 JANUARY 2008	233
COMMUNIQUÉ OF THE 124 TH MEETING OF THE PEACE AND SECURITY COUNCIL, 30 APRIL 2008 ..	234
REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION IN THE COMOROS SINCE THE 10TH ORDINARY SESSION OF THE ASSEMBLY OF THE AFRICAN UNION HELD IN ADDIS ABABA FROM 31 JANUARY TO 2 FEBRUARY 2008, 30 APRIL 2008	237
STATUS OF PREPARATION FOR THE PRESIDENTIAL ELECTIONS IN ANJOUAN, 15 AND 29 JUNE 2008, 6 JUNE 2008	244
PRESS STATEMENT, 12 AUGUST 2008	247
COMMUNIQUÉ, 13 AUGUST 2007	249

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
 Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

COMMUNIQUE OF THE EIGHTY-SIXTH SESSION, HELD AT AMBASSADOR LEVEL, OF THE CENTRAL ORGAN OF THE AFRICAN UNION MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION, ADDIS ABABA, 29 OCTOBER 2002

The Central Organ of the Mechanism for Conflict Prevention, Management and Resolution held its 86th Ordinary Session at Ambassadorial level in Addis Ababa, Ethiopia, on Tuesday 29 October 2002. The session was chaired by Ambassador Kingsley Mamabolo, Deputy Director General in the Ministry of Foreign Affairs of the Republic of South Africa, and took place in the presence of the Interim Chairperson of the Commission of the African Union, Mr Amara Essy.

The Central Organ examined the reports of the Interim Chairperson of the Commission on the indicative Work Programme on Peace and Security Issues in Africa for the Central Organ and the Commission of the African Union for the period 2002–2003, as well as the situation in the Democratic Republic of Congo (DRC), Burundi and Liberia. It also heard briefings on the situation in the Sudan, Somalia, Côte d'Ivoire and the Central African Republic (CAR).

At the end of its deliberations, the Central Organ decided as follows:

On the situation in Burundi

The central organ:

1. **Welcomed** the outcome of the summit of the Regional Initiative for Peace in Burundi held in Dar es Salaam on 6–7 October 2002, and **strongly supported** the decisions taken on that occasion. The Central Organ also **welcomed** the signing of the Ceasefire Agreement on the margins of the Summit by the two armed groups - Jean Bosco Ndayikengurukiye's faction of the CNDD-FDD and Mr Alain Mugabarabona's wing of the PALIPEHUTU-FNL.

2. **Welcomed** the resumption, from 21 October 2002, of the ceasefire negotiations in Dar es Salaam, and encouraged the Burundian parties to cooperate fully with the Mediation with a view to concluding a Ceasefire Agreement within thirty (30) days in conformity with the decisions of the Dar es Salaam Regional Summit. In particular, the Central Organ made an urgent appeal to the two other armed groups, namely Jean-Pierre Nkurunziza's faction of the CNDD-FDD and Agathon Rwasa's faction of PALIPEHUTU-FNL, to negotiate with the Transitional Government without pre-conditions and in the spirit of openness with a view to concluding a Ceasefire Agreement.

3. **Called upon** all the parties to immediately end hostilities, violence and exactions against the civilian population so as to create a climate conducive for the pursuit of the ceasefire negotiations. In particular, the Central Organ **encouraged** the Transitional Government to continue in its efforts to shed more light on the Itaba massacres in order to punish the perpetrators and build trust in the institutions of the transition.

4. **Congratulated** President El Hadj Omar Bongo and Deputy President Jacob Zuma, as well as all the leaders of the Region on their persistent efforts to get the Burundian parties to the ceasefire negotiations to conclude an agreement.

5. **Further welcomed** the decision of the Interim Chairperson of the Commission of the African Union to make a contribution from the African Union of US\$200,000 to the Mediation to facilitate the participation of the Burundian parties in the ongoing negotiations and the active involvement of the African Union in these negotiations.

6. **Paid tribute** to President Benjamin Mkapa and the Government of the United Republic of Tanzania for their efforts to promote peace and reconciliation in Burundi and for the sacrifices made in hosting Burundian refugees.

7. **Requested** the Interim Chairperson of the Commission of the African Union to take all the necessary measures to contribute, at the appropriate time, to the implementation of the Ceasefire Agreement.

8. **Reiterated its concern** over the socio-economic and humanitarian situation in Burundi and **requested** Member States and partners of the African Union to set up their assistance to Burundi to alleviate the sufferings of the civilian population to facilitate implementation of the transition programme and the interim strategic framework for poverty reduction.

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
 Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**Eighty-Sixth Ordinary Session
 Of the Central Organ of the
 Mechanism for Conflict Prevention,
 Management and Resolution
 At Ambassadorial Level**

**29 October 2002
 Addis Ababa, Ethiopia**

Central organ/MEC/AMB/3 (LXXXVI)

**INDICATIVE WORK PROGRAMME ON PEACE AND SECURITY ISSUES IN
 AFRICA FOR THE CENTRAL ORGAN OF THE AFRICAN UNION FOR THE
 PERIOD 2002-2003, 29 OCTOBER 2002**

**III. ROLE OF THE AFRICAN UNION IN CONFLICT PREVENTION,
 MANAGEMENT AND RESOLUTION**

Since the inception of the Conflict Prevention, Management and Resolution Mechanism, the OUA has been involved in varying degrees in the management of most of the conflicts tearing the continent apart. It should be mentioned that the organisation's initiatives in this connection have often been hampered by lack of financial and human resources. In addition to enhancing its capacity to deal with potential conflicts during the year 2002–2003, the African Union will have to articulate its efforts around the following areas:

- pursuing of on-going efforts with respect to the conflicts in which the Continental Organisation is playing an active role;
- strengthening the Union's contribution to the conflict resolution initiatives in which the African Union had not been as actively involved as would have been expected – strengthening the AU's contribution will clearly depend on the level of financial resources mobilised; and
- enhancing interaction with the NEPAD Peace and Security Initiative.

A. PURSUIT OF ON-GOING EFFORTS

i) Burundi

Since the eruption of the conflict in that country, the OAU/AU has been playing an active role in the search for a negotiated solution. The AU established an office in Bujumbura headed by a special representative, and participated actively in the process leading to the Arusha Peace and Reconciliation Agreement to which the Union is signatory and is also moral guarantor. The African Union is similarly involved on the ceasefire negotiations between the Transition Government and the armed groups conducted by the Mediation.

In the months ahead, the African Union's action will focus on the areas listed hereunder:

- active involvement in the ceasefire negotiations between the armed groups and the Transition Government of Burundi;
- participation jointly with the United Nations in the supervision of an eventual ceasefire agreement;
- participation in the work of the Arusha Agreement Implementation Monitoring Commission, and support to the transition institutions;
- contribution to the process of operationalising the various Protocols to the Arusha Agreement, which have conferred specific responsibilities on the African Union; and
- mobilisation of the international community to step up economic and humanitarian assistance to the Transition Government.

iii) Comoros

The organisation invested sustained efforts to resolve the dual separatist and institutional crises in The Comoros. The initiatives of the organisation were crowned by the framework reconciliation agreement of February 2001.

The process of implementation of the Agreement culminated in a constitutional referendum in December 2001; the adoption by referendum of the Island Constitutions in March and April 2002; and the election of the Executive of the Union of The Comoros (new name of the country) and the Executives of the Autonomous Islands. Consultations are underway between the Comorian Parties to hold parliamentary elections not later than 31 October as stipulated by the Union Constitution. Consultations are similarly in progress to hold a Donors' Round Table in conformity with the Decision of the Council of Ministers held in Tripoli in March 2001.

In the above connection, the African Union will have to:

- continue to support the reconciliation process;
- continue to assist Comorian Parties in their bid to organise parliamentary elections and establish other institutions of the Union of The Comoros;
- prepare the Donor's Round Table and mobilise donors accordingly; and
- review the expediency of maintaining a liaison office in Moroni in the light of developments and the role of the African Union.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**EIGHTY-SIXTH ORDINARY SESSION OF THE
CENTRAL ORGAN OF THE MECHANISM
FOR CONFLICT PREVENTION, MANAGEMENT
AND RESOLUTION AT AMBASSADORIAL LEVEL**

**29 October 2002
Addis Ababa, Ethiopia**

Central Organ/MEC/AMB/4 (LXXXVI)

**REPORT OF THE INTERIM CHAIRPERSON OF THE COMMISSION OF THE
AFRICAN UNION ON THE SITUATION IN BURUNDI, 29 OCTOBER 2002**

I. INTRODUCTION

1. This report gives an account of the developments in Burundi since the Durban Summit last July. It also covers developments in the peace process and the efforts deployed by the international community including the African Union in the search for a lasting solution to the conflict in Burundi.

II. POLITICAL DEVELOPMENTS

2. The first phase of the transition scheduled to last for 18 months with effect from 1 November 2001 is in progress despite the huge difficulties it is facing: persistence of clashes with the armed groups, the continued worsening of the socio-economic situation and the persistent dissensions within the political class.

3. The Central Organ will recall that the Council of Ministers, in its Decision CM/Dec.678 (LXXVI) adopted during its session held in Durban from 28 June to 6 July 2002, while expressing satisfaction at the progress made in the establishment of the Transition Institutions, encouraged the parties signatory to the Arusha Peace and Reconciliation

Agreement to continue to exhibit the same commitment to the peace process and to demonstrate the spirit of compromise and tolerance necessary for the pursuit and consolidation of this process.

4. During the period under review, despite the appeals to the various signatory parties, the political class remained fragmented by serious differences. Evidence of this state of affairs is the persistence of allegations of ceasefire violations, and the latent conflicts within the two large political groupings (the G10 and the G7) resulting mainly from what some consider as the inequitable distribution of posts within the Transition Institutions.

5. The climate of quasi-permanent tension between the G7 and G10, and within each of these groups, was exacerbated by the discovery of massacres in the district of Itaba in the Gitega province during which 173 people were killed. Some political parties of the G7 signatories to the Arusha Agreement represented in the Transition Government (CNDD, FROLINA and PALIPEHUTU) as well as CNDD-FDD and the PALIPEHUTU-FNL, accused the army of having committed the massacres. The latter for its part placed responsibility for the massacres squarely on the CNDD-FDD which had allegedly taken the civilian populations hostage. The army's position was supported by UPRONA which, in a press release published on 20 September 2002, expressed its disapproval of "the campaign of disinformation orchestrated by certain personalities with the intention to make

the population believe that all the dead people were civilians", whereas according to the information available to it, "the dead persons included an unspecified number of attackers and accomplices".

6. The Government set up a Commission of Inquiry to establish responsibility and take appropriate punitive measures. The Commission made up of local military officers and administrators concluded that the army had not been responsible for the killings, but rather that the massacres had been perpetrated by the rebellion. Consequently, the Government published a statement by which it "condemned the killings and recognised that although it might be difficult to distinguish the rebels from the population that had been taken hostage or used as human shield, the security forces could have limited the damage had they shown greater circumspection in the conduct of the operations". The Government made a commitment to pursue the investigations in the immediate future in order to unearth the truth about the circumstances surrounding the killings, find out the reasons behind the silence over the massacres (it took the Government nearly one week to learn that a massacre had been committed) and, lastly, to apportion responsibility and take the necessary measures.

7. For my part, as soon as I was informed about the situation, I issued a press release on 19 September condemning that despicable act in the strongest possible terms. I made an urgent appeal to the warring parties to refrain from any action which could undermine the ceasefire negotiations. Similarly, the Security Council condemned the massacres at Itaba, and encouraged the Government to continue in its efforts to establish the facts, bring those responsible to justice and ensure observance of human rights in the country.

8. The Transition Institutions have continued to execute their activities despite the above difficulties. The Transition Parliament held its First Congress on 29–30 August in accordance with Article 132 of the Transition Constitution, to evaluate implementation of the

Arusha Agreement. The Congress noted that there had been some delay in the implementation of the Agreement mainly as a result of the continued hostilities and the deterioration of the socio-economic situation in the country. The First Congress coincided with the closure of the second session of the National Transition Assembly which examined and adopted several draft legislations. The Assembly was, however, unable to examine three draft legislations relating to crimes against humanity, provisional immunity and creation of a national observatory for combating crimes of genocide.

9. The Arusha Agreement Implementation Follow-up Commission held its 10th ordinary session in Bujumbura from 2 to 6 September 2002. The African Union was represented by my Special Representative in Burundi, Ambassador Mamadou Bah. The Commission in particular discussed the progress of the ceasefire negotiations and the precarious socio-economic situation in Burundi.

It also carried out an evaluation of the activities set forth in the Arusha Agreement, particularly those pertaining to prisoners and prison conditions, and the establishment of a National Truth and Reconciliation Commission as well as an International Judicial Commission of Inquiry.

10. On 12 and 13 October 2002, the Foreign and International Cooperation Minister of the DRC visited Burundi and held talks with the authorities. In a press release issued at the end of the visit, the two countries agreed to refrain from providing support and facilities to the rebel movements. Specifically, the Government of the DRC undertook “to continue in its efforts to get the armed groups in Burundi involved in the ceasefire negotiation process without conditionalities and within the framework of the Arusha Agreement”.

III. CEASEFIRE NEGOTIATIONS

11. In its Decision CM/Dec.678 (LXXVI), Council had expressed grave concern over the continuing armed clashes in Burundi and underscored the need to intensify efforts aimed at cessation of hostilities, followed by the conclusion of a ceasefire agreement. To this end, Council had noted with satisfaction the mediation efforts under the leadership of President El Hadj Omar Bongo of Gabon and the South African Deputy President Jacob Zuma, as well as the initiatives taken by President Benjamin Mkapa and his Government, the countries of the Regional Initiative under the leadership of President Yoweri K. Museveni of Uganda, and the OAU Secretary General. Council requested me, in close consultation with the Mediation and the Regional Initiative, to intensify contacts with the various armed groups with a view to encouraging them to seriously pursue negotiations with the Burundian Government and to contribute in a constructive manner to the search for lasting peace in Burundi.

12. Soon after the Durban Session, the Commission got down to work to follow up on Decision CM/Dec.678(LXXVI). In that connection, the Commission on 25 July 2002 sent correspondence to the various armed groups to brief them on the contents of the Decision. It also availed itself of that opportunity to assure the armed groups of its readiness to exert utmost effort to facilitate the restoration of peace and stability in Burundi.

13. On 31 July 2002, I addressed a letter to President Bongo and Deputy President Jacob Zuma in their capacity as Co-Mediators, as well as to Presidents Museveni and Mkapa. In those letters, I underscored the fact that the situation prevailing in Burundi, particularly the escalation of violence, called for renewed efforts to infuse fresh impetus into the peace

process and ensure full implementation of the Arusha Agreement. I expressed my readiness to work with them to facilitate the rapid return of peace and stability in Burundi.

14. During the period under review, two rounds of negotiation took place in Dar-es-Salaam, Tanzania, from 12 to 26 August 2002, and on 18 to 26 September 2002, respectively. The negotiations got underway under the direction of the Mediation Team made up of Deputy President Jacob Zuma, and Mr Jean François Ndougou Minister Delegate to the Minister of State in the Ministry of Foreign Affairs representing President El Hadj Omar Bongo, with the support of representatives of the Tanzanian Government. The African Union was represented by a delegation led by my Special Representative in Burundi. The United Nations for its part was represented by Ambassador Berhanu Dinka, Representative of the United Nations Secretary-General in Burundi.

15. On the eve of the first negotiation session, I issued a press release urging all the parties to put an end to violence and to redouble efforts to achieve a lasting peace. Concurrently, correspondence was addressed to the various armed groups reiterating Council's appeal for them to participate in the negotiations in the spirit of openness and compromise and to cooperate with the Mediation.

16. The Mediation, for its part, had prepared a draft ceasefire agreement for the attention of the Transition Government and the armed groups. That document provided for the establishment of ceasefire throughout the Burundian territory, and also for a monitoring and control mechanism led by the United Nations and the African Union. The document in particular provided for the setting up of joint liaison teams comprising representatives of the signatory parties, the United Nations and the African Union, as well as a Joint Ceasefire Commission similarly constituted. The document also contained provisions on the so-called additional Government obligations including the disarmament, demobilisation and repatriation programme as well as provisions for the training of a new national defence and security corps in Burundi.

17. Apart from the Government delegation, the following two armed groups were represented in Dar es Salaam on the occasion of the first round of negotiation: the CNDD-FDD Jean Pierre Nkurunziza's faction, and CNDD-FDD Jean Pierre Bosco Ndayikengurukiye's faction. On the eve of the negotiations, a split occurred within PALIPEHUTU-FNL giving rise to two factions: one led by Mr Alain Mugabarabona and the other by Mr Agathon Rwaso. Alain Mugabarabona's faction was expected to attend the negotiations, but could not do so for logistical reasons.

18. Despite the sustained efforts invested by the Mediation with the assistance of the representatives of the African Union, the United Nations and Tanzania, no substantive discussion could take place between Jean Pierre Nkurunziza's CNDD-FDD and the delegation of the Transition Government of Burundi. As a matter of fact, even prior to engaging in negotiations, that faction of the CNDD-FDD demanded that the Government delegation sign a statement of intent:

- endorsing the 21 October 1993 statement by the Burundian Armed Forces suspending the Constitution of Burundi approved by referendum of 9 March 1992 as well as all the democratically elected institutions;

- expressing solemnly that it would set out the profound motivations that had led the Burundi armed forces to rise and mutiny against the democratically elected Government;
- accepting responsibility for and the consequences of the 21 October 1993 statement by the Burundi Armed Forces; and
- also accepting that the Burundi Armed Forces which it represented should implement all the provisions of the agreement to be concluded between genuine belligerents.

19. The CNDD-FDD Nkurunziza faction thus put up a mountain of preconditions which posed considerable obstacles to the negotiation process. In a Note addressed to the Mediation on 14 August 2002, the CNDD-FDD accused the latter of supporting the Government delegation to the detriment of the armed groups.

20. On the other hand, Jean Bosco Ndayikengurukiye's CNDD-FDD faction and the Transition Government discussed the draft ceasefire agreement, both in plenary and in a Committee of the Whole. The Experts' Committee of the two parties charged to discuss the technical details was chaired by the African Union. The two delegations finally reached an agreement. On 26 August 2002, the two delegations signed a Memorandum of Understanding and initialled the draft ceasefire agreement.

21. As indicated above, the second round of ceasefire negotiation took place in Dar es Salaam from 18 to 26 September 2002, attended by the Transition Government of Burundi, the CNDD-FDD Jean Pierre Nkurunziza's faction and the PALIPEHUTU-FNL Alain Mugabarabona's faction. The faction led by Mr Agathon Rwasa did not participate in the negotiations.

22. During the talks, the CNDD-FDD reiterated, in a slightly modified form, its previous demand that a statement of commitment (new appellation for the above mentioned Statement of Intent) should be signed between it and the Transition Government in Burundi prior to any discussion on the draft ceasefire agreement. To facilitate and speed up the negotiations, the Mediation prepared a draft **Central Organ/MEC/AMB/4 (LXXXVI)** statement which essentially reaffirmed the commitment of each of the parties to implement the ceasefire agreement once concluded. This draft statement was tabled before the two delegations. After some amendments to its form, the draft was accepted by the Transition Government. The CNDD-FDD delegation on the other hand stuck to its position, and this led to a stalemate in the negotiations.

23. The talks between the delegation of the Transition Government and the PALIPEHUTU-FNL Alain Mugabarabona's faction took place from 23 to 26 September 2002. The delegation of this armed group, from the onset, indicated that since the PELIPEHUTU-FNL was not a party to the Arusha negotiations, it would first discuss a number of political issues (namely, justice and human rights, reconstruction and national reconciliation, public service reform, democracy and good governance, defence and security, suspension of political and military hostilities, transition institutions, clear guarantees for implementation of the agreement and the ceasefire process), each of which should be consigned to a specific protocol, the totality of which would constitute a comprehensive agreement to be signed by all the parties. In response, the Mediation suggested that the FNL should present its concerns in plenary, it being understood that in the event that the FNL declared itself

prepared to sign the ceasefire agreement, these concerns would be brought to the attention of the Regional Summit due on 7 October, for appropriate action.

24. The PALIPEHUTU-FNL then proposed a protocol on the cessation of political and military hostilities. The delegation of the Transition Government of Burundi held the view that signing such a protocol would have no impact on the ground, given the fragmentation of the armed groups and the absence of mechanisms for identification, localisation and control of the PALIPEHUTU-FNL combatants. The Government delegation rather suggested that both parties should stick to the programme proposed by the Mediation, namely discussion on the draft ceasefire agreement. Faced with this situation, the Mediation adjourned the negotiations. Fresh talks between the Government and the PALIPEHUTU-FNL subsequently took place in South Africa, and that made it possible for the two parties to overcome their differences.

25. The 18th Summit of the Regional Initiative, which took place in Dar es Salaam on 6 and 7 October 2002, examined the progress of negotiations with the armed groups. In attendance were President Thabo Mbeki current Chairperson of the African Union, and Presidents Yoweri Museveni, Benjamin Mkapa, Joseph Kabila and Pierre Boyoya. Also present at the meeting were the Foreign Ministers of Ethiopia, Rwanda, Zambia and Kenya, former President Nelson Mandela and the South African Deputy President Jacob Zuma. I was represented at that Summit by a delegation led by Ambassador Saïd Djinnit, Interim Commissioner for Peace, Security and Political Affairs. The United Nations and the European Union similarly sent representatives to the Summit.

26. The Summit expressed satisfaction at the signing of the ceasefire agreement between the Transition Government of Burundi, J.B. Ndayikengurukiye's faction of the CNDD-FDD and the PALIPEHUTU-FNL Mugabarabona's faction. This event, which took place on the sidelines of the meeting, was seen as an encouraging stage in the restoration of peace, security and stability in Burundi and the full implementation of the Arusha Agreement. The Summit decided that the CNDD-FDD Nkurunziza's faction and PALIPEHUTU-FNL Rwasas' faction should resume negotiation with the Transition Government to conclude a ceasefire agreement within thirty (30) days. At the end of this deadline, the Regional Initiative would convene another Summit to re-examine the situation and, in the event that a ceasefire had not been concluded, take appropriate action against the parties that showed themselves to be recalcitrant.

27. The Summit further requested that the CNDD-FDD Ndayikengurukiye's faction and Mr Mugabarabona's PALIPEHUTU-FNL, and the other groups which would sign the ceasefire agreement, should be integrated into the Transition Government and in other state structures including the army and security forces. The Summit also commended the Transition Government for the efforts made to implement the Arusha Agreement.

28. On 15 October 2002, following consultations on Burundi, the United Nations Security Council welcomed the signing of the ceasefire agreement by the two armed groups on the sidelines of the Dar es Salaam Summit. The Security Council stressed the importance of implementing the Arusha Agreement, particularly the need for the Government to continue to work towards the reform of the security forces, adding that it was ready to consider the type of contribution it would provide, at the appropriate time, towards the pursuit of the peace process. The Security Council called on the two other rebel movements to

immediately resume negotiations in order to conclude the ceasefire agreement and forthwith suspend hostilities.

IV. SECURITY AND MILITARY SITUATION

29. Generally speaking, there has been no significant improvement in the security situation in Burundi. The cycle of violence seems to vary depending on the context. In July 2002, there was a resurgence of attacks by the armed groups, no doubt triggered by their determination to achieve success on ground so as to engage in the ceasefire negotiations then slated to take place in Dar es Salaam, from a position of strength. In August however, Burundi experienced some normalcy. Several mapping-up operations were nevertheless undertaken by the army and have since continued in the Central (Gitega) and in the South-East (Ruyigi, Rutana, Makamba) provinces. Similarly, there were skirmishes in Bujumbura-Rural, the most serious of which occurred in Kanyosha on 19 September 2002. Furthermore, it should be noted that there has been an increase in the assassinations targeting local administrative authorities as well as a worsening of organised crime and armed robbery.

30. Despite the dissensions across the armed groups, these groups did not for that reason cease to mark their presence on ground. Following the split within the PALIPEHUTU-FNL, increased attacks on the capital and its environs by supporters of Mr Rwasa were observed, the latter clearly intent on demonstrating that he was still the military leader of that movement. As for the CNDD-FDD Jean Pierre Nkurunziza's faction, this armed group operates throughout the territory of Burundi.

V. SOCIO-ECONOMIC AND HUMANITARIAN SITUATION

31. The socio-economic situation in Burundi remains extremely precarious. The war has resulted in the widespread destruction of infrastructure in both urban and rural areas. Between 1993 and 2001, the GDP tumbled by 20%, and per capita income dipped from US\$210 to US\$119. External debt servicing jumped to 98% of the country's export earnings, and arrears of payment was estimated at over US\$116 million. This state of affairs impacted quite negatively on the living condition of the people, particularly in terms of access to education and health care services. From 1999 to 2000, the percentage of the population living below the poverty line shot up from 36% to 57% in the rural areas, and from 42% to 60% in the urban areas. Internally displaced persons accounted for 10% of the population, while refugees represented 13%.

32. The depreciation of the Burundian Franc constrained the local authorities, in agreement with the Bretton Woods Institutions, to devalue the local currency by 20%. Regardless of the expected medium- and long-term positive results of that measure, it is likely in the immediate term to unleash fresh inflationary pressures which will in turn worsen the living conditions of the population even further.

33. The Government has adopted a transition programme for the period 2002–2004. It has similarly adopted an interim strategic framework for combating poverty in collaboration with the donors. Implementation of this framework will require considerable financial assistance.

34. The Central Organ will recall that, in Decision CM/Dec.687(LXXVI), Council made an urgent appeal to the international community to provide the necessary assistance to enable Burundi to cope with its economic difficulties. Council in particular requested the concerned countries and multilateral institutions to honour the commitment they had made during the Paris and Geneva meetings. It was within this context that the Commission, on 30 July 2002, addressed correspondence to all the concerned donors. In response, the German Embassy in Addis Ababa informed the Commission about resumption of German development cooperation with Burundi in February 2002. The Embassy also briefed the Commission on the volume and distribution of the German assistance. I would like to express the gratitude of the African Union to Germany and to the other donors for their generous assistance.

35. At the humanitarian level, the upsurge of fighting has been evidenced by increased acts of abuse and violence against the civilian population, the most tragic illustration of which was the massacre in the district of Itaba. Similarly, thousands of civilians assembled in the so-called safe areas where living conditions were extremely precarious.

36. The persistent violence has furthermore resulted in the slowing of the momentum of organised repatriation of the refugees residing in camps in Tanzania. The number of voluntary or assisted returnees declined from 4043 in July to 3393 in August 2002. This figure stood at 1662 as of 20 September. The number of spontaneous returnees declined from 1028 in July to 908 in August. In some of the provinces, movement of refugees towards neighbouring countries was similarly observed. In September, nearly 1000 refugees were reported to have taken asylum in Tanzania.

37. According to the latest statistics issued by HCR Tanzania, the overall number of registered refugees that have volunteered to return home stood at 99,869, made up as follows: 38,229 in the Kibondo, 41,416 in the Ngara camps and 13,251 in the Kasulu camps. However, only 41,490 refugees, namely 23,832 “volunteers” and 17,658 “spontaneous” refugees, have been able to return to Burundi since the onset of the operation in March 2002.

38. The HCR recently (August 2002) carried out a study on the general living condition of these refugees. Of the total number of the returnees that had filled out questionnaires in the provinces of Musinga, Kirundo, Gitega and Makamba, 98% regarded their security situation as good, 95% experienced good relations with their neighbours and local authorities, while 92% had access to land.

39. I seize this opportunity to pay tribute to Tanzania for all the sacrifice it has made in providing asylum for the Burundian refugees.

VI. ACTIVITIES OF THE AFRICAN UNION OBSERVER MISSION IN BURUNDI (MIOB)

40. During the period under review, the OAU mission pursued contacts with the various partners to exchange views on how best to go about the talks and, as far as possible, soften the position of the parties. The contacts were particularly intense with the institutions on ground in Burundi, with the members of the Deputy President Jacob Zuma’s team and with the armed groups, particularly PALIPEHUTU-FNL, in conformity with the conclusions of the Addis Ababa meeting between that movement and the African Union.

The OAU mission also played an active part in the ceasefire negotiations which took place in Dar es Salaam from 12 to 26 August 2002 and from 18 to 26 September 2002, as well as in the Regional Summit on Burundi held on 6 and 7 October 2002.

41. I would also like to report that my Special Representative was received in audience by the Vice-President of the Republic Mr Domitien Ndayizeye and by the President of the Republic Major Pierre Boyoya. The developments in the peace process and how best to move this process forward topped the agenda of these meetings.

42. Within the framework of the Arusha Peace and Reconciliation Agreement Monitoring Commission, of which the African Union is member, the Mission regularly participated in the meetings of the Executive Council and in the preparation of the 10th session of the Ceasefire Implementation Monitoring Commission (CSA) held from 2 to 6 September 2002. The Commission is currently focusing attention on the preparation of the 11th ordinary session and the first extraordinary session of the Monitoring Commission, scheduled to take place from 4 to 7 and from 8 to 9 November 2002, respectively.

43. Furthermore, the African Union mission is closely involved in the various activities organised by the United Nations High Commission for Refugees (UNHCR) and the Ministry of Reintegration and Rehabilitation of displaced persons and returnees. In this connection the mission held regular talks with these two institutions on the progress of repatriation of the Burundian refugees residing in camps in Tanzania. The talks with the Ministry of Integration during the period under review also focused on the construction project of an "OAU village" for which the Commission of the African Union has already made available US\$75,000 to the Mission to commence construction.

VII. OBSERVATIONS

44. Over two years after the signing of the Arusha Peace and Reconciliation Agreement, the situation in Burundi has remained precarious. The persistent dissensions across the political class and the divergent positions on the issues relating to implementation and interpretation of the Arusha Peace and Reconciliation Agreement are proof of the fragility of the consensus achieved in

Arusha. Furthermore, the persistent attacks by the armed groups, of which the civilian population is the major victim, coupled with the continued deterioration of the socio-economic situation, further diminish with every passing day the hope for a rapid return of peace, with the attendant risk of seriously undermining the progress accomplished in the search for a durable solution to the conflict in Burundi.

45. In the circumstances, I urge all the parties signatory to the Arusha Agreement to consolidate their cohesion and unity of action and to work strenuously to strictly implement the Arusha Agreement and ensure the return of peace and stability in their country.

46. I welcome the signing of a ceasefire agreement between the Transitional Government, the CNDD-FDD (J.B. Ndayikengurukiye's faction) and PALIPEHUTU-FNL (Mugabarabona's faction). I once again urge the CNDD-FDD (Nkurunziza's faction) and PALIPEHUTU-FNL (Mr Rwasa's faction) to put an immediate end to their attacks, and to negotiate a cessation of hostilities in good faith, so that the talks due to take place in Dar es Salaam from 21 to 31 October 2002 would be crowned with success. I seize this opportunity to reiterate my total

support for President Bongo and Deputy President Zuma, and to express my appreciation for their commitment and perseverance. I welcome the very close cooperation between the Mediation and the African Union delegation at the Dar es Salaam negotiations. My gratitude also goes to President Mkapa for his efforts in bringing about a successful negotiation, and also to the Regional Initiative which, under the direction of President Museveni, is fully committed to facilitating the return of peace and stability to Burundi. The decisions of the Dar es Salaam Summit of 7 and 8 October 2002 further illustrate this commitment.

47. I reiterate my firm condemnation of the Itaba massacres as well as all the other acts of violence directed at the civilian population. I urge the Transition Government to do its utmost to clearly establish responsibility for the massacres and to punish the perpetrators so as to put an end to impunity and build trust in the Transition Institutions.

48. I invite the donors, both bilateral and multilateral, and Member States to lend their full support to the Government of Burundi to facilitate implementation of the transition programme and meet the urgent needs of the population in distress.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**EIGHTY-EIGHTH ORDINARY SESSION OF
THE CENTRAL ORGAN OF THE MECHANISM
FOR CONFLICT PREVENTION, MANAGEMENT
AND RESOLUTION AT AMBASSADORIAL LEVEL**

**14 JANUARY 2003,
ADDIS ABABA, ETHIOPIA**

**Central Organ/MEC/AMB/2(LXXVIII)
Original: French**

**REPORT OF THE INTERIM CHAIRPERSON OF THE COMMISSION OF THE
AFRICAN UNION ON THE SITUATION IN BURUNDI, 14 JANUARY 2003**

I. INTRODUCTION

1. At its 86th Ordinary Session at Ambassadorial level held in Addis Ababa on 29 October 2002, the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution examined the situation in Burundi, as well as developments in the peace process in that country. The Central Organ, on that occasion, adopted a communiqué relating, in particular, to the outcome of the 18th Summit of the Regional Initiative on Burundi which took place in Dar es Salaam on 6 and 7 October 2002, the negotiations with the armed groups aimed at concluding a ceasefire agreement, as well as the socio-economic and humanitarian situation in Burundi [Central Organ/MEC/AMB/Comm. (LXXXVI)].
2. This report covers the developments in Burundi since the 86th Ordinary Session of the Central Organ. It dwells in particular on the evolving political and security situation and on the ceasefire negotiations, which culminated in the signing of an agreement on 2 December 2002 between the Transition Government of Burundi and Pierre Nkurunziza's National Council for the Defence of Democracy/Forces for the Defence of Democracy (CNDD/FDD).

The report also describes the socio-economic and humanitarian situation, and concludes with recommendations on the role of the African Union in the current phase of the peace process.

II. POLITICAL AND SECURITY DEVELOPMENTS

3. Since my last report on Burundi [Central Organ/MEC/AMB/(LXXXVI)], I have continued to closely monitor developments in that country. The differences, which I had highlighted within the ranks of the two large political groupings, namely the G7 and the G10, persisted during the period under review. For instance, the Front for the Defence of Democracy in Burundi (FRODEBU) on several occasions clashed with the other G7 members, while the Unity Party for National Progress (UPRONA) for its part had to put up with attacks from its G10 “allies”. Several parties from all sides of the political spectrum also complained of exclusion from decision-making and inadequate representation within the major institutions of the country.

4. The persistence of these differences triggered a situation of tension, which was compounded by virulent attacks by the parties and movements that were signatories to the Framework Agreement.¹ Fiercely opposed to the Arusha Peace Process, the signatories to the Framework Agreement wanted to take advantage of the situation to once again cast doubts on the Transitional Institutions; this led to the arrest of a number of opposition personalities, including Mr Charles Mukasi, leader of the UPRONA faction which is a non-signatory to the Arusha Peace Agreement, and Mr Diomède Rutamucero, leader of the Puissance Autodéfense Amasekanya. This tension culminated in the suspension of the Party for National Recovery (PARENA) for six months and the house arrest, in early November, of its leader, former President Jean Baptiste Bagaza, for “compromising the internal and external security of the State”.

5. The socio-political turmoil that accompanied these various measures generated concerns about the future of the peace process. Indeed, the events took place at a time when the ceasefire negotiations, then underway in Dar es Salaam between the warring parties, were entering a decisive phase.

6. During the period under review, the activities of the transitional institutions continued. The Government, in concert with the Parliament, intensified its efforts to bring the war to an end. Following the agreement signed on 7 October 2002 with Colonel Jean-Bosco Ndayigengurukiye’s CNDD-FDD and Alain Mugabarabona’s Party for the Liberation of Hutu People/National Liberation Forces (PALIPEHUTU-FNL), a ceasefire agreement was concluded with the CNDD-FDD of Pierre Nkurunziza on 2 December 2002.

7. On 3 January 2003, the Transition Parliament closed its 3rd Ordinary Session, which had opened on 7 October 2002. At that session, the Parliament received 28 (twenty-eight) draft laws from the Government. Of these, laws were adopted on: the review of the composition and organisation of the political parties; organisation and operation of the National Observatory for the Prevention and Eradication of Genocide, War Crimes and Crimes

¹ The following are the Organisations and Associations signatories to the Framework Agreement: UPRONA (Mr Charles Mukasi’s faction), Autodéfense AMASEKANYA, Action contre Génocide, J.R.R. (Jeunesse révolutionnaire Rwagsore), U.F.B. (Union des femmes burundaises), Coalition contre la dictature.

Against Humanity; organisation and operation of the National Council for Unity and National Reconciliation; and the mandate and organisation of the National Rehabilitation Commission for Disaster Victims (CNRS).

8. The Executive Council of the Arusha Agreement Implementation Monitoring Commission (CSA) continued to make preparations for the Eleventh Session of the CSA, which had been postponed more than once owing to the ceasefire negotiations then in progress in Dar es Salaam and Pretoria, alternatively. Slated originally for 4–9 November 2002, the Eleventh Session was first deferred to 18–23 November 2002, then called off and postponed *sine die* pending the results of the ceasefire talks. Lastly, the period 13–18 January 2003 was proposed for the Eleventh Ordinary Session of the CSA, to be followed by an Extraordinary Session, the first of its kind for the Commission, to address the litigations among the signatory parties which had been brought before it. The agenda of the Eleventh Ordinary Session of the CSA, among other things, will include evaluation of the ceasefire negotiations and follow up on the activities of both the Government and the Parliament regarding political, legal and administrative, economic, social and financial issues.

9. On the ground, the period following the 86th Ordinary Session of the Central Organ was initially characterised by the resurgence of fighting between the armed groups (P. Nkurunziza's CNDD-FDD and Agathon Rwasa's PALIPEHUTU-FNL) and Government forces. This resurgence of violence particularly affected the provinces of Bujumbura Rural, Gitega and Mwaro, as well as the southern and south-eastern provinces of the country, namely, Ruyigi, Cankuzo, Makamba, Rutana and Bururi.

10. The capital Bujumbura was not spared the violence which continued to engulf the country during the period under review: on Friday 22 November 2002, an artillery attack was launched on the Municipality from the hills overlooking the city, causing considerable human and material losses. The residence of my Special Representative, Ambassador Mamadou Bah, was hit by mortar fire, wounding one of the domestic servants, while a vehicle was damaged at the residence of the United Nations Special Representative, Ambassador Berhanu Dinka.

11. Following the signing of the 2 December 2002 ceasefire agreement, some calm was observed though it has been interspersed by sporadic clashes between the army and the forces of Agathon Rwasa's PALIPEHUTU-FNL, which has not yet signed the ceasefire agreement, and Nkurunziza's CNDD-FDD, whose encampment (and consequently supplies) has not yet been effected.

III. CEASEFIRE NEGOTIATIONS

12. The 18th Summit of the Regional Initiative for Peace in Burundi, during which the Transition Government, on one hand, and the CNDD-FDD of Jean Bosco Ndayikengurukiye and the PALIPEHUTU-FNL of Alain Mugabarabona, on the other, signed a ceasefire agreement on 7 October 2002, gave the remaining armed groups, namely the CNDD-FDD (Pierre Nkurunziza's faction) and the PALIPEHUTU-FNL (Agathon Rwasa's wing), a 30-day deadline to conclude a ceasefire agreement with the Transition Government without pre-conditions. It was expected that the negotiations with these two armed groups would commence on 21 October 2002.

13. At its 29 October 2002 session, the Central Organ, after expressing support for the decisions of the 18th Summit of the Regional Initiative, encouraged the parties in Burundi to fully co-operate with the Facilitation in order to conclude a ceasefire agreement within the stipulated period. The Central Organ paid tribute to President El Hadj Omar Bongo and Deputy President Jacob Zuma, as well as the leaders of the countries of the Region, for their sustained and resilient efforts to achieve a ceasefire agreement. The Central Organ also paid tribute to President Benjamin Mkapa and the Government of Tanzania for the efforts they had invested in the promotion of peace and reconciliation in Burundi.

14. The round of negotiations took off, as planned, on 21 October 2002, in the Tanzanian capital, under the auspices of Deputy President Jacob Zuma and the Minister Delegate in the Gabonese Foreign Affairs Ministry, Mr Jean-François Ndongou, representing President El Hadj Bongo. Also present were my Special Representative, the Special Representative of the United Nations Secretary-General and Representatives of the Tanzanian authorities. The round was preceded by a series of consultations with the armed groups that were aimed at creating a conducive atmosphere for dialogue before the effective commencement of talks between the warring parties.

15. At its meeting with the Facilitation, my Special Representative and that of the United Nations Secretary-General, the PALIPEHUTU-FNL relayed the following message:

- it was in Dar es Salaam to present its position and not to negotiate;
- it would negotiate only after the Transition Government of Burundi has accepted the pre-conditions it had submitted, namely:
 - the recognition of PALIPEHUTU-FNL as a political party;
 - the freeing all political and war prisoners;
 - the dismantling of the regroupment camps, which were characterised as concentration camps;
 - the encampment of the Burundi armed forces in their barracks; and
 - the dismantling and disarming of the militias.

16. In response, the Special Representatives of the African Union and the United Nations as well as the Facilitation emphasised that there was no alternative to negotiations, and urged PALIPEHUTU-FNL to pay attention to the recommendations of the 18th Summit of the Regional Initiative and enter into negotiation without delay with the Transition Government of Burundi. The consultations did not however lead to any change in the position of the PALIPEHUTU-FNL delegation. As a matter of fact, there was no negotiation between this armed group and the Government.

17. On the other hand, consultations with Pierre Nkurunziza's CNDD-FDD proved to be conclusive. The consultations indeed paved the way to overcome the problems raised by that armed group relating in particular to the document that should serve as basis for discussion (the CNDD-FDD having finally agreed to talks on the basis of the draft agreement submitted by the Facilitation, which was the outcome of the work of military experts from the United Nations, the African Union, Tanzania and South Africa) and to references to the Transition Government and the Arusha process contained in the draft agreement (arguing that it had not been represented in Arusha, the CNDD-FDD had indeed initially refused that reference be made to the Transition Government and the Arusha process).

18. On 29 October, for the first time since the start of the negotiations, a plenary session was organised between the delegation of the Transition Government led by President Pierre Buyoya and the delegation of the CNDD-FDD led by Pierre Nkurunziza. Deputy President Jacob Zuma hailed that historic meeting between the two parties and urged them to make the necessary compromises so as to reach an agreement as early as possible. Speaking at that plenary session, my Special Representative and the Special Representative of the United Nations Secretary-General similarly urged the two parties to show flexibility, and reaffirmed the support of the international community for the peace process in Burundi.

19. Negotiations between the Transition Government and the CNDD-FDD continued from 29 October to 7 November 2002 within two sub-Committees, the first charged to discuss political issues, while the second sub-Committee focused on security matters. It is noteworthy that the two parties made it clear that they had decided that the negotiations should be undertaken exclusively among Burundians who would have recourse to the Facilitation only if need be. Thus, the sub-Committee on security requested, on 4 November, the presence in its meetings of military experts from South Africa, Tanzania, the African Union and the United Nations, while, at the same time, the Facilitation, assisted by AU, UN and Tanzanian representatives, maintained close contact with the parties to help them to overcome the difficulties that arose during the negotiations. The Gabonese Minister Delegate, Mr Jean-François Ndongou, shuttled between the two sub-Committees.

20. At the expiry, on 7 November, of the 30 days deadline given by the 18th Summit of the Regional Initiative for the conclusion of the negotiations, substantial differences still existed between the two parties, particularly in regard to CNDD-FDD's demand that the Burundi armed forces should be encamped and disarmed concurrently with its own combatants. Deputy President Jacob Zuma formally closed the negotiations the following day, after taking note of the progress achieved.

21. Following consultations with the President of the Regional Initiative, President Yoweri Museveni, Deputy President Zuma secured another deadline for the continuation of the negotiations, which subsequently resumed in Dar es Salaam on 26 November 2002 and ended in Arusha during the 19th Regional Summit on Burundi, held on 1 and 2 December 2002. In attendance at the Regional Summit were Presidents Yoweri Museveni, Benjamin Mkapa, Thabo Mbeki, Chairperson of the African Union, Pierre Buyoya, Prime Minister Meles Zenawi and Deputy President Jacob Zuma, as well as representatives of the Governments of Zambia, Gabon, Kenya and the Democratic Republic of Congo. Also present were my Special Representative and that of the United Nations Secretary-General.

22. At that meeting, the Government and the CNDD-FDD, with the support and assistance of the Heads of State and Government in attendance, the Facilitation and the Special Representatives of the African Union and the United Nations, reached a compromise on the issues which had been referred to the Summit for want of agreement. The Transition Government and the CNDD-FDD signed the ceasefire agreement on 2 December 2002.

23. The agreement stipulates that the ceasefire should take effect on 30 December 2002, the date on which the combatants were expected to have concluded their movement to the assembly areas. Cessation of hostilities, also known as a truce, also became effective 72 hours following the signing of the agreement. The ceasefire calls for:

- the suspension of arms and ammunitions supply;
- a ban on the distribution of lethal and/or logistics supplies;
- the freeing of all political prisoners;
- a withdrawal of all foreign troops following the conclusions of the Commission of Inquiry which would resume investigation on the presence of foreign troops both within the armed forces of Burundi and the CNDD-FDD;
- an end to all propaganda among the parties and all incitement to ethnic hatred;
- an end to all attacks by air, land and lake; and
- a cessation of all actions likely to jeopardise the effective implementation of the peace process.

24. The agreement also provides for an African Mission to lead the process for verification and monitoring of the ceasefire; the establishment of joint liaison teams, composed of representatives of all the signatory parties and the African Mission, to operate at national, provincial and local levels; and of a Joint Cease Fire Commission consisting of representatives appointed by all the warring parties and the African Mission. The ceasefire implementation stages as defined by the agreement include the following:

- Stage 1:

- signing a comprehensive ceasefire agreement,
- declaration of cessation of hostilities,
- formation of a joint commission and joint liaison teams,
- deployment of the African mission,
- establishment by the two parties, of a neutral commission to investigate the presence of foreign troops in Burundi, the existence of foreign elements within the ranks of the CNDD-FDD, and the presence of Burundian forces in foreign countries,
- movement of combatants (CNDD-FDD) to the assembly areas with their weapons, under the supervision of the African mission,
- regrouping elements of the Burundian armed forces and other combatants in other areas to be agreed (some elements of the Burundian army will be exempt from the obligation to regroup in specified areas owing to the security situation),
- implementation of disarmament, demobilisation and rehabilitation programmes,
- demining and destruction of excess weapons;

- Stage 2

- reform and creation of the structure of the new defence and security forces of Burundi,
- installation of the new defence and security forces.

25. The agreement further spells out the issues on which the parties agreed to pursue negotiations, including the return to constitutional rule, the transition period with the transition leaders, democracy and good governance.

26. In the final communiqué issued at the end of the meeting, the Summit welcomed the signing of the agreement and agreed that the CNDD-FDD should be transformed into a political party and be integrated into the Transition Government. The Summit made an appeal to the international community to provide all necessary assistance towards the encampment, disarmament, demobilisation and integration of the combatants in the new defence and security forces of Burundi, as well as the rehabilitation of demobilised combatants and soldiers.

27. It should also be mentioned that the Summit paid special tribute to President Benjamin Mkapa for his country's support, as well as to President El Hadj Omar Bongo and Deputy President Jacob Zuma for their efforts. The Summit further paid tribute to the African Union, through my Special Representative, Ambassador Mamadou Bah, and to the United Nations, through the Special Representative of the Secretary-General, Ambassador Berhanu Dinka.

IV. EFFORTS TO IMPLEMENT THE CEASEFIRE

28. Since the signing of the ceasefire agreements of 7 October and 2 December 2002 respectively, sustained efforts have been made to create conditions for their rapid implementation. On 4 December 2002, Deputy President Jacob Zuma held a meeting with the United Nations Security Council in New York. In his address to the Council, Mr Zuma recognised that the uniqueness² of the peace process in Burundi made the direct involvement of the United Nations difficult; he, therefore, called on the latter to demonstrate creativity and innovation to backstop the African Mission mentioned in the 2 December agreement, as well as the other implementation structures, and to provide every other form of assistance, including humanitarian assistance to the combatants. The Security Council, for its part, expressed its readiness to support the immediate and full implementation of the ceasefire agreement, particularly by providing experts to help in the planning and preparation of the concept of operation of the African Mission.

29. On 19 December 2002, the Political Affairs Department of the United Nations organised in New York a meeting of Special Representatives and Envoys, attended also by representatives of several countries and organisations, notably South Africa, Belgium, Canada, United States of America, France, Uganda, Tanzania, the African Union, the European Union, the United Nations Human Rights Commission, the HCR and the UNDP. The meeting, while hailing the signing of the 2 December 2002 agreement, characterising it as real and encouraging progress in the peace process in Burundi, also underscored the need to immediately set in motion all actions needed to implement the agreement within the agreed deadline. It discussed how best to provide humanitarian assistance to the combatants of the armed groups during the truce, in the form of responding to their immediate vital needs, thereby preventing them from committing acts of extortion against the population, as well as creating and maintaining a climate of trust, a *sine qua non* condition for effective implementation of the ceasefire.

30. President Thabo Mbeki, in his capacity as the Chairperson of the African Union, also took a number of initiatives aimed at backstopping the ceasefire implementation process. In this connection, we had a telephone conversation on the issue of deployment of the African Mission and on the countries to be approached to contribute troops.

31. In its communiqué of 29 October, the Central Organ requested me to take all the necessary measures to ensure that the African Union contributed to the ceasefire implementation at the appropriate time. Pursuant to that decision, a brainstorming exercise

² Here, reference is being made to the absence of an inclusive ceasefire, since the PALIPEHUTU-FNL of Agathon Rwasa is not a party to the two agreements, and also to the fact that the combatants belonging to the signatory parties will move to the assembly camps with their weapons. They will be disarmed only at the later date.

was carried out at the Commission on the modalities of deploying the African Mission. Similarly, informal contacts were made with the Facilitation's technical team.

32. On 11 December 2002, my Special Representative in Burundi was received in audience by President Buyoya. Discussions centred on the African Mission and the need for its rapid deployment to maintain the momentum generated by the 2 December agreement and to convince sceptics about the reality of the advances already made. The urgency of deploying the African Mission was reiterated by the Burundi Foreign Affairs Minister, Mr Therence Sinunguruza, on the occasion of his visit to the Headquarters of the Commission in Addis Ababa on 21 December 2002. The same issue was at the centre of the talks held at the end of December 2002 between my Special Representative in Burundi, Vice President Domitien Ndayizeye and the CNDD-FDD Legal Representative, Pierre Nkurunziza.

33. On 4 January 2003, I corresponded with President Thabo Mbeki Chairperson of the African Union, Yoweri Museveni, Chairman of the Regional Initiative, El Hadj Omar Bongo of Gabon as well as Deputy President Jacob Zuma in their capacity as Mediators. In these correspondences, I underscored the fragility of the situation in Burundi and the urgent need to deploy the African Mission. I suggested in this regard that a meeting be convened in Addis Ababa bringing together both political and technical officials of the Facilitation, the Regional Initiative and the Commission to exchange views on the nature of the African Mission, the modalities of its deployment, its *modus operandi* and its funding, as well as on the contribution expected from the African Union. The recommendations of that meeting would then be transmitted to the Facilitation. As soon as they are accepted, the recommendations would serve as the basis of the deliberations of the Central Organ on the role of the African Union in the ceasefire implementation. I also wrote to President Buyoya to brief him about this initiative.

34. In Burundi, following the signing of the ceasefire agreement of 2 December 2002, the Transition Government launched a public awareness and information campaign, with President Buyoya, Vice President Domitien Ndayizeye and members of the Government criss-crossing the country to explain to the population the contents of the Agreement. This campaign of explanation helped to address the concerns arising from the rumours that were misrepresenting the actual content of the Agreement.

35. It goes without saying that the success in the implementation of the Agreements will also depend on the effective management of the critical issues of pre-encampment and encampment of the combatants. In this connection, the United Nations mission, that of the African Union and members of the international community in Bujumbura got together and contacted the Government and the CNDD-FDD. Meetings were also initiated with the donor countries represented in Bujumbura, as well as humanitarian agencies, which helped to address CNDD-FDD's request for food assistance to its combatants.

36. With regard to distribution, after initial procrastination and sometimes reticence on the part of the NGOs approached, GTZ, the German Cooperation Agency, expressed willingness to procure and deliver the food commodities to the designated areas. Several contributions are also being expected as part of this assistance: the European Union has already announced a contribution of 500,000 Euros, while Great Britain has pledged US\$150,000. Lastly, it should be mentioned that, on 30 December 2002, a delegation

comprising of President Buyoya's Diplomatic Adviser, my Special Representative, the MIOB Military Adviser, the United States Ambassador in Bujumbura and officers of the Burundi army and of the CNDD-FDD travelled to Musigati, in the Bubanza province, 60 kilometres to the north of Bujumbura, to look into the logistical aspects of moving supplies to CNDD-FDD combatants.

37. The situation, however, remains very fragile. In this connection, one must mention the incident which took place on Friday 27 December 2002 when CNDD-FDD elements moved out of their assembly areas, thereby exposing themselves to fire from the army. This act by the CNDD-FDD was seen by the army as a violation of the truce accepted by the two warring parties pending the entry into force of the ceasefire.

38. More recently, the Government of Burundi accused the CNDD-FDD of having infiltrated troops into Ruyigi (particularly the Kininya district) and Rutana provinces and established a military training and instruction centre in those localities. The CNDD, for its part, rejected the accusations, saying that it had done nothing other than embark on an awareness and briefing campaign for its militants and sympathisers. High tension was, therefore, generated between the two parties, giving rise to serious clashes in Ruyigi province on 7 January 2003. Working in collaboration with the United Nations Special Representative and other members of the international community, notably the United States Ambassador in Bujumbura, my Special Representative undertook initiatives aimed at facilitating resolution of the crisis. In this connection, he held several talks with the Burundi Defence Minister and maintained close contact with the CNDD-FDD, including Mr Nkurunziza.

V. SOCIO-ECONOMIC AND HUMANITARIAN SITUATION

39. As I emphasised in my previous report, the situation of prolonged war in Burundi and the attendant destructions have had a particularly negative impact on the country's economy and the living conditions of the people. All the economic and social indicators are bleak. The gravity of the situation is evidenced by the placement of Burundi at the bottom of the human development index (UNDP 2002 Report). Similarly critical is the magnitude of the HIV/AIDS pandemic which is decimating the most deprived sectors of the population, already paying a heavy price as a result of prevalence of malaria and meningitis. It was against this background that the Central Organ, at its 86th Ordinary Session, reaffirmed its concern at the worsening socio-economic and humanitarian situation in Burundi and requested Member States as well as partners of the African Union to step up assistance to Burundi.

40. A Donors' Round Table for Burundi was held in Geneva on 27 and 28 November 2002. The African Union was represented at that meeting, which had a three-fold objective, namely to evaluate the status of implementation of the Arusha Agreement, to examine the socio-economic condition of the country in the light of the reforms undertaken by the Government, and to examine the content of the special emergency programme presented by the Government. On the eve of the Round Table, the Commission addressed communication to all Burundi's bilateral and multilateral donors, to underscore the importance of their support in the overall effort to promote peace in that country. Furthermore, I issued a press release reiterating this appeal.

41. I would like to express my satisfaction at the results of the Round Table at which pledges were made amounting to a total of US\$905.7 million. I hereby urge all the donors concerned to take the necessary steps to translate their pledges into concrete action. On 19 December 2002, President Buyoya sent me a letter thanking the African Union for its contribution and its solidarity with the people of Burundi.

42. With the persistent deterioration of the economic situation and the security climate, massive population movements continued to take place towards both the interior of the country and neighbouring countries. Nearly 400,000 people now reside in displaced persons' camps under appalling conditions of misery and extreme promiscuity. According to the statistics published by the UNHCR delegation in Burundi, as of 30 November 2002, the number of Burundian refugees living in camps in Tanzania and repatriated with UNHCR assistance stood at 29,261. A little over 100,000 people have so far registered for voluntary repatriation. The number of those who have decided to repatriate themselves stands at 20,352. The repatriation of refugees is expected to gain momentum with the entry into force of the ceasefire agreement signed on 2 December 2002.

43. As indicated in my previous reports, the Commission of the African Union has contributed US\$75,000 towards the construction of a village to accommodate returnees from Burundi. It gives me pleasure to inform the Central Organ that the Government of Burundi recently allocated an area of four hectares towards the construction of the village which will commence very soon.

VI. OBSERVATIONS AND RECOMMENDATIONS

44. The signing of the ceasefire agreement of 2 December 2002 marks a turning point in the peace process in Burundi, more so as it was reached following the agreement concluded on 7 October between the CNDD-FDD of Jean Bosco Ndayikengurukiye and PALIPEHUTU-FNL of Alain Mugabarabona. I wish to commend the Government of Burundi, particularly President Buyoya, for their courage and willingness to compromise, hence crossing a new threshold. My felicitations also go to the CNDD-FDD, and its legal representative Mr Nkurunziza, for its commitment.

45. The signing of the ceasefire agreement was the result of the tireless efforts of the Facilitation and its Technical Team. I would like, in this connection, to reiterate my sincere thanks and commendations to President Bongo and Deputy President Jacob Zuma whose patience and determination helped overcome the difficulties hitherto considered insurmountable. This advance in the peace process was also a result of the involvement of the Heads of State of the Regional Initiative and President Mbeki, who personally committed themselves to the search for an agreement.

46. Despite the positive achievements, the situation on the ground remains extremely fragile, as evidenced by the clashes some days ago between the Burundi armed forces and elements of the CNDD-FDD and the mutual accusations of ceasefire violations. In the circumstances, any delay in the deployment of the African Mission is likely to undermine the progress achieved after so many years of painstaking effort.

47. It is my intention, in the days ahead, to intensify my consultations with the Facilitation on the best ways and means to speed up the ceasefire implementation process. Besides, I recommend that the Central Organ:

1. reaffirm its support for the on-going process, particularly the deployment of the African Mission;
2. authorise the Commission, in agreement with the Facilitation and the Regional Initiative, to provide all the necessary assistance to facilitate observance of the ceasefire and ensure the rapid deployment of the African Mission;
3. commend the Burundian parties concerned for signing the ceasefire agreement and encourage them to scrupulously respect their commitments;
4. urge Agathon Rwasa's faction of PALIPEHUTU-FNL to join in the ongoing process and to conclude a ceasefire agreement with the Transition Government without delay;
5. welcome the expressed readiness of the United Nations Security Council to backstop the African mission and the ceasefire implementation process; and
6. urge Member States to lend their full support to the on-going efforts, including the deployment of the African Mission.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

2 APRIL 2003, ADDIS ABABA, ETHIOPIA

**COMMUNIQUE OF THE NINETY-FIRST ORDINARY SESSION OF THE
CENTRAL ORGAN OF THE MECHANISM FOR CONFLICT PREVENTION,
MANAGEMENT AND RESOLUTION AT AMBASSADORIAL LEVEL, 2 APRIL
2003**

The Central Organ of the Mechanism for Conflict Prevention, Management and Resolution held its 91st ordinary session at Ambassadorial level in Addis Ababa, Ethiopia, on Wednesday 2 April 2003, to review the preparations for the deployment of the African Mission to Burundi. The session took place under the chairmanship of Ambassador Baso Sangqu, Permanent Representative of South Africa to the African Union.

The meeting was attended by the Ministers of Defence of South Africa, Ethiopia and Mozambique. The Minister of Defence of South Africa briefed the meeting on the preparations being made for the deployment of the African Mission to Burundi.

Following its deliberation,

The Central Organ:

1. **RECALLS** the approval for the deployment of the African Mission provided for in the 7 October 2002 and December 2002 Ceasefire Agreements (CFAs) by the Seventh Ordinary Session of the Central Organ Meeting at the level of Heads of State and Government in Addis Ababa on 3 February 2003 [*Central organ/MEC/AHG/Comm.(vii)*];
2. **FURTHER RECALLS** the Central Organ summit decision to entrust South Africa with the responsibility of leading the efforts to ensure a speedy deployment of the Mission in Burundi;
3. **REITARATES** its appreciation to the Governments of the Republic of South Africa, the Federal Democratic Republic of Ethiopia and the Republic of Mozambique, for their commitment to contribute troops for the Mission;

4. **REAFFIRMS** its strong commitment to the sovereignty, independence, territorial integrity and national unity of Burundi;
5. **MANDATES** the deployment of the African Mission in Burundi (AMIB) for an initial period of one (01) year subject to renewal by the Central Organ, and pending the deployment of the UN Peacekeeping Force to be mandated by the UN Security Council as envisaged in the Agreements. After the initial period of one year, this mandate will subsequently be renewed every six months.
6. **URGES** all Burundian Parties to extend full cooperation in order to facilitate the deployment of the African Mission.
7. **STRONGLY URGES** the PALIPEHUTU-FNL of Agathon Rwasa to engage in ceasefire negotiations with the Transitional Government of Burundi, without further delay.

i. Expected African Mission End State

The African Mission would have fulfilled its mandate after it has facilitated the implementation of the Ceasefire Agreements and the defence and security situation in Burundi is stable and well-managed by newly created national defence and security structures. Therefore, the presence of an armed African Mission would no longer be required in Burundi.

ii. Objectives

- Oversee the implementation of the Ceasefire Agreements.
- Support disarmament and demobilisation initiatives and advise on reintegration of combatants.
- Strive towards ensuring conditions favourable for the establishment of a UN Peacekeeping mission.
- Contribute to political and economic stability in Burundi.

iii. Mandate

The Mandate of the African Mission (AMIB) will consist of the following tasks.

- Establish and maintain liaison between the Parties.
- Monitor and verify the implementation of the Ceasefire Agreements.
- Facilitate the activities of the Joint Ceasefire Commission (JCC) and Technical Committees for the establishment and restructuring of the National Defence and Police forces.
- Secure identified assembly and disengagement areas.
- Facilitate safe passage for the Parties during planned movements to designated assembly areas.
- Facilitate and provide technical assistance to the disarmament, demobilisation and reintegration (DDR) process.
- Facilitate the delivery of humanitarian assistance, including to refugees and internally displaced persons.
- Coordinate mission activities with the UN presence in Burundi.

- Provide VIP protection for designated returning leaders.

iv. Concept of Operations of the AMIB

The African Mission is to deploy in Burundi within 60 days of the provision of the mandate. The Lead Nation will facilitate planning, establishing and deployment of the force. It will lead the military component and provide the core of the force. The current South African Protection Support Detachment and the African Union Military Observers are to be subsequently incorporated into the African Mission.

v. Composition and Size

The mission will be composed of military and limited civilian components under a Head of Mission established under the auspices of the African Union (AU). The Peacekeeping Force shall comprise forces from the Federal Democratic of Ethiopia (1 x Battalion + 2 additional Companies and other elements), The Republic of Mozambique (1 x Strengthened Company + other elements) and The Republic of South Africa, (1 x Battalion + other elements). The Republic of South Africa will appoint the Force Commander, while Ethiopia will appoint the Deputy Force Commander.

vi. Rules of Engagement (ROE)

Clear Rules of Engagement based on International law and the principle of self-defence will be issued. The ROE will focus on protection of mission personnel and equipment. The authority to adjust the suggested ROE will be vested in the Head of Mission (HoM) in conjunction with the Force Commander (FC) after consultations with the mandating Authority.

vii. Status of Force Agreement (SOFA)

A SOFA is to be concluded between the AU and the Transitional Government of Burundi (TGoB) prior to the deployment of the AMIB.

viii. Logistic Support and Sustenance

National Contingents deployed in the mission have to be self-sustained for the initial 60 days and maintain a reserve of 14 days throughout the mission. The Lead Nation in conjunction with the mandating authority are to provide guidance on financing, logistic support and sustenance of the mission. Based on the Lead Nation's guidance, a detailed concept will be developed for further planning.

ix. Command, Control and Communications

The AMIB is authorised and deployed under the auspices of the AU, which mandates the following command and control structure.

- The AMIB shall function under the overall direction of a Head of a Mission who shall be the Special Representative of the Chairperson of the AU Commission. AMIB Headquarters will be established in Bujumbura.

- **Reporting** The Head of Mission and the Force Commander of the AMIB are to provide the first report on progress towards the implementation of its mandate not later than three months after the establishment of the Mission; subsequently, they are to provide periodic reports. Reports on the activities of the Mission shall be submitted to the Central Organ on a regular basis and at least every six months.

x. Further Guidance

The Lead Nation will issue further guidelines for the African Mission. These guidelines will cover, *inter alia*, issues emanating from the mandate, concept of operations, mission structure, command and control, administration and logistics, health care, equipment requirements (including marking and mission insignia), discipline and ROE.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**NINETY-FIFTH ORDINARY SESSION AT
AMBASSADORIAL LEVEL OF THE CENTRAL
ORGAN OF THE MECHANISM FOR CONFLICT
PREVENTION, MANAGEMENT AND RESOLUTION**

**18 SEPTEMBER 2003
ADDIS ABABA, ETHIOPIA**

Central Organ/MEC/AMB/COMM.(XCV)

**COMMUNIQUE OF THE NINETY-FIFTH ORDINARY SESSION
AT AMBASSADORIAL LEVEL OF THE CENTRAL ORGAN OF THE
MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT AND
RESOLUTION, 18 SEPTEMBER 2003**

The Central Organ of the Mechanism for Conflict Prevention, Management and Resolution held its 95th ordinary session at Ambassadorial level in Addis Ababa, Ethiopia, on 18 September 2003. The session was chaired by Ambassador Ana Nemba Uaiene, Permanent Representative of Mozambique to the African Union (AU).

The Chairperson of the Commission, Mr Alpha Oumar Konaré, addressed the Session.

The Session was briefed by the Commissioner for Peace and Security, Ambassador Saïd Djinnit, on the situation obtaining in Guinea Bissau, the deployment of the African Mission in Burundi and the Indicative Work Programme on Peace and Security matters for the Central Organ and the Commission for 2003–2004.

At the end of its deliberations, the Central Organ decided as follows:

A. On the situation in Guinea Bissau

The Central Organ:

1. **CONDEMNS** the coup d'Etat that took place in Guinea Bissau on 14 September 2003, in violation of the principles enshrined in the Constitutive Act of the African Union and the Lome Declaration on Unconstitutional Changes of Government;
2. **ENDORSES** the Communiqués issued by the Chairman of the African Union, President Joaquim Chissano of Mozambique; the Current Chairperson of ECOWAS, President John Kufuor of Ghana; and the then Interim Chairperson of the AU Commission, Mr Amara Essy;
3. **APPEALS** for a speedy return to constitutional order in line with the Lome Declaration;
4. **APPEALS** to all the parties to engage in constructive dialogue in order to resolve the current problems and to protect the lives and property of the people of Guinea Bissau;
5. **EXPRESSES ITS SUPPORT** to the efforts of the leaders of ECOWAS and **WELCOMES** the dispatch of a delegation to initiate discussions with the current authorities of the country;
6. **WELCOMES** the decision of the Chairperson of the Commission to dispatch a delegation led by the Honourable Francisco Madeira to Guinea Bissau and to other countries of the region to assess the situation and consider, together with ECOWAS, ways and means of ensuring a speedy return to constitutional order;
7. **CALLS UPON** Member States that have not yet done so to ratify the Protocol relating to the establishment of the Peace and Security Council, whose entry into force will enable the AU to deal more effectively with unconstitutional changes of government.

B. On the deployment of the African Mission in Burundi (AMIB)

The Central Organ:

1. **WELCOMES** the progress made in the deployment of the African Mission;
2. **REITERATES** its concern over the financial and logistical difficulties that continue to face the Mission. In this respect, **REITERATES** its urgent appeal to Member States and the AU partners to provide the requisite assistance for the deployment and effective functioning of the African Mission;
3. **ENCOURAGES** the Commission to pursue the preparations already initiated for the convening, in South Africa, in October 2003, of the Pledging Conference decided upon by the Executive Council during its Maputo Session, to mobilise resources for the African Mission.

C. On the Indicative Work Programme on Peace and Security Matters for the Central Organ and the Commission for the period 2003 - 2004

The Central Organ:

1. **WELCOMES** the preparation of the Indicative Work Programme;

2. **INVITES** Member States to communicate their observations on the Programme to the Commission, in order to further enrich the document;
3. **DECIDES** to convene a session, as soon as possible, to undertake an in-depth exchange of views on the Indicative Work Programme.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**NINETY-SIXTH ORDINARY SESSION AT
AMBASSADORIAL LEVEL OF THE CENTRAL
ORGAN OF THE MECHANISM FOR CONFLICT
PREVENTION, MANAGEMENT AND RESOLUTION**

**21 OCTOBER 2003
ADDIS ABABA, ETHIOPIA**

Central Organ/MEC/AMB/COMM.(XCVI)

**COMMUNIQUE OF THE NINETY-SIXTH ORDINARY SESSION AT
AMBASSADORIAL LEVEL OF THE CENTRAL ORGAN OF THE MECHANISM
FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION, 21
OCTOBER 2003**

The Central Organ of the Mechanism for Conflict Prevention, Management and Resolution held its 96th ordinary session at Ambassadorial level in Addis Ababa, Ethiopia, on 21 October 2003. The session was chaired by Ambassador Ana Nemba Uaiene, Permanent Representative of Mozambique to the African Union (AU).

The Session was briefed by the Chairperson of the Commission, Mr Alpha Oumar Konaré, on the enhancement of the role of the African Union in the promotion of peace and security on the continent.

At the end of its deliberations, the Central Organ decided as follows:

The Central Organ:

WELCOMES the initiative of the Chairperson of the Commission on the strengthening of the role of the AU in the prevention, management and resolution of conflicts and **ENCOURAGES** him to undertake appropriate consultations, particularly with the Chairperson of the AU, on the establishment of the suggested High Level Committees of Heads of State and Government to contribute to the consolidation of ongoing peace efforts on the continent, taking into account the role of the Central Organ in the promotion of peace and security, the need for close coordination and harmonisation with regional and international efforts, the need to avoid duplication of efforts and to adjust the initiative to the realities of each conflict. The Central Organ **FURTHER REQUESTS** the Chairperson of the Commission to keep it regularly informed on developments related to this initiative, including the composition and terms of reference of the various Committees that are envisaged.

The difficulties encountered in the peace process between Ethiopia and Eritrea were also raised during the meeting. The Chairperson of the Commission briefed the Central Organ on the efforts being made, in liaison with other members of the international community, to facilitate the peace process.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

AGREEMENT ON THE TRANSITIONAL ARRANGEMENTS IN THE COMOROS, 20 DECEMBER 2003

Having met in Moroni, Union of the Comoros, on Saturday, 20 December 2003, under the auspices of President Thabo Mbeki, President of the Republic of South Africa and Coordinator of the efforts of the Countries of the Region and the Troika of the African Union (AU) on the Comorian crisis, the Comorian Parties have agreed as follows:

I. PRINCIPLES

The Comorian Parties:

- reaffirm that the Framework Agreement for the national reconciliation in the Comoros, including its structures, the Constitution of the Union of the Comoros and the Fundamental Laws of the Autonomous Islands, constitute the appropriate framework for the resolution of the Comorian crisis;
- pledge to work towards the organisation of free, fair and democratic elections over the entire Comorian territory;
- commit themselves to establish conditions conducive to elections to be held with the necessary equity and transparency and giving all the necessary guarantees in this regard, including the need for an all-inclusive process involving monitoring by the international community;
- agree to complete speedily the establishment of the institutions of the Union of the Comoros in order to put an end to the suffering of the Comorian people and encourage the international community to provide the necessary technical and financial assistance for the socio-economic development of the country.

II. DISTRIBUTION OF POWERS

The Comorian Parties recall the progress made in the discussions held in Paris under the auspices of La Francophonie and pledge to pursue their consultations with a view to submitting the results of these discussions to the Parliament of the Union, for decision.

III. TRANSITIONAL PERIOD

The Comorian Parties agree on the need for a transitional period spanning from the signing of this Agreement to the full establishment of the Parliament of the Union, which shall adopt organic laws pertaining to the distribution of powers, and that of the Parliaments of the Islands.

During the transitional period, the following shall apply:

(a) Customs

The Comorian Parties reaffirm the notion of a single and common Customs Service and the fundamental prerogatives of the State represented by the Government of the Union;

The Comorian Parties reiterate the need to ensure transparent, independent, efficient and objective management of the Customs Service.

To this effect, a Provisional Customs Council (PCC) shall be established to monitor the operations relating to the collection and control of the shared customs revenue and prepare the operational framework of the Customs Service in conformity with the new institutional architecture.

The PCC shall be composed of seven (7) members, namely a Director-General appointed by the President of the Union, three (3) Deputy Directors-General appointed by each President of the Islands and three international experts placed at the disposal of the Comoros by the donor community.

The PCC shall organise itself in such a way as to be able to execute its mandate effectively, both at the level of the Customs Central Services and the Customs Services in the Islands.

The management of the Customs Services shall be the responsibility of a Directorate of Customs comprising the Director-General and the Deputy Directors-General and functioning on the basis of the principle of collegiality. The Deputy Directors-General shall report to the Director-General.

In the execution of its functions, the Directorate of Customs shall be supported by operational services at the level of the Islands, these operational services shall be headed by Regional Directors appointed by the Directorate of Customs.

The decisions of the Directorate of Customs shall be adopted by consensus, failing which decisions shall be made at the level of the PCC by simple majority of its members, on basis of the Customs Code.

The Parties agree to establish a Committee (hereinafter referred to as the Harmonisation Committee) chaired by a representative of the International Community [IMF, World Bank, United Nations Development Programme (UNDP), African Union, European Union, International Organisation of the Francophonie (OIF)], which will be responsible for harmonising customs norms and structures as well as macro-economic data. This should be completed within the two months following the signing of the present Agreement.

Meanwhile, the Parties agree to immediately establish, in Anjouan, a private international structure, to be recommended by the World Bank, to monitor transparency and control of customs operations. This structure will be results-driven.

(b) Budget for the transitional period

The Comorian Parties agree to:

- the opening of a special account with the Central Bank of the Comoros (BCC) and the depositing in that account of the fiscal and non-fiscal revenues to be shared;
- automatic transfer, following the establishment of the common mechanism for the collection of the revenues and after the deduction of external debt service, into the individual accounts of the respective governments of the Union and the Autonomous Islands of Anjouan, Ngazidja and Mwali, on the basis of the following quotas: Union – 28%, Ngazidja – 32.5%, Anjouan – 30.5%, Mwali – 9%;
- the Harmonisation Committee shall verify the extent to which the budgets submitted by the Union and the Islands, on the basis of the quotas, correspond to their respective needs. When the expenditures of one of the Parties are not proportionate to its quota, the Harmonisation Committee shall modify the rate of the quotas and, consequently, the amount of the budgets, making use, where possible, of the Trust Fund to be established.

At the same time, the Comorian Parties agree to the following measures:

- establishment, through the Harmonisation Committee, of a monitoring mechanism responsible for verifying the accuracy and transparency of the expenditures of the Union and the Autonomous Islands during the transitional period;
- commissioning, through the Harmonisation Committee, for review and decision, of a study on the number of employees in the civil service and on the payroll, it being understood that the recruitment process will be frozen until such a time as the needs of the Union and the Autonomous Islands have been identified;
- pending the completion of the establishment of the institutions of the Union of the Comoros, in particular the voting of organic laws governing the distribution of powers, the President of the Union, within two weeks following the signing of the present Agreement, shall issue a Decree to put into effect the transitional budget consisting of the budget of the Union and those of the Autonomous Islands of Anjouan, Ngazidja and Mwali.

(c) Special provision for Ngazidja

An exceptional appropriation corresponding to the difference between the amount actually paid to Ngazidja and the amount that should have been paid would be given to Ngazidja to cover the expenses incurred in relation to the functioning of the Executive Branch of the Island since January 2003.

(d) Consolidated budget

As soon as the organic laws on the distribution of powers have been adopted, the Comorian Parties agree to adopt a consolidated budget providing for the special account mentioned above and an automatic transfer to the individual accounts of the respective governments of the Union and the Autonomous Islands.

IV. SECURITY ARRANGEMENTS

The Comorian Parties agree:

- to the deployment of civilian and military observers of the African Union during the entire transitional period;
- that the national command and control of the gendarmerie shall be the responsibility of the Union. However, during the transitional period, and for the purpose of the elections, this force, which shall be adequately resourced, shall be placed, for use, in its usual mission, at the disposal of the Presidents of the Islands. This arrangement cannot be repealed during the transitional period;
- that, during the entire electoral period, the use of the National Gendarmerie shall be decided in close concert with the National Independent Electoral Commission (NIEC) and the AU Military Observers;
- that the Comorian Defence Force shall in no way be involved in the electoral process.

V. LEGISLATIVE ELECTIONS

The Comorian Parties agree to finalise the electoral process before the end of April 2004, at the latest. To this effect, the National Independent Electoral Commission (NIEC) will establish an electoral calendar consistent with this deadline. As for the respective governments of the Union and the Autonomous Islands, they will sign the notification decrees of the electoral body within two weeks, at the latest, following the signature of the present agreement.

The Follow-up Committee of the present Agreement shall renew the composition of the Validation Commission and the latter shall validate the results of the forthcoming legislative elections.

VI. FOLLOW-UP OF THE IMPLEMENTATION OF THE PRESENT AGREEMENT

In order to implement the present Agreement scrupulously and in good faith, a Follow-up Committee will be established, consisting of representatives from the Comorian Parties signatory to the present Agreement and the International Community. This Follow-up Committee will monitor and ensure that commitments are respected, and shall interpret the provisions of the present Agreement and take all the necessary measures in this regard.

The Committee will be chaired by the African Union (South Africa, as coordinator of regional efforts on the Comoros, and the Commission of the African Union) and will consist of representatives from the countries of the region and the AU Troika, France, European Union, the International Organisation of Francophonie, the United Nations, the IMF, the World Bank, the League of Arab States and the Indian Ocean Commission.

The Committee will adopt its own rules of procedure.

Whenever the Comorian Parties meet, the Chairperson of the follow-up Committee should make himself/herself available to participate in such meetings

VII. SUPPORT OF THE INTERNATIONAL COMMUNITY

As soon as an agreement is signed between the Union and the autonomous Islands, the international community shall be invited to:

- give its technical and financial support to the electoral operations;
- give, as soon as possible, the necessary technical and financial support for the preliminary activities prior to the organisation of elections (General Assembly of the NIEC, updating of voters lists, recruitment and training of agents, etc.);
- disburse the assistance promised by the donors (IMF, World Bank, Meeting of the Friends of the Comoros, etc.) to support the execution of the agents, etc.;
- support the execution of the budget of the Union through a specific contribution.

Signed in Moroni on the 20th of December 2003

FOR THE COMORIAN PARTIES

AZALI ASSOUMANI
President of the Union of the Comoros

MOHAMED BACAR
President of the Autonomous
Island of Anjouan

MZE ABDOU SOULE EL BAK
President of the Autonomous
Island of Ngazidja

MOHAMED SAID FAZUL
President of the Autonomous Island of Mwali

IN THE PRESENCE OF:

THABO MBEKI
President of the Republic of South Africa
and Coordinator of the efforts of the Countries of the Region and
the Troika of the African Union on the Comoros

PAUL BERENGER
Prime Minister of Mauritius

JACQUES SYLLA
Prime Minister of
The Madagascar Republic

ABDULKADER SHAREEF
Vice-Minister of Foreign Affairs of the
Tanzanian Republic

ABDOU DIOUF
Secretary-General
International Organization of the Francophonie

PIERRE ANDRE WILTZER
Minister delegate for Cooperation and
Francophonie of the French Republic
Representative of the European Union

MAMADOU KANE
Representative of the United Nations

WILFRID BERTILE
Secretary-General of the
Indian Ocean Commission

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**NINETY-SEVENTH ORDINARY SESSION AT
AMBASSADORIAL LEVEL OF THE CENTRAL
ORGAN OF THE MECHANISM FOR CONFLICT
PREVENTION, MANAGEMENT AND RESOLUTION**

**30 JANUARY 2004
ADDIS ABABA, ETHIOPIA**

Central Organ/MEC/AMB/COMM.(XCVII)

**COMMUNIQUE OF THE NINETY-SEVENTH ORDINARY SESSION AT
AMBASSADORIAL LEVEL OF THE CENTRAL ORGAN OF THE MECHANISM
FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION, 30
JANUARY 2004**

The Central Organ of the Mechanism for Conflict Prevention, Management and Resolution held its 97th ordinary session at Ambassadorial level in Addis Ababa, Ethiopia, on 30 January 2004 under the Chairpersonship of Ambassador Ana Nemba Uaiene, Permanent Representative of Mozambique to the African Union (AU).

The session considered the Report of the Chairperson of the Commission on the Situation in The Comoros.

The Central Organ was also informed by the Commissioner in charge of Peace and Security, Ambassador Saïd Djinnit, about the developments in the Reconciliation Process in Somalia as well as ongoing consultations initiated by the European Union (EU) of a Peace Support Operation Facility for the African Union.

The Central Organ was further informed about the development of the situation in Cote d'Ivoire.

At the end of its deliberations, the Central Organ decided as follows:

(1) ON THE SITUATION IN THE COMOROS

The Central Organ:

1. **WELCOMED** the signing of an Agreement on 20 December 2003, on the Transitional Arrangements in The Comoros and the outcome of the first meeting of the Follow-up Committee on the Agreement, which took place from 5 to 7 January 2004, as well as the progress made since then in the search for a lasting solution to the Comorian crisis;
2. **REQUESTED** the Comorian signatories to the 20 December 2003 Agreement to scrupulously honour their commitment and to refrain from any act or initiative that could impede the efforts underway;
3. **WELCOMED** the support provided by AU partners, in particular, the International Organisation of Francophonie (OIF), the European Union, the League of Arab States, the Indian Ocean Commission (IOC), the United Nations (UN), the United Nations Development Programme (UNDP) and the Bretton Woods Institutions (World Bank and IMF), to the efforts aimed at concluding successfully the reconciliation process;
4. **WELCOMED** the measures already taken by the Follow-up Committee and the other structures provided for within the framework of the Agreement of 20 December 2003, as well as by the Commission of the African Union, to facilitate the implementation of the Agreement;
5. **AUTHORIZED** the deployment of an AU Observer Mission (MIOC) for a period of four months, as recommended in paragraphs 23 and 24 of the Report of the Chairperson of the Commission on the Situation in The Comoros;
6. **REQUESTED** those Member States in a position to do so and the AU partners to provide the necessary financial and logistical support to facilitate the speedy deployment of the Mission and to ensure that it functioned effectively;
7. **EXPRESSED** delight at the positive outcome of the meeting that was convened in Paris on 21 January 2004, to establish the Trust Fund to support the ongoing transition in The Comoros;
8. **EXPRESSED** its appreciation to President Thabo Mbeki, the countries of the Region and the AU Troïka, as well as the Special Envoy of the Chairperson of the Commission, Francisco Madeira, for their determined efforts that had moved forward the reconciliation process in The Comoros.

(2) ON THE RECONCILIATION PROCESS IN SOMALIA

The Central Organ:

1. **WELCOMED** the signing, on 29 January 2004, of the Declaration on the Harmonisation of the Various Issues Proposed by the Somali Delegates at the Somali Consultative Meetings, held from 9 to 29 January 2004, and the spirit of compromise that prevailed during those meetings, as an important step towards lasting reconciliation in Somalia;
2. **COMMENDED** President Yoweri K. Museveni, Chairman of IGAD, President Mwai Kibaki and the Facilitation Committee, for their efforts aimed at sustaining the reconciliation process for Somalia;
3. **CALLED UPON** all the Somali factions and leaders to continue to uphold the spirit enshrined in the Eldoret Declaration of 27 October 2002 and not to engage in any action that would jeopardise the Somali reconciliation process at Mbagathi, Kenya, that was approaching a conclusive stage;
4. **EXPRESSED** concern at the tension between Puntland and Somaliland and **CALLED UPON** the authorities concerned to desist from resorting to military means to resolve their territorial dispute relating to the provinces of Sool and Sanaag;
5. **URGED** the countries of the Region, the AU Member States and the international community to strictly comply with the UN Security Council Arms Embargo Against Somalia;
6. **REQUESTED** the international community to provide humanitarian assistance to the needy population in Somalia. The Central Organ further requests the Somali factions and communities to facilitate the provision of necessary assistance to the needy populations by humanitarian organisations.

(3) ON THE ESTABLISHMENT BY THE EUROPEAN UNION OF A PEACE FACILITY FOR THE AFRICAN UNION

The Central Organ:

1. **ENCOURAGED** the Commission to pursue its consultations with the EU Commission, with a view to finalising the modalities for the operationalisation of the Facility, in conformity with Decision Assembly/AU/Dec.24(II) adopted in Maputo, in July 2003, in which the Assembly requested the EU to examine the possibility of setting up a Peace Support Operation Facility to fund peace support and peacekeeping operations conducted under the authority of the AU;
2. **REITERATED** the central role to be played by the AU relevant policy organs, in particular the Peace and Security Council, in deciding on the peace support and peacekeeping operations to be funded by the Facility and authorising requests for funding to be submitted by the Commission.

(4) ON THE RECONCILIATION PROCESS IN COTE D'IVOIRE

The Central Organ:

1. **EXPRESSED SATISFACTION** at the progress made in the national reconciliation process in Cote d'Ivoire, particularly the return of the "*Forces Nouvelles*" to the fold of the Government and the relevant decisions taken by the Government;
2. **ENCOURAGED** the Ivorian political forces to continue to honour their commitments, in conformity with the Linas-Marcoussis Agreement and to persevere in their efforts aimed at strengthening the Reconciliation Process;
3. **PAID** tribute to ECOWAS for the efforts made, with the support of the United Nations and other partners of the International Community, to promote reconciliation in Cote d'Ivoire;
4. **SUPPORTED** the requests made by Cote d'Ivoire and ECOWAS for the speedy deployment of a Peacekeeping Force in Cote d'Ivoire. In that regard, the Central Organ supported the proposal made by the UN Secretary-General in his Report submitted to the Security Council on the deployment of a Peacekeeping operation in Cote d'Ivoire.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**NINETY-SEVENTH ORDINARY SESSION OF THE
CENTRAL ORGAN OF THE CONFLICT
PREVENTION, MANAGEMENT AND
RESOLUTION MECHANISM
AT AMBASSADORIAL LEVEL
30 JANUARY 2004
ADDIS ABABA, ETHIOPIA**

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON
DEVELOPMENTS IN THE SITUATION IN THE COMOROS, 30 JANUARY
2004**

I. INTRODUCTION

1. The situation in The Comoros was examined by the Executive Council meeting in its 3rd Ordinary session in Maputo in July 2003. In its decision no. EX/CL/Dec.36 on The Comoros, the Executive Council, among other things, expressed its grave concern at the difficulties encountered in the implementation of the Fomboni Framework Agreement. It urged all the concerned Comorian parties to demonstrate the spirit of dialogue and accommodation to speed up the reconciliation process and encouraged the ministerial Committee of the countries of the region and the Troika to pursue their efforts to resolve all outstanding issues to pave the way for legislative elections.

2. The present report gives an account of the efforts since deployed by the African Union, with the support of the international community, to bring the reconciliation process in The Comoros to a successful conclusion. It also contains recommendations on the measures that need to be taken by the AU, to backstop the ongoing process.

**II. DEVELOPMENT IN THE EFFORTS TO SUCCESSFULLY
CONCLUDE THE RECONCILIATION PROCESS**

**a) Signing of the December 2003 Agreement on
Transitional Arrangements in The Comoros**

3. The Central Organ will recall that in pursuance of the Fomboni Framework Agreement for National Reconciliation in The Comoros signed on 17 February 2001, a new federal constitution was adopted in December 2001 for the Union of The Comoros, while the Autonomous Islands of Anjouan, Grande Comore and Moheli were endowed with Basic Laws. Presidential elections were also organised in April and May 2001, culminating in the elections of the President of The Comoros and the Presidents of the Autonomous Islands.

4. However, after these initial successes, the Fomboni Framework Agreement implementation process ran into difficulties arising from differences among the Comorian parties on the way forward to legislative elections and finalisation of the establishment of the Union institutions. On the one hand, the Autonomous Islands were pressing for the immediate exercise, prior to any election of the powers they considered as devolving on them by virtue of the Constitution of the Union and their respective Basic Laws. It was clearly intended, by this demand, that corresponding resources would be made available to them. In this connection, the Islands relied on the quota proposed in the IMF Aide-Memoire of 19 December 2002 on budget guidelines for 2003, which provided for the following allocative key: Union 28%, Anjouan 30.5%, Grande Comore 32.5%, and Moheli 9%.

5. On the other hand, the Union Government held that the powers of the Islands could be defined only after election of the assembly of the Union which would then adopt an organic law to that effect; and to this end, the Union called for urgent organisation of legislative elections. In the meantime, the Union stated that it was prepared to provide the Islands with special grants to facilitate the functioning of their superstructure, as the Executives of the Autonomous Islands were called.

6. As a matter of fact, the differences between the Union and the Autonomous Islands soon crystallised around the modalities for management of the pre-legislative election period and finalisation of the establishment of the Union institutions, with special focus on: control of the customs, the budget (automatic allocations to the Autonomous Islands of amounts equivalent to the quota mentioned above, or special grant to cover the running costs of their superstructure) and security arrangements, particularly control of the gendarmerie during the elections.

7. In July last year, in the aftermath of the Executive Council session in Maputo, a ministerial delegation composed of the countries of the region and the African Union Troika led by the South African Foreign Minister visited The Comoros, and on that occasion, tabled proposals as a way out the crisis. The proposals were accepted by the Union, but rejected by the Autonomous Islands. Another meeting of the countries of the region and the Troika convened in Pretoria from 14 to 16 August 2003 was not more successful. It should be recalled that the Memorandum on Transitional Arrangements in The Comoros initialled at the meeting was accepted only by representatives of the Autonomous Islands as the Union rejected the document.

8. At the aforementioned talks with the Comorian parties in Moroni in July 2003, it was agreed that President Thabo Mbeki, in his capacity as the coordinator of the initiatives of the countries of the region and the Troika on The Comoros, would convene a meeting between the President of the Union and the Presidents of the Islands with a view to giving effect to any eventual agreement. The principle of holding such a meeting at Summit level was reaffirmed in the Pretoria Memorandum. It was against this background that President

Mbeki proceeded to Moroni on 20 December 2003, where he chaired the meeting between the President of the Union and the Presidents of the Islands.

9. The meeting which was preceded by technical discussions under the auspices of my special envoy Francisco Madeira, was attended by the Prime Minister of Mauritius Paul Berenger and that of Madagascar Jacques Sylla, and the Tanzanian Deputy Minister of Foreign Affairs Abdulkader Shareef. The International Organisation of the Francophonie (IOF) was represented by its Secretary General Mr Abdou Diouf, while France which was also standing in for the European Union, was represented by its Minister Delegate for Cooperation and the Francophonie Pierre Andre Wiltzer. Noteworthy was the presence of the Indian Ocean Commission (IOC) and the United Nations.

10. At the end of the 20 December meeting, the Comorian parties signed an Agreement on Transitional Arrangements in The Comoros (*vide* text of the Agreement in the Annexe). The Agreement provided for legislative elections to be held before April 2004. The Comorian parties agreed to pursue the consultations that they had initiated under the auspices of the IOF on the delicate issue of power sharing, and to submit the outcome to the Assembly of the Union for a decision.

11. In the meantime, transitional arrangements on the following issues were agreed.

- **Customs**

The Agreement provided for the establishment of a Provisional Customs Council (PCC) to monitor the collection and control of shared customs revenue. The PCC would be composed of seven (7) members, namely: a Director General appointed by the President of the Union, three (3) Deputy Directors General appointed by each of the Autonomous Islands and three (3) international experts seconded to The Comoros by international partners. The Director General and Deputy Directors General would constitute the Directorate of Customs with responsibility for management of the Customs Services.

A Committee to be known as the Harmonisation Committee, of which the AU is member, would also be set up to harmonise the customs standards and structures, as well as macro-economic data. In so doing, the committee would take into account the special developments in the Island of Anjouan since the outbreak of the Secessionist crisis in 1997, and facilitate its re-integration into the customs structure of the Archipelago.

- **Budget for Transitional Period**

The Agreement provided for the opening of a Special Account with the Central Bank of The Comoros (BCC) in which all the revenue to be shared would be deposited, and for the subsequent transfer of such revenue into the individual accounts of the Islands and of the Union in accordance with the aforementioned quota, it being understood that such transfer would be effected only after the Harmonisation Committee had examined the budget of each of the Autonomous Islands and that of the Union to ascertain whether they are consistent with actual needs of these entities. The Harmonisation Committee would, if need be, adjust the

allocation quota, and by so doing, amend the amounts contained in the budgets submitted to it.

- **Security Arrangements**

The Comorian Parties agreed to the deployment of AU civilian and military observers during the entire transition period as well as placing forces of the gendarmerie at the disposal of the Presidents of the Islands, during the transition period and for the purpose of the elections. The use of the gendarmerie during the electoral period can only be decided in close concert with the National Independent Electoral Commission (CNEI) and the AU Military Observers.

12. Finally, it should be noted that the Agreement provides for the establishment of a Follow-Up Committee chaired by the AU. This Committee will be charged with ensuring that commitments are respected and shall interpret the provisions of the Agreement.

b) First Meeting of the Monitoring Committee

13. The Follow-Up Committee took note of the appointment by the German Government of the union of the Director General of customs. The Autonomous Islands of Anjouan, Moheli and Grande Comore pledged to communicate, at the latest on 7 January 2004, the names of the Deputy Directors General appointed by their respective Presidents. The follow-Up Committee agreed that three international expert members of the CDD would be made available to The Comoros by France, the World Bank and the African Union, and that the Harmonisation Committee would be chaired by an expert appointed by the IOF.

14. At the said meeting, the Follow-Up Committee took the following decisions (see the Summary of Conclusions attached as an annexe).

- **Customs**

The Follow-up Committee took note of the appointment by the Government of the Union of the Director General of Customs. The Autonomous Islands of Anjouan, Moheli and Grande Comore pledged to communicate, at the latest on 7 January 2004, the names of the Deputy Directors General appointed by their respective Presidents. The Follow-up Committee agreed that three international experts, members of the CDD would be made available to The Comoros by France, the World Bank and the African Union, and that the Harmonisation Committee would be chaired by an expert appointed by the IOF.

- **Budget**

The Follow-Up Committee agreed that special account should immediately be opened with the Central Bank of The Comoros (BCC) as stipulated by the Agreement of 20 December. It took note of the implementation, by a decree issued by the President of the Union, signed on 7 January 2004, of the transition budget of the Union and those of the Autonomous Islands.

- **Security Arrangements**

The Follow-up Committee was briefed on the on-going efforts to deploy African Union observers. The Follow-Up Committee mandated the French Ambassador, who is also the representative of the Chair of the European Union, in his dual capacity as Member of the Committee and Dean of the Diplomatic Corps, to immediately enter into contact with the Comorian Parties concerned, namely, the Union, on the one hand, and the Autonomous Islands on the other, to facilitate the requisite measures for the gendarmerie to be effectively assigned to the Presidents of the Autonomous Islands in conformity with the conditions and terms spelt out in the Agreement, by 20 January 2004 at the latest.

- **Electoral Matters**

The Follow-up Committee approved the schedule prepared by the CNEI. This schedule envisages the holding of elections for the Island Assemblies on 14 March 2004 for the first round and 21 March 2004 for the second round, while the Assembly of the Union would take place on 18 April 2004 and 25 April 2004 respectively for the first and second rounds. The Follow-up Committee took note of the signing, by the President of the Union, of a decree to notify the electorate of the elections into the Assembly of the Union, as well as the promulgation by the Presidents of the Autonomous Islands of decrees convening the electorate for elections into the Island Assemblies.

The follow-up Committee decided to renew the membership of the Validation Commission, which would comprise four (4) members for The Comoros, that is one from each Comorian party, and four (4) international members appointed by the African Union, the IOF, the United Nations and the League of Arab States. The Follow-up Committee mandated UNDP to coordinate international community assistance towards the electoral process. Lastly, the Follow-up Committee fielded a joint mission in The Comoros made up of representatives of the AU, the IOF, the ICO, the UN and the League of Arab States to evaluate the situation prevalent in each of the Autonomous Islands, and ascertain whether the requisite conditions for free, transparent, fair and democratic elections have been met.

- **Monitoring Implementation of the Agreement**

The Follow-up Committee recommended that South Africa, the country coordinating the regional initiatives on The Comoros, should consider convening a high-level meeting of member countries and organisations of the Committee, to undertake a mid-term evaluation of implementation of the Agreement.

III. IMPLEMENTATION STATUS OF THE 20 DECEMBER 2003 AGREEMENT

15. Since the signing of the 20 December Agreement, the overall situation in the Archipelago has evolved positively. The Comorian Parties have respected their commitments to date.

16. On 13 and 14 January, the Customs Department held its first meeting. The deliberations, which took place in a cordial atmosphere, focused mainly on the establishment of a mechanism for monitoring customs revenue statistics, the harmonisation of customs tariffs applicable throughout the customs territory of the Union and the re-

organisation of the Customs Department with a view to single and common customs. I appointed a Tunisian expert to represent the AU in this structure.

17. Furthermore, at the time of finalising the present report, the Harmonisation Committee was holding its first meeting. The Committee is chaired by Mr Mamadou Lamine Loum, former Finance Minister and former Prime Minister of Senegal. In conformity with the Summary of Conclusions of the First Meeting of the Follow-Up Committee, Mr Loum was appointed by the Secretary General of the OIF, Mr Abdou Diouf. The AU is represented within the Committee by an expert from Benin.

18. Efforts are underway to finalise the assigning of the gendarmerie forces to the Presidents of the Islands. As indicated above, the assigning of the gendarmerie should be effective as from 20 January 2004, at the very latest. Immediately after the meeting of the Follow-up Committee, the Ambassador of France initiated consultations with all the parties concerned to facilitate the requisite measures for effectively assigning the gendarmerie. To this end, proposals were submitted to the parties, who communicated their positions. At the time of finalising the present report, consultations are still underway to reach a compromise acceptable to all the parties.

19. The electoral process had also progressed significantly. Right after the meeting of the Follow-up Committee, the CNEI embarked on updating the voter lists. To date, the different deadlines set for this exercise have been respected. The same goes for the deadlines laid down for submitting candidatures, which ended on 25 January 2004. According to the CNEI, 81 candidatures were registered in Grande Comore, 79 in Anjouan and 30 in Moheli.

20. According to the terms of the 20 December 2003 Agreement, the international community pledged its support to the efforts of the Comorian Parties through the granting of specific assistance. During the above-mentioned meeting, the Follow-Up Committee welcomed the initiative of the World Bank to convene a meeting in Paris, to establish a Trust Fund, calling upon donors, on that occasion, to show flexibility in the allocation and release of their financial contributions.

21. The Paris Meeting was held on 21 January. The AU and South Africa (the country coordinating regional initiatives on The Comoros) participated in the meeting. The meeting made it possible to consider the legal structure of the Trust Fund and its area of intervention, the financial commitments of donors and the joint mission that the development partners should undertake to The Comoros to identify the financial needs.

IV. THE ROLE OF THE AU IN THE IMPLEMENTATION OF THE 20 DECEMBER AGREEMENT

22. The AU whose involvement in the Comorian crisis dates back to 1997 has, in concert with its partners within the international community, a crucial role to play in the implementation of the 20 December Agreement. The organisation is the chair of the Follow-up Committee. Furthermore, the AU sits on the Customs Council and the Harmonisation Committee. As mentioned above, I appointed two experts, one from Benin and one from Tunisia, to represent the AU in these two organs. It is also necessary for the AU to appoint an expert who will represent it in the Validation Commission whose task is to validate the election.

23. One of the main provisions of the 20 December 2003 Agreement aimed at promoting a climate of trust and serenity necessary for the smooth conduct of the electoral process relates to the deployment of a group of observers at the request of the Comorian parties, as provided for in chapter IV of the 20 December Agreement. Pursuant to that provision, I recommend the immediate deployment of an AU Observer Mission in The Comoros (OMIC) to:

- build confidence among the Comorian parties with a view to facilitating transition as provided for in the 20 December Agreement;
- help create the necessary security conditions on each of the islands of the Archipelago;
- ensure that the conditions for the use of the gendarmerie during the transition period are consistent with the letter and spirit of the 20 December 2003 Agreement, and that the Comorian Defence Force is not involved in the electoral process; and
- provide every possible assistance to facilitate the smooth conduct of the transition.

24. In view of operational exigencies, the mission will comprise a total of 24 observers deployed on the Islands of Anjouan, Grande Comore and Moheli. The Mission Headquarters will be based in Moroni and Grande Comore. OMIC will be deployed for a four-month period starting from the date the Mission becomes operational. The estimated cost of the deployment amounting to about US\$9,000,000 will be financed from resources of the Peace Fund.

25. I intend to appoint in the not too distant future a Head of the Moroni Office. That post has been vacant since the demise of the incumbent in April 2003. The AU will also contribute to the financing of the electoral process.

V. OBSERVATIONS

26. The signing of the 20 December Agreement marks a major milestone in the search for a lasting solution to the crisis which has been dogging the Archipelago since 1997. I am particularly encouraged by the positive developments that have since taken place in The Comoros and the sense of responsibility demonstrated so far by the Comorian parties. In this connection, I would like to inform the Central Organ that President Azali Assoumani had sent an emissary to the commission to reaffirm his government's commitment to scrupulous compliance with the 20 December Agreement.

27. The international community no doubt has crucial role to play in facilitating the successful implementation of the on-going process. In this regard, I welcome the positive results of the Paris meeting. I call on the bilateral and multilateral partners of The Comoros to support the efforts of the Comorian parties. I plan to get in touch with the Mauritian authorities in the coming days to examine with the latter, pursuant to the mandate entrusted to them, the modalities for the rapid convening of a Round Table devoted to the socio-economic development of the Archipelago.

28. In the light of the foregoing, the Central Organ may wish to:

- express its satisfaction at the positive developments in the situation in The Comoros and thank President Thabo Mbeki and the South African Government, as well as the countries of the region and the Troika for their relentless efforts which made it possible to push the reconciliation process in The Comoros forward;

- welcome the results of the Paris meeting and request the partners of The Comoros to support the current efforts with a view to their success;
- welcome the measures already taken by the Commission to facilitate the implementation of the 20 December Agreement.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL
Second Ordinary Session
25 March 2004
Addis Ababa, Ethiopia

PSC/PR/Communiqué (II)

COMMUNIQUÉ OF THE PEACE AND SECURITY COUNCIL, 25 MARCH 2004

The Peace and Security Council meeting in its Second Session, on 25 March 2004, in Addis Ababa, Ethiopia, to consider the situation in Burundi, with particular reference to the mandate of the African Mission in Burundi (AMIB):

- 1. Recalls** decision *Central Organ/MEC/AMB/Comm. (XCI)*, adopted by the 91st Ordinary Session of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution at Ambassadorial level held in Addis Ababa, Ethiopia, on 2 April 2003, which mandated the deployment of the African Mission in Burundi (AMIB) for an initial period of one year subject to renewal and pending the deployment of a UN peacekeeping force to be mandated by the UN Security Council, as envisaged in the Ceasefire Agreements of 7 October and 2 December 2002;
- 2. Welcomes** the significant progress made in the search for lasting peace and reconciliation in Burundi and **notes with satisfaction** the conclusion of the Pretoria Protocols of 8 October and 2 November 2003, as endorsed by the 20th Regional Summit on Burundi held in Dar es Salaam on 16 November 2003, as well as the marked improvement in the security situation in the country;
- 3. Considers** that with these developments, a conducive environment has now been created for the deployment of a UN peacekeeping mission, as envisaged in the Ceasefire Agreements entered into by the Burundian parties;

4. **Pays tribute** to the Leaders of the Region including in particular, President Yoweri Museveni of Uganda and El-Hadj Omar Bongo Odimba, President of the Gabonese Republic, for promoting the regional peace initiative in Burundi. **Further pays tribute** to the Deputy President of South Africa, Mr Jacob Zuma, for his tireless efforts to facilitate a peaceful and negotiated settlement of the conflict in Burundi;
5. **Commends** the crucial role played by the African Mission in Burundi (AMIB) in the consolidation of the peace and reconciliation process, in spite of the severe financial and logistics constraints facing the Mission;
6. **Expresses its profound gratitude** to the Troop Contributing Countries (TCCs) South Africa, Ethiopia and Mozambique – and to the countries providing military observers (Burkina Faso, Gabon, Mali, Togo and Tunisia) – for their commitment and the sacrifices they have made to ensure the success of the Mission;
7. **Further expresses its appreciation** to Italy, Germany, the UK and Senegal for the financial contributions and support extended to AMIB, as well as to the EU, Belgium and Ireland that had made pledges of financial support to the Mission;
8. **Recalls** the appeal of the 4th ordinary Session of the Executive Council of the African Union, held in Addis Ababa, on 15 and 16 March 2004, urging the United Nations Security Council to authorise, as early as possible, the deployment of a peacekeeping force in Burundi;
9. **Strongly**, urges the UN Security Council to authorise the early deployment of a UN Peacekeeping Mission on the basis of the recommendations made by the UN Secretary-General in his report to the Security Council on 16 March 2004 and in conformity with the primary responsibility of the Council for the maintenance of international peace and security;
10. **Decides**, in the meantime, to renew the mandate of AMIB for a period of one (1) month, from 2 April to 2 May 2004, on the understanding that the UN Security Council will deploy a peacekeeping Mission in Burundi before the end of this new mandate;
11. **Appeals** to all the Stakeholders in Burundi to continue to extend their fullest cooperation to AMIB to facilitate the implementation of its mandate;
12. **Decides** also to dispatch a mission of the Peace and Security Council to Burundi, with the view to expressing the appreciation of the Council and the African Union, to the Troops, Observers and other personnel serving with AMIB, as well as to assess the situation on the ground in Burundi;
13. **Reiterates** AU's appeal to the PALIPEHUTU-FNL of Agathon Rwasa to work towards the speedy conclusion of a ceasefire agreement with the Transitional Government of Burundi (TGoB) and to join the peace and reconciliation process;
14. **Appeals urgently** to AU Member States and the international community at large, to provide financial and logistics support to sustain the activities of the African Mission in Burundi, pending the deployment of a UN peacekeeping mission;

15. **Encourages** the Transitional Government of Burundi and the Burundian parties to make maximum efforts to ensure the successful conclusion of the transitional period as provided for in the Arusha Peace and Reconciliation Agreement of 28 August 2000, including taking all the necessary steps for the holding of elections as envisaged in the said Agreement.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL
6th SESSION
29 APRIL 2004
ADDIS ABABA, ETHIOPIA

PSC/PR/3(VI)
ORIGINAL: FRENCH

REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN THE COMOROS, 29 APRIL 2004

I. INTRODUCTION

1. The present report gives an account of the efforts deployed by the African Union, with the support of the international community, to complete the reconciliation process in The Comoros, since the 97th Ordinary Session of the Central Organ of the Conflict Prevention, Management and Resolution Mechanism at Ambassadorial Level, held on 30 January 2004.

II. CONDUCT OF THE ELECTORAL PROCESS

2. The Agreement on the Transitional Arrangements in The Comoros, signed by the Comorian parties at the end of the 20 December 2003 meeting in Moroni, provides for the completion of the electoral process before the end of April 2004, at the latest. At its first meeting, held in Moroni from 5 to 7 January 2004, the Follow-Up Committee, which is presided over by the AU (in the person of my Special Envoy, Francisco Madeira, and the representative of South Africa, as coordinating country of regional efforts on The Comoros), approved the electoral calendar prepared by the National Independent Electoral Commission (CNEI). This scheduled the elections for

the Assemblies of the Autonomous Islands on 14 (1st round) and 21 (2nd round) March, and that of the Assembly of the Union on 18 (1st round) and 25 (2nd round) April.

3. On 3 January 2004, the President of the Union signed the decree setting the date for the elections to the Assembly of the Union. Furthermore, and pursuant to the 20 December 2003 Agreement, the President of the Union, by decree, and for election requirements, placed at the disposal of the Presidents of the Islands, the forces of the gendarmerie for use in the usual mission during the transition period. For their part, on 7 January 2004, the Presidents of the Autonomous Islands of Anjouan, Mohéli and Ngazidja signed similar decrees.

4. To ensure the smooth conduct of the legislative elections, the Commission, in collaboration with the League of Arab States, the Indian Ocean Commission, the International Organisation of Francophonie and France, deployed an election observation mission to The Comoros. The AU observers were from South Africa, Kenya, Mauritius, Madagascar and Tanzania.

5. It should also be recalled that, at its first meeting, the Follow-Up Committee, in implementation of the 20 December 2003 Agreement, renewed the composition of the Validation Commission charged with validating the results of the legislative elections as follows: four Comorian members and four international members appointed by the African Union, OIF, the United Nations (it should however be noted that the AU replaced the UN, which did not nominate its representative) and the League of Arab States. Subsequently, I nominated two judges to represent the African Union on the Validation Commission. The OIF nominated Maître Abraham Zinzindohoue to chair the Validation Commission. The Comorian parties appointed their representative on the Validation Commission.

6. Under the terms of the 20 December 2003 Agreement, the international community undertook to support the efforts of the Comorian parties, including the electoral process, by granting specific assistance. In this regard, a Fiduciary Fund was established. The Follow-Up Committee mandated the UNDP to coordinate the international community's assistance to the electoral process.

7. The African Union provided a financial contribution of US\$50,000 to support the electoral process, and is considering making an additional contribution to help cover the activities of the electoral process that have not yet been financed. The UNDP also concluded contribution agreements with France for the sum of 1 million Euros, part of which is meant for the electoral process; Germany for 50,000 Euros; OIF for 50,000 Euros; and the League of Arab States for the sum of US\$400,000. South Africa contributed 5 million Rand (that is US\$748,369) to the African Union Peace Fund, to support the ongoing reconciliation process in The Comoros. It should also be noted that, within the framework of the agreement signed by the EU and AU Commissions, to support the AU's peace and security agenda, the sum of 100,000 Euros is provided to assist in the organisation of legislative elections and the establishment of other institutions of the Union of the Comoros.

8. Elections to the Assemblies of the Islands were held on 14 and 21 March 2004. They took place in a calm atmosphere. The results of these elections are as follows: Union, 12 parliamentarians (of which 7 to Ngazidja, 4 to Anjouan and 1 to Mohéli); Anjouan, 19 parliamentarians; Ngazidja, 13 parliamentarians; and Mohéli, 9 parliamentarians.

9. It should however be specified that at the 5th meeting of the Follow-Up Committee held in Moroni from 12 to 14 April 2004, the Committee was informed by the Union of The Comoros of organisational problems that occurred in the 14th electoral district of Anjouan (Domoni), which led to the results of this district being invalidated twice by the Validation Commission. While the CNEI was preparing to organise, on 11 April, a partial election in the district concerned, the Minister of Interior of the Autonomous Island of Anjouan seized the electoral material. This attitude was strongly condemned by the Follow-Up Committee, which recalled that, in the absence of the Constitutional Court, the decisions of the Validation Committee were applicable to all parties. The Follow-Up Committee decided to organise partial elections in this district, together with the first round of the election to the Assembly of the Union, and requested the Anjouanese authorities to cooperate to ensure the smooth conduct of these partial elections.

10. The first round of the elections to the Assembly of the Union was held on 18 April 2004. The results of these elections, as announced by the Validation Commission, are as follows: out of the 18 candidates for parliamentary representation, 8 were elected in the first round, 3 of whom were partisans of the Union, and 5 for the Autonomous Islands.

11. After the announcement of the results of the first round of the elections and the partial elections of the 14th electoral district of the Autonomous Island of Anjouan, representatives of the Autonomous Islands in the Validation Commission resigned in protest. On 23 April, the Presidents of the Autonomous Islands of Ngazidja, Anjouan and Mohéli, meeting in Anjouan, published a resolution in which they stated that they had observed serious violations in the validation and deliberation procedures of the results of the 18 April 2004 elections. They attributed these violations to the Chairperson of the Validation Commission, demanding, from the Follow-Up Committee, the replacement of Maître Abraham Zinzindohoue and a re-examination of the litigations arising during the last elections. They stressed that they would not nominate new representatives to the Validation Commission until these conditions had been met.

12. At the time of finalising this report, the results of the second round of the elections to the Assembly had yet to be announced. However, voting took place in a calm atmosphere.

III. ACTIVITIES OF MILITARY OBSERVERS

13. The 97th Session of the Central Organ authorised the deployment of an AU Observer Mission in The Comoros (MIOC) for a duration of four months.

14. In conformity with that decision, the Commission deployed thirty-nine (39) Military Observers from South Africa, Benin, Burkina Faso, Madagascar,

Mozambique, Senegal and Togo. Mauritania provided a Gendarmerie Officer who coordinates the coordination/consultation cell established within the framework of assistance to the Gendarmerie. The Military Observer Mission, with headquarters in Moroni, has been deployed in the three Islands, Grande Comore, Anjouan and Moheli, since 9 March 2004. The Mission is led by a South African Military Officer.

15. Since its deployment, MIOC has endeavoured to promote the necessary conditions of serenity and security to conclude the reconciliation process. Within that framework, the Mission has facilitated the electoral process during the elections to the Assemblies of the Islands and the Assembly of the Union. It has ensured security for the electoral operations at all levels. It has also ensured security for the transportation of electoral materials.

16. The Mission carries out daily patrols in all the Islands and has close contacts with the Parties and the people. Whenever necessary, the Mission sends out investigative teams to the areas where incidents have been reported. Thus, after the events in Moheli, following the decision of the Government of the Union, which was contested by the Autonomous Island, to replace the Regional Directors of three national establishments, MIOC was requested to investigate. The MIOC was also requested to contact the Judicial Police of the Union of The Comoros to check the information regarding the possible arrest of supporters of the Autonomous Island of Ngazidja.

IV. CUSTOMS AND BUDGETARY ISSUES

17. The Agreement of 20 December 2003 provides for the establishment of a provisional Customs Management Board (CDD) comprising representatives of the Comorian parties and three international experts designated by the AU, France and the World Bank. The CDD is in charge of supervising the collection and control of shared customs revenue collection operations. On the budget, the Agreement provides for the opening of a special account at the Central Bank of Comoros (BCC) and the deposit in this account of tax and non-tax revenue to be shared, as well as automatic transfers, from the setting up of joint revenue collection mechanisms and after deduction of external debt service, to the individual accounts of respective Governments of the Union and Autonomous Islands.

18. The Agreement of 20 December 2003 also provides for the establishment of a Harmonisation Committee presided over by the OIF and in charge of overseeing the implementation of the customs and budgetary aspects of the Agreement. The OIF Secretary-General designated Mr Mamadou Lamine Loum, former Prime Minister of Senegal, to chair the Harmonisation Committee. For my part, I designated two experts, nationals of Benin and Tunisia, in budgetary, financial and customs matters, to represent the AU within this Committee and the CDD.

19. Within the context of the implementation of the Agreement, the President of the Union of The Comoros designated the Director-General of Customs, while the Presidents of the Autonomous Islands designated Deputy Directors General to constitute the Directorate of Customs.

20. In spite of the establishment of the CDD and the appointment of Regional Directors, the Comorian Directorate of Customs faces serious difficulties. There is no authority of the Customs Director General on the Regional Directors. In general, no substantial progress has been made on the fundamental issues.

21. As far as petroleum products are concerned, the clearing system is completely beyond the control of the Customs Administration: the single tax on petroleum products (TUPP) is paid in advance in the form of a monthly lump sum and is used to pay the salaries of the Comorian army. The decision on goods clearing procedure provides for a centralised *a posteriori* control system of import and export declarations at the Directorate of Customs: the monthly declarations deposited at the various customs centres in the three Islands must be forwarded to the Directorate of Customs for *a posteriori* control. This measure has not been implemented.

22. The decisions of the Provisional Customs Council on the harmonisation of customs tariffs have so far not been implemented. Due to electoral considerations, the Comorian parties did not want to enforce the new tariff, the implementation of which would have improved customs revenue significantly.

23. According to the 20 December Agreement, a joint special account of the Union and the Autonomous Islands was opened at the Central Bank of The Comoros. At its first meeting, the Harmonisation Committee requested each Comorian party to submit its budget estimates. The Committee analysed the draft budgets (income and expenditure) of the Union and the Autonomous Islands and laid down the general and impersonal regulations applicable to all the parties concerned, taking into account some specificities, where possible. Consequently, the initial quotas contained in the Agreement were re-evaluated and distributed according to the taxes, the current operational status of the various entities, as well as the current status of formal non-transfer of competence pending the decision of the Assembly of the Union on the next budget and corresponding quotas. A revised draft budget was prepared, which enabled the President of the Union of The Comoros to issue a decree on the budget of the Union and the Autonomous Islands, for the transition period concerning the 1st 2004 semester.

24. The Harmonisation Committee has defined a financial and accounting provision to govern the financial and accounting implementation of budget revenues. This provision is managed by the Central Bank of The Comoros. It has also defined the terms of reference for the recruitment of experts charged to conduct a study on the number of employees in the civil service and the payroll.

25. At its 4th meeting held from 12 to 14 April 2004, the Follow-up Committee, through a detailed report of the Harmonisation Committee, noted the freezing of the implementation mechanism of the transition budget by the Government of the Union, which decided unilaterally, in violation of the 18 February 2004 Decree on the budget of the Union and the Autonomous Islands for the transitional period (January to June 2004), to have the Governor of the Central Bank of The Comoros mobilise on its account the sum of 850,000,000 Comorian Francs to pay the salaries of the civil servants and soldiers of the Union, the Islands of Ngazidja and Moheli, as well as its debt. Faced with such a situation, the authorities of the Autonomous Island of

Anjouan decided to suspend their participation in the budget implementation mechanism until the full payment by the Government of the Union of the monies owed to their island.

26. The Harmonisation Committee, at its fifth meeting, noted that the level of the revenues collected (exclusive and to be shared) is low. Irrespective of their exceptionally low level, there is a fluctuation in the revenues to be shared which cannot be explained merely by the seasonal nature of some of them. As a matter of fact, it seems that adequate efforts have not been exerted to collect the revenue and not all the revenue collected is made known to the Harmonisation Committee or put at the disposal of the transition budget implementation mechanism.

V. OBSERVATIONS

27. Since the signing of the 20 December Agreement, developments in the overall situation in the Archipelago are encouraging. The Comorian parties have honoured most of the commitments they had made.

28. The legislative elections, which were held under largely favourable conditions, will pave the way for the establishment of the Assemblies of the Islands and the Assembly of the Union. The last institution that remains to be established is the Constitutional Court. The objectives set out in the 20 December Agreement have on the whole been achieved.

29. I would like to commend the Comorian parties for their commitment. I would also like to express my sincere gratitude to South Africa, who is the co-ordinator of the regional efforts on The Comoros, as well as the other countries of the region and the Troïka, for their steadfastness and effective contribution to the efforts aimed at bringing the reconciliation process in The Comoros to its logical conclusion. My thanks also go to the countries that

30. have provided observers to the AU Military Observer Mission. Lastly, I would like to express my gratitude to the AU partners, particularly the OIF, the League of Arab States, the European Union and France, as well as the Indian Ocean Commission, for their support to the reconciliation process and to AU's efforts. The results achieved in The Comoros have been made possible thanks to the close collaboration between the AU and its partners.

31. The victory scored by the Autonomous Islands during the legislative elections will enable them to bring their weight to bear on the balance of power in the Union, for with a majority in the Assembly of the Union, they can influence the adoption of the organic laws to address their concerns. More particularly, they can strengthen their autonomy vis-à-vis the powers of the Union.

32. I call on all the Comorian parties to continue to demonstrate the spirit of compromise that has prevailed so far. They should avoid any move likely to generate tension and jeopardise the progress achieved. I also urge them to scrupulously conform to the relevant provisions of the 20 December Agreement on customs and budget in order to create the conditions for the necessary international assistance for the socio-economic recovery of the Archipelago.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL
6th Session
29 April 2004
Addis Ababa, Ethiopia

PSC/PR/Comm. (VI)

COMMUNIQUÉ OF THE SIXTH SESSION OF THE PEACE AND SECURITY COUNCIL, 29 APRIL 2004

The Peace and Security Council of the African Union (AU), meeting in its sixth session, on 29 April 2004, adopted the following communiqué:

A. ON THE SITUATION IN SOMALIA

The Peace and Security Council:

1. **Calls** upon the Somali leaders to demonstrate increased commitment to enable the early and successful conclusion of the Somalia National Reconciliation Conference at Mbagathi, Kenya. Council **stresses** the fact that Africa and the international community at large would not understand that the on-going efforts to reach an inclusive solution may yet be thwarted by the lack of cooperation of some leaders and factions;
2. **Welcomes** the decision of the IGAD Facilitation Committee to proceed to Phase III of the Reconciliation Conference at Mbagathi and, for that purpose, to convene a Ministerial Meeting. In this respect, Council **urges** all members of the Facilitation Committee to participate in that Meeting at the appropriate ministerial level;

3. **Encourages** the IGAD countries to display the level of cohesion required to facilitate the conclusion of the Reconciliation Conference;
4. **Urges** the international community to continue to provide the financial resources needed to ensure the early and successful conclusion of the Reconciliation Conference;
5. **Reiterates** the need for all AU Member States, in particular the countries of the region, and the other neighbouring countries, to scrupulously adhere to the UN Security Council resolutions on the arms embargo on Somalia and **urges** them to extend full cooperation to the UN Monitoring Group. In this respect, Council **requests** the Commission, in consultation with IGAD and its Member States, to take all actions deemed appropriate to enhance the implementation of the arms embargo;
6. **Welcomes** the continued stability in the region of Somaliland and **encourages** the Chairperson of the Commission to continue to engage the authorities of that region, with a view to securing their support to the on-going efforts to promote reconciliation in Somalia and restore the unity of the country;
7. **Welcomes** the efforts of the UN agencies and other international organizations, including the African Union Inter-African Bureau for Animal Resources (AU/IBAR), and NGOs, in providing assistance to the Somalis, amid the prevailing conditions of insecurity.

B. ON THE SITUATION IN THE COMOROS

The Peace and Security Council:

1. **Expresses** satisfaction at the smooth organisation of the elections of the Parliaments of the Islands and of the Union in March and April 2004;
2. **Commends** the Comorian parties for the spirit of cooperation they have demonstrated in the implementation of the Agreement of 20 December 2003 on the Transitional Arrangements in the Comoros;
3. **Congratulates** the AU Military Observer Mission in the Comoros (MIOC) for the quality of its work and **encourages** the Mission to pursue the efforts made within the framework of the execution of its mandate. Council **thanks** the countries that have provided military observers;
4. **Expresses its gratitude** to South Africa, which coordinates the regional efforts on the Comoros, and to the other countries of the Region and the Troika, for their commitment and their contribution to the reconciliation process in the Comoros;
5. **Further expresses** its gratitude to the partners of the AU, particularly the Francophonie, the League of Arab States, the European Union, France and the Indian Ocean Commission, as well as to Germany, for the support they have given to the reconciliation process and the efforts of the AU and **stresses** that the

continuation of such cooperation is essential for the promotion of lasting reconciliation and stability in the Comoros;

6. **Urgently appeals** to all the Comorian parties to continue to demonstrate its spirit of responsibility and compromise in the finalisation of the establishment, and the functioning of the new institutions of the Union of the Comoros. In that regard, Council **requests** the Comorian parties to place the interest of the Archipelago and of its people above any other consideration and to continue to work in the spirit of consensus which has guided the process so far;

7. **Urges** the Comorian parties to comply scrupulously with the relevant provisions of the Agreement of 20 December 2003 relating to customs and budgetary and matters, in order to create conditions for increased international assistance, which is, more than ever before, required for the socio-economic recovery of the Archipelago. In that regard, Council **requests** the Follow-up Committee on the implementation of the Agreement of 20 December to take the necessary measures to ensure compliance with the Agreement, pending the adoption of the organic laws that would govern the distribution of powers between the Union and the Autonomous Islands;

8. **Appeals** to the international community, particularly the donors, to provide the necessary financial and economic support for the socio-economic recovery of the Comoros.

* * * * *

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**PEACE AND SECURITY COUNCIL
12TH MEETING
4TH JULY 2004
ADDIS ABABA, ETHIOPIA**

**PSC/MIN/4 (XII)
ORIGINAL: FRENCH**

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE
SITUATION IN BURUNDI, 4TH JULY 2004**

I. INTRODUCTION

The situation in Burundi was examined by the 9th meeting of the Peace and Security Council held on 25 May 2004. On this occasion, Council, while welcoming the significant strides made in the peace process in Burundi, encouraged the parties to pursue their efforts until the completion of the said process, particularly by agreeing on modalities for organising and holding democratic elections and by facilitating the process of disarming and reintegrating the combatants. Council urged PALIPEHUTU/FNL of Agathon Rwasa to put an end to his attacks and to join the peace process in conformity with the decision of the 20th Summit of the Regional Initiative in Burundi held on 16 November 2003. Council commended the African Mission in Burundi (AMIB) for fulfilling its mandate with competence in spite of the very meagre financial resources put at its disposal and expressed satisfaction at the adoption by the United Nations Security Council on 21 May 2004 of Resolution 1545(2004) authorising the deployment of a United Nations Operation in Burundi (UNOB).

This report depicts the development of the situation since 25 May. The report particularly gives an account of the efforts made to overcome the differences between the Burundian parties on the problem of elections and those made to induce PALIPEHUTU/FNL of Agathon Rwasa to join the peace process.

II. DEVELOPMENT OF THE POLITICAL SITUATION

During the period under review, the issue of elections still dominated public discussions in Burundi. In this regard, it is necessary to recall that elections which should conclude the thirty-six (36) months transitional period currently in progress in conformity with the Arusha Peace and Reconciliation Accord of August 2000, must in principle be held at the end of October 2004. While some Burundian parties requested that this timetable be respected, others had suggested that it should be postponed, on the grounds that the necessary conditions had not been met for the smooth organization of the elections. After convening a forum of the Burundian parties – which was however inconclusive – President Domitien Ndayizey  proposed that the transition be extended for one year and the elections be postponed.

It is against this background that the 21st regional Summit on Burundi was held in Dar es Salaam in Tanzania on 5 June 2004. The summit at which the AU was represented by a delegation led by the Commissioner for Peace and Security and including my Special Representative in Burundi, Ambassador Mamadou Bah, decided in favour of the timetable provided for by the Arusha Accord. However, in order to take into account the concerns expressed by President Ndayizey  and other parties, the Summit underlined that the process should have a certain measure of flexibility.

This Summit decision was interpreted by the Burundian political parties in diverse ways. Consequently, UPRONA, RADDES, PSD, PRP and ANADDE, of the Tutsi political ethnic family rejected the conclusions of the 21 Summit in Dar es Salaam. These five parties, signatories to a “Manifesto for the reconstruction of the nation through democracy and the fight against genocide”, held a press conference on Thursday 10 June 2004, during which they voiced their sentiments on democracy, the elections and the elaboration of the pertinent texts on the elections.

According to these parties, “in a society like Burundi, democracy by the majority can neither reconcile nor reunite the segments of the nation. An adapted model of democracy, capable of healing wounds, managing antagonisms, revitalising social cohesion, national reconciliation and the sense of citizenship is what is needed. It is therefore necessary to establish an inclusive political system based on co-management at all levels. In this perspective, the political stakeholders must elaborate political and electoral systems which promote compromise between political and ethnic families.” The authors of the “Manifesto” stressed “that they are not against elections, but it has never been a question of considering that a committee of foreign experts would elaborate the electoral code”. In this regard, it is necessary to recall that it had never been proposed that a committee of foreign experts be set up to draft the post-transitional constitution and the electoral code.

At the opening of the deliberations of the 2nd Ordinary Session of the transitional Parliament of Burundi for 2004 on 7 June 2004, the Speaker of the National

Assembly and the President of the Senate also voiced their opinions on the conclusions of the Dar es Salaam Summit. The President of the transitional Senate, who belongs to UPRONA, harshly criticised the conclusions of the Summit, stating that “on the whole, the recent deliberations focused on one secondary issue, ignored the most important one and dealt with the trivial issue. Prior to the holding of elections, the major task must be discussed or more precisely negotiate a post transitional constitution, an electoral code and a community law. These projects must be discussed by the Government, the National Assembly and the transitional senate in accordance with the operational norms and regulations of these institutions. It is therefore out of the question as some people speculate, that such fundamental texts would be elaborated by experts and what is more by foreigners.” It should be recalled that, considering the difficulties which the Burundian parties faced in subscribing to the post-transitional constitution and the electoral code, it had been proposed that a group of international experts be constituted to assume this responsibility.

Contrary to these reactions, other political parties welcomed the conclusions of the Dar es Salaam Summit. In a communiqué published on 6 June 2004, FRODEBU “Congratulated the Heads of State and Government for their wisdom and vision”. FRODEBU moreover requested the transitional government to leave no stone unturned and mobilise all the national forces as well as the international partners with a view to implementing this decision in the region. It should however be noted that FRODEBU for its part has been experiencing the same divergences which cut across the political class in regard to elections.

All the parties formed after the Arusha Accord were also among the parties which welcomed the decision of the Heads of State to abide by the initial timetable. These parties intended to take advantage of the elections to adopt a position on the political scene. These included particularly the MRC of Colonel Epitace, BAYAGANAKANDI and other parties such as ALIDE, MADDEBU, PAJUDE, PACENA, UPD, RUSANGI, PADER and SONOVI. These nine parties wrote to the President of the regional initiative and the Mediator to submit proposals on the establishment of an independent electoral commission.

In this regard, account must be taken of the statement made by Domitien Ndayizey . Contrary to this strong reaction after the Summit, he affirms today that “on the whole, we subscribe to the contents of the communiqué because we are really committed to see to it that elections can be held within the timeframe; but we clearly stated that it is more useful to discuss the issue of removing obstacles which hamper elections rather than dates”.

The South African Vice President, Jacob Zuma travelled to Burundi in the middle of June in accordance with the mandate entrusted to him, in his capacity as Mediator by the 21st regional Summit, to assist the Burundian parties reach a compromise on the pertinent issues related to power sharing. The Vice President met the parties and the armed political movements which are signatories and non-signatories to the Arusha Accord, the follow-up committee on the implementation of the Arusha Accord as well as members of the civil society, the United Nations Mission in Burundi and the African Union Mission.

At the end of these meetings, the Vice President stated that, in their majority, the Burundian political stakeholders were favourable to the holding of the elections. A certain number of issues were however raised, particularly by the parties which are not signatories to the Arusha Accord. Among these issues, two were particularly crucial for the elections: the funding of political parties and the review of the provisions of Article 263 of the transitional constitution which prohibit the free exercise of political freedom because of the absence of security throughout the national territory.

In regard to the funding of political parties, Mr Zuma reported the grievances of the parties which are not represented in the Government and which accuse the Government of using to its advantage national resources for election campaign purposes although this campaign had not officially started. He underlined the complexity of the issue and cited the example of South Africa where funding of political parties is not provided for and where the political parties themselves have to find the money needed for their operations.

Concerning the second issue, Vice President Zuma stressed that it could not be a matter of vouching for the provisions of the transitional constitution which ban parties from organising public meetings, whereas they would have to look aimlessly for funding for the elections, adding that in other words, one could not talk about democracy on the one hand and ban an essential aspect of this democracy on the other hand. He requested the African Union to consider this issue with a view to finding a solution.

The Vice President took note of the position of the Burundian parties and promised to consider, with President Thabo Mbeki, ways and means of assisting the Burundians to find a solution to the current problems. He could subsequently invite the Key Players to discuss proposals tabled by South Africa.

One of the difficulties of the peace process relates to the refusal of PALIPEHUTU-FNL to join the peace process. At its 20th Summit, the regional Initiative requested PALIPEHUTU-FNL to join the peace process within three months, failing which sanctions would be imposed on this movement. The PSC had supported the position adopted by the Regional Initiative and reiterated its appeal to PALIPEHUTU/FNL to join the peace process.

When it observed that this movement had not responded to the ultimatum given to it, the 21st Summit decided to impose, with immediate effect, restrictions on the movements of the leaders and members of PALIPEHUTU-FNL. In the same vein, the Summit requested the Peace and Security Council to examine the activities of this movement in the light of the Constitutive Act of the African Union and the Algiers Convention on the prevention and combating terrorism with a view to recommending appropriate political and legal actions within three months.

III. SECURITY AND MILITARY ASPECTS

The security situation remains relatively calm in 16 of the 17 provinces in Burundi. Fighting still continues between the PALIPEHUTU and the Government Forces, allied with CNDD-FDD Nkurunziza, in the Kabezi and Mutambu districts in the

province of Bujumbura Rural where some 30,000 persons have been displaced since the beginning of June 2004.

As Council will recall, on 21 May the United Nations Security Council adopted Resolution 1545(2004), authorising the deployment of the United Nations Operation in Burundi (UNOB), for an initial period of six months, to take over from AMIB which had been deployed in Burundi in conformity with the decision of the Central Organ of the Mechanism for Conflict Prevention Management and Resolution dated 2 April 2003. The handing over ceremony took place in Bujumbura on 1 June between my Special Representative and the outgoing Special Representative of the United Nations Secretary-General under the chair of the Burundian Minister of Foreign Affairs. The Minister of Foreign Affairs of South Africa, a country which assumed the role of host nation for AMIB, also participated in the ceremony. Since then, AMIB had come under the control of the United Nations. I would once again like to seize this opportunity to express my gratitude to the member countries that provided observers and troops for their sacrifices.

IV. DDRR AND REFORM OF THE SECURITY SECTOR

The programme for the disarmament, demobilisation, reintegration and rehabilitation (DDRR) of combatants has not yet started. Fourteen encampment zones have however been identified, eleven of which are occupied: six for CNDD-FDDS/NKURUNIZA combatants and the others for each of the other five armed movements, namely CNDD/Nyangoma, Kaze-FDD of Jean Bosco, FNL-Icanzo of Mugabarabona, Palipe-Agakiza of Karatasi and Frolina of Joseph Karumba. Two mobilisation centres have also been identified and accepted in all the parties. These are Randa in Bubanza and Otraco in Gitega.

According to the Government, the DDRR operations, of which the joint plan was adopted, as well as the technical Agreement of the forces by the Joint Ceasefire Commission (ICC) on 17 June 2004, should commence in the second week of July 2004. For this purpose, the World Bank donated US\$33 million to the Burundian Government on 18 March 2004 in addition to the US\$42 million provided by member donors of MDRP (Multi Country Demobilisation and Reintegration Programme), to backstop the efforts of the DDRP. The national DDRR programme aims at demobilising and reintegrating 55,000 ex-combatants into civilian life within four years, of the total 83,000 estimated number, that is around 14,000 ex-combatants a year up to 2008.

22. Apart from the establishment of the integrated defence staff, of the Army and the Police, reform of the defence and security forces, in the real sense of the word, has not yet taken off. However, in March 2004, the Government started training a special security unit composed of 1200 men from the Burundian Armed Forces and CNDD-FDD/NKURUNZIZA. This training was completed on 15 June 2004. The other armed groups were invited to nominate their members who should undergo training in order to join the Special Security Unit.

V. HUMANITARIAN SITUATION

23. The ceasefire Agreements signed between the Transitional Government and the various armed political movements, particularly the Agreement of 16 November 2003, rekindled hope in thousands of refugees and displaced persons. The lull observed on the ground on the one hand, and the difficulties relating to life in the refugee camps on the other hand, urged thousands of persons to return to Burundi, either spontaneously or with the assistance of the UNHCR in conformity with the tripartite Accord signed in Dar es Salaam on 8 May 2001 between Burundi, Tanzania and UNHCR on the voluntary repatriation of Burundian refugees living in Tanzania.

24. According to the UNHCR, the number of Burundian refugees in 1993 living in camps in Tanzania has significantly reduced. In May 2004, only 290,000 refugees remained in these camps. As at 23 June 2004, 52,300 refugees had been repatriated to Burundi since the beginning of the year. This downward trend should continue with the opening of a fourth entry point in Mugina in the Makamba province on 24 June 2004. The opening of this fourth entry point coincided with the deliberations of the 8th Session of the Tripartite Commission which met in Bujumbura to consider the status of implementation of the 7th Session and to map out strategies to speed up the repatriation process of refugees from 1993 and 1972. The African Union Mission took part in the deliberations of the Tripartite Commission.

25. Moreover, according to a recent survey by OCHA-Burundi (United Nations Office for the Coordination of Humanitarian Affairs) conducted from 10 March to 7 April 2004, the number of displaced persons in camps is supposed to have distinctly reduced. Therefore, according to the census, the number reduced from 281,000 to 140,000 between 2002 and 2004. This survey does not however take into consideration the temporarily displaced persons, particularly in the province of Bujumbura Rural, and the displaced persons staying with families.

26. Besides, events in the eastern part of the Democratic Republic of Congo (DRC) have forced a number of Congolese to cross their country's border to seek refuge in neighbouring counties. This situation has had repercussions on the socio-humanitarian situation in Burundi which is already facing difficulties related to the rehabilitation and reintegration of its own returnees and displaced persons. The Congolese refugees, whose number is to date estimated at 31,000, are accommodated in makeshift sites in the Cibitoke province. The UNHCR, in collaboration with the Government has identified a zone in the Cankuzo province where these refugees will be transferred in order to keep them away from the border with the DRC. This situation occurs at a time when the attention of the UNHCR-Burundi delegation is rather focused on the repatriation of Burundian refugees from Tanzania.

27. On 16 June 2004, a delegation of the AU Mission to Burundi visited the Cibitoke province in the Rugambo district where it assessed the seriousness of the situation of these completely destitute populations. In Cibitoke, the refugees were mainly Banyamulenge mixed with some members of the Bafulero ethnic group who are accommodated in the Catholic Parish and in the field of the surrounding stadium where they receive assistance from the WFP and the UNHCR. The largest site is in the Rugombo district which mainly accommodates refugees belonging to the Bahsi, Bafulero and Babembo ethnic groups.

VI. OBSERVATIONS AND RECOMMENDATIONS

28. The Burundi peace process has achieved unquestionable positive results at both the political and security levels since the Executive Council meeting in Maputo, particularly after the signing of the global ceasefire agreement on 16 November 2003. The return to Burundi of several leaders of armed political movements, facilitated by the African Mission and the security enjoyed in 16 of the 17 provinces in the country are clear manifestations.

29. At the same time, there are many difficulties which to a large extent hamper the implementation of the peace process. In this regard, it is particularly necessary to underline the absence of consensus on the issue of elections at the end of the transitional period and the related issues of power sharing in the post-transitional constitution, the continuation of the boycott by CNDD-FDD of the deliberations of the Council of Ministers and those of the National Assembly since 3 May 2004 and the persistent refusal of PALIPEHUTU/FNL to join the peace process and to put an end to its attacks.

30. The reality of the situation is that as a background to the Burundian crisis, there is a permanent struggle for political survival and access to power. This struggle is waged in the small political arena in Bujumbura. The radicalisation of the positions of the different parties on the issue of elections must be considered in this perspective. Particularly, the Tutsi-dominated political parties have expressly affirmed that they do not intend to engage in an electoral process which will only mean supporting the majority Hutu to conquer exclusive power.

31. Faced with this new situation which is likely to derail the peace process, Council must encourage and support the Mediator in his efforts to induce the Burundian parties to reach a consensus. In this regard, the conclusions of the 21st regional Summit must serve as a basis for the necessary compromise between the Burundian parties, otherwise the efforts made over all these recent years are likely to be in vain.

32. It is at the same time necessary for Council to send a clear signal of its determination to take all the necessary measures to make the peace and reconciliation process a success.

33. I welcome the opening of the fourth transit point, the regular holding of the Burundi-HCR-Tanzania Tripartite Commission, as well as the gradual return of displaced persons to their hills and Burundian refugees from Tanzania. I urge the Transitional Government to pursue its efforts by establishing mechanisms for the resolution of social disputes and adequate reception structures in order to avoid a situation where the return of refugees would constitute in itself a source of tension and conflict.

34. At its 9th Session, the PSC requested me to take the necessary measures for the AU to maintain an observer mission in Burundi so as to continue to support the implementation of the peace process and to facilitate cooperation with UNOB. This request by the PSC was made in the extension of Resolution 1545(2004), in

which the Security Council encouraged the AU to maintain a strong presence in Burundi in order to backstop the efforts of the Burundian parties. I would like to inform Council that the Commission is currently reasserting its presence in Burundi since it is understood that it could, by doing so, give the necessary support to the peace and reconciliation process.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**15th Meeting
17 August 2004
Addis Ababa**

PSC/PR/Comm.(XV)

**COMMUNIQUE OF THE FIFTEENTH MEETING OF THE PEACE AND
SECURITY COUNCIL, 17 AUGUST 2004**

The Peace and Security Council (PSC) of the African Union (AU), at its fifteenth meeting held on 17 August 2004, adopted the following Communiqué on the situation in Burundi:

Council,

1. **Strongly condemns** the massacre of Congolese refugees of the Banyamulenge community, which occurred in Gatumba, Burundi, on the night of 13 August 2004, and **expresses** its condolences to all the bereaved families. Council **urges** that the perpetrators of this hideous act be identified and brought to justice without delay;
2. **Expresses** its support for the efforts of the United Nations to investigate and establish the facts on the Gatumba massacre, in accordance with the UN Security Council Presidential Statement of 15 August 2004;
3. **Stresses** the urgent need to establish the Joint DRC/Rwanda Verification Mechanism, in keeping with the spirit of the 27 November 2003 Declaration and on the basis of the commitments made in Abuja on 25 June 2004. In this respect, Council **requests** the Chairperson of the Commission to undertake the necessary consultations with the concerned Parties and the United Nations in order to speed up the establishment of the Mechanism;
4. **Recalls** the decision taken at its 12th meeting, held on 4 July 2004, in which it requested the Chairperson of the Commission, pursuant to the communiqué of the 21st Summit of the Regional Initiative, to examine the activities of the PALIPEHUTU/FNL in the light of the Constitutive Act of the African Union, the Convention on the Prevention and Combating of Terrorism, as well as other relevant Decisions and Instruments, and to submit to it appropriate recommendations on the

measures that could be taken. Council **also reiterates** its appeal to all Member States to implement the decision of the 21st Summit of the Regional Initiative to impose, with immediate effect, restrictions on the movements of the leaders and members of the PALIPEHUTU/FNL;

5. **Stresses** the urgent need to neutralise the negative forces in the DRC and in the Great Lakes Region by taking steps to put an end to their criminal activities, and **requests** the Chairperson of the Commission to initiate without delay consultations with all the countries of the region, as well as with the United Nations and the other concerned actors, with a view to submitting to it proposals on the measures that should be taken to accomplish that objective;

6. **Appeals** to all the countries of the region to exercise restraint in their response to this latest massacre and to persevere in their efforts to consolidate peace and stability in the Region;

7. **Decides** to remain seized of the matter

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**PEACE AND SECURITY COUNCIL
37th MEETING
8 SEPTEMBER 2005
ADDIS ABABA, ETHIOPIA**

PSC/PR/Comm.2(XXXVII)

**COMMUNIQUE OF THE 37TH MEETING OF THE PEACE AND SECURITY
COUNCIL, 8 SEPTEMBER 2005**

The Peace and Security Council (PSC) of the African Union (AU), at its 37th meeting, held on 8 September 2005, adopted the following decisions on the situation in Burundi:

The Council,

1. **Welcomes** the conclusion of the transitional period in Burundi, the successful conduct of the electoral process and the peaceful transfer of power to democratically elected institutions, which constitute a landmark in the efforts to promote lasting peace and reconciliation in Burundi;
2. **Further welcomes** the election of Mr Pierre Nkurunziza as President of the Republic of Burundi and the establishment of new institutions, based on the principles defined beforehand by the Burundian Constitution. In this respect, Council commends the Burundian parties for their achievement with regard to gender representation;
3. **Congratulates** the people of Burundi and all stakeholders in the country for their determination and patience which made it possible to achieve considerable progress in the promotion of peace, stability and reconciliation in Burundi;
4. **Further congratulates** the members of the Regional Peace Initiative for Burundi, the Facilitation of the Burundi Peace Process, the United Nations and all other bilateral and

multilateral partners of Burundi, for the critical role they played in the peace efforts in Burundi;

5. **Congratulates** the African Mission in Burundi (AMIB), deployed from April 2003 to June 2004, the Protection Force for Political Leaders, which operates under an AU mandate, and the United Nations Operation in Burundi (ONUB), for their support and important contribution to the implementation of the Arusha Peace and Reconciliation Agreement and subsequent agreements reached by the Burundian parties;

6. **Encourages** the Government of Burundi and all other stakeholders to work resolutely towards the consolidation of the progress made and the conclusion of the peace process, including the security sector reform and the training of the new security forces, the enhancement of national reconciliation and the recovery and reconstruction of the country;

7. **Urges** that renewed efforts be made for the conclusion of a ceasefire agreement with the PALIPEHUTU/FNL. In this respect, Council **appeals urgently** to the PALIPEHUTU/ FNL to join the peace process without delay;

8. **Stresses the need** for sustained support by the international community in order to consolidate the achievements made in Burundi. In this respect, Council appeals to all the partners of Burundi to provide the requisite assistance, in particular financial and socio-economic, for the post-conflict reconstruction and development of Burundi.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

37th MEETING

8 September 2005

Addis Ababa, ETHIOPIA

Original: French

BRIEFING NOTE ON THE SITUATION IN BURUNDI, 8 SEPTEMBER 2005

1. The transition provided for under the Arusha Peace and Reconciliation Agreement on Burundi of August 2000 was completed with the establishment of new institutions, at the end of a series of five polls: constitutional referendum, municipal, legislative, parliamentary and presidential elections. A new political order emerged, characterised by spectacular changes. The new Burundian institutions are based on balances (ethnic and gender) defined beforehand by the Constitution; in the same vein, we witnessed the emergence, through the ballot box, of leaders from a former armed political movement.

2. Indeed, the CNDD-FDD of Pierre Nkurunziza, the newly elected President of the Republic, dominates the post-transition institutions (Community Councils, the National Assembly, Senate and the Government). However, all components of the Burundian population are represented in these institutions in proportions determined by the Constitution.³ The implementation of new constitutional provisions and the extent of the political space won by the CNDD-FDD resulted in the following configuration:

- The CNDD-FDD has the majority at local and national level, with the following seats:

³ For the record, the Constitution stipulates that:

- the National Assembly shall be made up of 60% Hutu, 40% Tutsi and three representative co-opted from the Twa minority. Women shall hold 30% of the seats;
- Senate shall comprise 50% Hutu and 50% Tutsi. The Twa minority shall be represented by three co-opted senators and women shall constitute 30% of the members;
- the Municipal Councils shall be presided by 67% Hutu, the rest of the seats shall go to the Tutsi;
- the Executive shall be made up of 60% Hutu, 40% Tutsi and 30% women.

- 1781 out of 3225 municipal council seats, that is a total of 55%;
 - 64 out of 118 members of parliament, that is 54%;
 - 32 out of 49 senators, that is 65%.
- Only six (6) of the country's thirty-five (35) political parties are represented, in the following order, and after the CNDD-FDD4:
 - FRODEBU, which constitutes the second political power in the country, although lagging far behind the winning party;
 - UPRONA, former sole party;
 - the CNDD of Léonard Nyangoma, who instigated the rebellion starting in 1993;
 - the MRC, born during the transition; and
 - PARENA, of the former President of the Republic, Jean-Baptiste Bagaza.
 - A shift occurred, from a system characterised by the domination of the Tutsi minority, to a system marked by the emergence of a new, more representative political class. This is evidenced, for instance by the composition of the Government in which the Hutu occupy 55% of the twenty (20) ministerial posts, while 45% of the posts are occupied by the Tutsi and 35% by women. Furthermore, it should be noted that the MSP-Inkinzo party, which is not represented at all at national level, and the MRC party which only obtained the required 5% at national level, each have a ministerial post.

3. The new political order, but above all the prospect of change embodied by the CNDD-FDD, raises great hope. However, the much-desired new era is fraught with challenges. Among the challenges, which the new Government will have to face, in particular, the continuation and completion of the security sector reform, the launching of reconstruction and economic recovery should be noted.

4. Officially launched on 2 December 2004, DDRR operations culminated, on 15 August 2005, in the demobilisation of 16,491 former combatants of the rebellion and ex-FAB (Forces armées burundaises) and the integration of 9240 former combatants of the Force de Défense Nationale (FDN). Although plans for the integration of the FDN and the Burundi National Police (PNB) are not yet available, the integration is underway. While welcoming the deployment of the new police force throughout the national territory contributed to the smooth conduct of the municipal and legislative elections, the fact remains that this integration is being carried out with some difficulty linked to logistics and the training/re-orientation of new elements. With regard specifically to the police, the need to train the newcomers, former combatants or ex-FAB, for police work is an acute problem. The Government is aware of the problem and has appealed to friendly countries and the international community for assistance.

5. Concerning the disarmament of the civilian population, an operation which includes the former government militia known as "police officers" and the former militia of the CNDD-FDD, otherwise known as "combatant militia", there is still a lot to be done. The demobilisation of police officers, which began on 6 July 2005 with the payment of allowances to the persons concerned, was unfortunately suspended because the

⁴ It should be noted that the PARENA is represented only in the Municipal Councils while the MRC obtained two (2) parliamentary seats, apart from its 88 municipal councillors.

competent authorities do not have reliable lists. As at 18 July 2005, only 808 police officers had been demobilised.

6. Finally, the mandate of the Joint Ceasefire Commission (JMC) ended on 31 July 2005. It was proposed that it be replaced by a Technical Committee in which each former armed movement and political party (CNDD-Nyangoma, CNDD-FDD, Kaze-FDD, FROLINA, FNL-Icanzo, Palipe-Agakiza), the former FAB and the National Police would be represented. The proposal was submitted to the Government for approval.

7. Another difficulty lies in the signing of the Ceasefire Agreement between the Government of Burundi and Agathon Rwasa's PALIPEHUTU-FNL. It should be recalled that the most recent attempt, namely the Dar es Salaam meeting of Technical Committees (Government and PALIPEHUTU-FNL), from 6 to 14 June 2005, did not yield the expected results, despite the support of the AU and the UN, which participated in the deliberations of the Technical Committees, together with the representatives of the United States of America and the Netherlands. To date, appeals for dialogue made to the PALIPEHUTU-FNL by the new authorities, as well as the international community, have met with no response. It should be noted that the new Government has made negotiations with Agathon Rwasa's movement one of its top priorities.

8. Due to the combined effects of drought and war, poverty in Burundi continues to increase, leading to the resurgence or appearance of social tensions. As a result there have been repeated strikes, particularly in the health and education sectors. Among the disaster victims and repatriated persons, an increasing number of voices are raised to demand land, or even to denounce despoilers. The repatriation of refugees is a sign of the restoration of peace. It could also be a source of problems if it is inadequately or not at all prepared. At this point, the poorly managed repatriation in 1993, which was one of the causes of the crisis that disrupted the country for over ten years, should be recalled.

9. While welcoming the progress in the peace process in Burundi, it is important to emphasise that, at the same time, there is a need to backstop the efforts of the new authorities to consolidate peace and rebuild the country. Above all, there is a need to work towards the implementation of the provisions of Protocol IV of the Arusha Agreement entitled "Reconstruction and Development", comprising:

- the rehabilitation and re-installation of refugees and disaster victims;
- material and political reconstruction; and
- economic and social development.

10. The mandate of the Arusha Agreement Implementation Monitoring Commission (CSA), and consequently the Arusha Process, ended with the swearing-in of the new President of the Republic on 26 August 2005. It goes without saying that the Arusha Process achieved one of its major objectives, namely rectifying the ethnic imbalances which for a long time were a source of crisis in Burundi.

11. However, the end of the mandate of the CSA is not the end of the peace process in Burundi. Representatives of the international community present in Bujumbura are reflecting on an adequate mechanism whose role will be essentially to mobilise the international community in favour of Burundi. In this context, the AU, through its Office in Burundi, has an important role to play. The Commission will submit, at the appropriate time,

a detailed report on what the AU's contribution should be to the consolidation of peace and reconciliation in Burundi. The report will also address the future of the Force for the Protection of Political Officials in Burundi, which operates under AU mandate, in accordance with the decision adopted by the PSC at its 20th Meeting held on 15 November 2004.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

37th MEETING

8 SEPTEMBER 2005

ADDIS ABABA, ETHIOPIA

PSC/PR/Comm.2(XXXVII)

**COMMUNIQUE OF THE 37TH MEETING OF THE PEACE AND SECURITY
COUNCIL, 8 SEPTEMBER 2005**

The Peace and Security Council (PSC) of the African Union (AU), at its 37th meeting, held on 8 September 2005, adopted the following decisions on the situation in Burundi:

The Council,

1. **Welcomes** the conclusion of the transitional period in Burundi, the successful conduct of the electoral process and the peaceful transfer of power to democratically elected institutions, which constitute a landmark in the efforts to promote lasting peace and reconciliation in Burundi;
2. **Further welcomes** the election of Mr Pierre Nkurunziza as President of the Republic of Burundi and the establishment of new institutions, based on the principles defined beforehand by the Burundian Constitution. In this respect, Council commends the Burundian parties for their achievement with regard to gender representation;
3. **Congratulates** the people of Burundi and all stakeholders in the country for their determination and patience which made it possible to achieve considerable progress in the promotion of peace, stability and reconciliation in Burundi;
4. **Further congratulates** the members of the Regional Peace Initiative for Burundi, the Facilitation of the Burundi Peace Process, the United Nations and all other bilateral and multilateral partners of Burundi, for the critical role they played in the peace efforts in Burundi;

5. **Congratulates** the African Mission in Burundi (AMIB), deployed from April 2003 to June 2004, the Protection Force for Political Leaders, which operates under an AU mandate, and the United Nations Operation in Burundi (ONUB), for their support and important contribution to the implementation of the Arusha Peace and Reconciliation Agreement and subsequent agreements reached by the Burundian parties;

6. **Encourages** the Government of Burundi and all other stakeholders to work resolutely towards the consolidation of the progress made and the conclusion of the peace process, including the security sector reform and the training of the new security forces, the enhancement of national reconciliation and the recovery and reconstruction of the country;

7. **Urges** that renewed efforts be made for the conclusion of a ceasefire agreement with the PALIPEHUTU/FNL. In this respect, Council **appeals urgently** to the PALIPEHUTU/ FNL to join the peace process without delay;

8. **Stresses the need** for sustained support by the international community in order to consolidate the achievements made in Burundi. In this respect, Council appeals to all the partners of Burundi to provide the requisite assistance, in particular financial and socio-economic, for the post-conflict reconstruction and development of Burundi.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

47th Meeting

21 March 2006

Addis Ababa, Ethiopia

PSC/PR/Comm.1(XLVII)

**COMMUNIQUE OF THE PEACE AND SECURITY COUNCIL ON THE
SITUATION IN THE COMOROS, 21 MARCH 2006**

The Peace and Security Council (PSC) of the African Union (AU), at its 47th meeting, held on 21 March 2006, adopted the following decision on the situation in The Comoros:

Council,

1. **Takes note** of the Report of the Chairperson of the Commission on the situation in The Comoros [PSC/PR/2(XLVII)] and the pertinent observations contained therein;
2. **Reiterates** its commitment to the unity, territorial integrity and sovereignty of the Union of the Comoros;
3. **Notes with satisfaction** the significant progress made in the reconciliation process in The Comoros since the signing of the Agreement on the Transitional Arrangements in The Comoros of 20 December 2003, including the election of the Assembly of the Union and the Assemblies of the Autonomous Islands, in March–April 2004, the formation of a National Unity Government in July 2004, and the establishment of the Constitutional Court in September 2004. Council **appeals** to all Comorian parties to work closely together in a spirit of openness and compromise in order to resolve the outstanding problems, within the framework of the new Comorian institutions and the unity and territorial integrity of The Comoros;
4. **Reiterates its gratitude** to South Africa, as coordinator of the regional efforts on The Comoros, and the other countries of the region, for their support to the reconciliation process in The Comoros;

5. **Welcomes** the Donors Conference for The Comoros, convened in Mauritius, on 8 December 2005, under the co-chairmanship of President Thabo Mbeki of South Africa and Prime Minister Navinchandra Ramgoolam of Mauritius, and **stresses** the importance of socio-economic development in sustaining the reconciliation process in The Comoros. Council **appeals** to those who have not yet fulfilled their pledges made during the Donors Conference to do so without further delay;
6. **Notes** that the reconciliation process in The Comoros will enter a crucial phase with the holding, on 14 May 2006, of presidential elections at national level, which will be preceded by primaries, on 16 April 2006, on the Autonomous Island of Anjouan, which will provide the next President of the Union of the Comoros within the framework of the rotating presidency of the Union;
7. **Takes note** of the request by President Azali Assoumani, as contained in his letter of 11 October 2005, to the Chairperson of the Commission and the unanimous request of the Comorian parties that the AU provide security for the electoral process, as well as the technical, logistical and financial support required for the holding of credible, free and fair elections;
8. **Requests** the Commission to take all the necessary steps to observe and monitor the electoral process in The Comoros in its entirety, from the primaries, on 16 April 2006, in Anjouan, to the presidential elections at national level, on 14 May the deployment of a team of election observers and monitor.
9. **Authorises** the deployment, until 9 June 2006, under the overall responsibility of a Special Representative of the Chairperson of the Commission, of an African Union Mission for Support to the Elections in The Comoros (AMISEC), comprising the team of election observers and monitors referred to above and 462 military and civilian police personnel, with South Africa as lead nation, as well as the necessary support staff, bearing in mind that the security forces in the archipelago shall not be involved in the conduct of the electoral process in any capacity. The AMISEC mandate shall be as follows:
- to support the reconciliation process in The Comoros and the implementation of the Agreements signed by the Comorian parties;
 - to observe and monitor the electoral process;
 - to assist in creating a safe and stable environment before, during and after the completion of the electoral process;
 - to verify that, during the electoral period, the Comorian security forces, both from the Union and the Autonomous Islands, are not involved in the electoral process;
 - to provide any other support to the electoral process, with a view to contributing to the holding of credible, free and fair elections; and
 - to take all measures necessary to protect its personnel, as well as civilians within the proximity of the polling stations;
10. **Requests** the Chairperson of the Commission, in close collaboration and consultation with South Africa, as the coordinator of the efforts of the countries of the region on The Comoros and as lead nation for AMISEC, to take all necessary steps for the effective deployment of AMISEC and the satisfactory discharge of its mandate, including the finalisation of the Status of Mission Agreement (SOMA) and the Rules of Engagement (RoE);

11. **Encourages** the countries of the region to dispatch election observers to The Comoros who will be part of the team of AU observers and monitors during the elections of April and May 2006. Council **further encourages** the countries of the region to continue to lend any other support likely to facilitate the on-going process in The Comoros and to consolidate the progress made thus far;

12. **Requests** the Commission to coordinate closely its efforts with the AU partners in The Comoros, namely the European Union (EU), the International Organisation of la Francophonie (OIF), the United Nations, including UNDP, the Indian Ocean Commission (IOC) and the League of Arab States, in order to facilitate the smooth holding of the electoral process and the successful conclusion of the reconciliation process. Council **also appeals** to the AU partners to provide the necessary financial and logistical support to facilitate the deployment of AMISEC and the accomplishment of its mandate;

13. **Decides** to remain seized of the matter.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL
56th MEETING
19 JUNE 2006
Addis Ababa, Ethiopia

PSC/PR/Comm(LVI)

COMMUNIQUE OF THE 56TH MEETING OF THE PEACE AND SECURITY COUNCIL, 19 JUNE 2006

The Peace and Security Council (PSC) of the African Union (AU), at its 56th meeting held on 19 June 2006, adopted the following decision on the negotiations between the Government of Burundi and the Palipehutu/ *Forces nationales de Libération* (FNL):

Council,

1. **Takes note** of the brief on the negotiations between the Government of Burundi and the Palipehutu/FNL [PSC/PR/2(LVI)] and the briefing from the Special Representative of the Chairperson of the Commission in Burundi on the on-going negotiations, in the United Republic of Tanzania, between the Government of Burundi and the Palipehutu/FNL;
2. **Expresses satisfaction** at the significant progress achieved in the negotiations, in particular the signing, on 18 June 2006, of the Dar es Salaam Agreement of principles towards lasting peace, security and stability in Burundi and **urges** the two parties to pursue their discussions in a spirit of compromise in order to arrive at an early conclusion of a ceasefire agreement, thereby ensuring the success of the peace and reconstruction process in Burundi;
3. **Commends** the Regional Initiative for its role in the search for, and consolidation of, peace in Burundi and **urges** it to continue with its efforts until the conclusion of a final peace agreement. Council **further commends** the Facilitator of the Talks, Mr Charles Nqakula, Minister of Security and Safety of the Republic of South Africa, and **encourages** him to pursue his efforts;

4. **Requests** the Chairperson of the Commission to continue to support the peace, national reconciliation and post-conflict reconstruction processes in Burundi, and **encourages** him to take all appropriate measures, together with AU partners, to contribute to the monitoring and evaluation of the implementation of an eventual peace agreement;
5. **Urges** the international community and all AU partners in the peace process in Burundi to continue to support the on-going process and provide all the necessary assistance towards the reconstruction of the country;
6. **Decides** to remain seized of the matter.

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

 Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL**56TH MEETING****19 JUNE 2006****ADDIS ABABA, ETHIOPIA****PSC/PR/2(LVI)****Original: French**

**BRIEF ON THE NEGOTIATIONS BETWEEN THE GOVERNMENT OF
BURUNDI AND THE PALIPEHUTU/FORCES NATIONALES DE LIBÉRATION
(FNL), 19 JUNE 2006**

1. At its 52nd meeting held on 29 May 2006, the Peace and Security Council was briefed on the evolving situation in Burundi and the efforts deployed to consolidate peace in that country, including the launching of peace talks between the Burundi Government and Palipehutu/FNL in Dar es Salaam, Tanzania, under the facilitation of the South African Safety and Security Minister, Charles Nqakula. On that occasion, Council expressed its support for the talks and the wish that they would, within the earliest possible timeframe, lead to an agreement that will consolidate the peace and reconciliation processes in Burundi.

2. It should be recalled, at this juncture, that the attitude of Palipehutu/FNL, which had kept itself outside the peace process, constituted a source of concern not only for the Burundi authorities but also for the countries of the region and Burundi's partners. In this regard, it should be emphasised that, right from their accession to the helm of governance, the new Burundi authorities held out their hand of friendship to this armed movement. The Government set up a team of military and civilian officers with responsibility to proceed, at an appropriate time, to Dar es Salaam for negotiations with the Palipehutu/FNL. The latter's negative response led the Burundi Government, whose patience had ran out, to transform its appeal for dialogue into an ultimatum which expired at the end of December 2005. As a result, clashes continued on the ground, as the cessation of hostilities agreement earlier concluded between Domitien Ndayiziyé, President of the Transition Government, and Agathon Rwasa, the leader of the Palipehutu/FNL, had been thrown overboard, with the latter declaring that he did not recognise the Government in place, in Bujumbura.

3. By Resolution 1653 (2006) of 27 January 2006, the United Nations Security Council strongly condemned the activities of the militias and armed groups operating in the Great

Lakes Region, such as the Democratic Forces for the Liberation of Rwanda (FDLR), the Palipehutu/FNL and the Lord's Resistance Army (LRA), which continue to attack civilians and United Nations humanitarian personnel, commit human rights abuses against the local populations and threaten the stability of individual States and the region as a whole. It urged all such armed groups to lay down their arms and engage voluntarily and without delay or preconditions in their disarmament, repatriation and resettlement.

4. Concurrently with the pressure so exerted by the Security Council, the countries of the region, particularly through the United Republic of Tanzania, embarked on persuasion initiatives, as a result of which Agathon Rwasa announced his intention to enter into negotiation with the Government without precondition. It is against this background that South Africa, at the request of the Regional Initiative for Peace in Burundi, appointed Charles Nqakula, Safety and Security Minister, as Mediator, with the mandate to facilitate the talks between the two parties.

5. Thereafter, the Mediator visited Tanzania, Uganda and Burundi, in May 2006. As indicated in the announcement made at the end of the tour, negotiations between the Burundi Government and the Palipehutu/FNL officially got underway in Dar es Salaam on 29 May 2006, after the Mediator, assisted by the AU Special Representative in Burundi, the Special Representative of the UN Secretary-General and by the Regional Technical Committee comprising experts from Uganda, Tanzania and South Africa, had succeeded in overcoming the difficulties arising from the demand by Palipehutu/FNL for the negotiations to be postponed. It was agreed to:

- formally launch the negotiation process on 29 May, and then set up two Technical Commissions, one to address political issues and the other, military matters;
- leave it to the Technical Commissions to informally do the spade work with the assistance of the Regional Technical Committee made up of Uganda, South Africa, Tanzania, the African Union and the United Nations;
- commence formal negotiations on Monday 5 June 2006; and
- hold a plenary session on Saturday 10 June 2006.

6. At the resumption of the negotiations on 5 June 2006, discussions were held in plenary. At the request of the Palipehutu/FNL, the talks were suspended on 8 June to resume the following day. The meeting then examined the following provisional agenda:

- history and ethnicity;
- ceasefire and reform/transformation of the security forces;
- effective date of the ceasefire;
- immunity;
- repatriation of refugees and returns of IDPs;
- transformation of Palipehutu/FNL into a political party;
- translation of the documents into Kirundi, Kiswahili, French and English.

7. Discussions continued in the Political and Military Commissions. The United Nations Operation in Burundi (ONUB) briefed the Military Commission on the process of disarmament, demobilisation and reintegration, and on the ongoing reform of the security sector (DDR/SSR).

8. On 11 June 2006, the Mediator gave a briefing on the progress of the negotiations. It emerged from his statement that the negotiations were, on the whole, progressing in a positive direction. However, a number of difficulties remained, notably in relation to the demand by the Palipehutu/FNL that the national defence forces should be dismantled since, in the view of this Movement, the existing army was not different from what it used to be, and was responsible for all the atrocities perpetrated in Burundi since 1962.

9. The Mediation felt that it was impossible to envisage such an eventuality. It however proposed that the DDR/SSR process should be strengthened and the Palipehutu/FNL encouraged to participate in this process. He added that the African Union, the United Nations and other partners would be requested to monitor and evaluate the implementation of any agreement concluded between the two parties. The suggestion was accepted.

10. The two Commissions subsequently met to finalise and sign the minutes of their two previous working sessions and to begin the drafting of a ceasefire agreement.

11. The prospect of signing an agreement in the near future led the Mediation to recommend the early consideration of the following issues:

- repatriation and reintegration of refugees and displaced persons;
- disarmament;
- Palipehutu/FNL participation in the institutions (identifying, from the onset, the competent human resources available in the Movement);
- establishment of a monitoring, follow-up and evaluation mechanism to ensure implementation of the conclusions of the negotiations and, in this connection, the request to the AU, the UN and the Mediation to provide the requisite assistance. The Regional Initiative will be the guarantor of any agreement concluded.

12. A number of difficulties still have to be overcome with regard to the preparation of the ceasefire agreement. In the meantime, the Mediator recommended that a Summit of the Regional Initiative be convened for Saturday 17 June 2006. He decided to proceed to Addis Ababa to brief the Chairperson of the AU Commission and the Peace and Security Council. He also plans to travel to New York after the 17 June Summit to brief the UN Security Council on the evolution of the negotiations.

13. The signing of a ceasefire agreement between Palipehutu/FNL and the Government of Burundi will mark the conclusion of the peace process in Burundi, for which the African Union has made sustained efforts. The current stage of peace consolidation and post-conflict reconstruction calls for the assistance of the international community, including the AU, which should continue to monitor the situation in Burundi and do its utmost to assist this Member State.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**Peace and Security Council
65th Meeting
9 November 2006
Addis Ababa, Ethiopia**

**PSC/PR/2(LXV)
Original: French**

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE
IMPLEMENTATION OF THE COMPREHENSIVE CEASEFIRE AGREEMENT
OF 7 SEPTEMBER 2006 BETWEEN THE GOVERNMENT OF THE REPUBLIC
OF BURUNDI AND THE PALIPEHUTU-FNL, 9 NOVEMBER 2006**

INTRODUCTION

The Council considered the situation in Burundi during its 37th and 56th sessions held on 8 September 2005 and 19 June 2006, respectively. At the 19 June 2006 meeting, particular attention was paid to the question of Palipehutu-FNL, which was involved in negotiations with the Government of Burundi. This report provides an update on the peace process in Burundi since the meeting of 19 June 2006.

**NEGOTIATIONS BETWEEN THE GOVERNMENT OF BURUNDI AND THE
PALIPEHUTU-FNL**

2. Negotiations between the Government of Burundi and Agathon Rwasa's Palipehutu-FNL started on 29 May 2006 and ended on 7 September 2006, with the signing of a Comprehensive Ceasefire Agreement. These negotiations were conducted in two phases, the first of which culminated in the signing of the "Dar es Salaam Agreement of Principles Towards Lasting Peace, Security and Stability in Burundi", during the 26th Regional Initiative Summit, held in Dar es Salaam on 17 and 18 June 2006. The document has 9 (nine) articles and 2 (two) annexes, and provided for negotiations between the parties to continue so that a Comprehensive Ceasefire Agreement can be reached within two weeks.

3. During its meeting of 19 June 2006, Council expressed satisfaction at the signing of the Dar-es-Salaam Agreement of Principles and urged the two parties to pursue their discussions in a spirit of compromise in order to achieve an early conclusion of a ceasefire agreement, so as to ensure the success of the peace and reconstruction process in Burundi. The Council commended the Regional Initiative for its role in the search for, and consolidation of, peace in Burundi, and urged it to continue with its efforts until the conclusion of a final peace agreement. The Council further commended the Facilitator of the Talks, Mr Charles Nqakula, Minister of Security and Safety of the Republic of South Africa, and encouraged him to pursue his efforts. The Council requested me to continue supporting the peace, national reconciliation and post-conflict reconstruction processes in Burundi, and encouraged me to take all appropriate measures, together with AU partners, to contribute to the monitoring and evaluation of the implementation of an eventual peace agreement.

4. The second phase of the peace negotiations was characterised by stoppages, and lasted from 23 June to 7 September 2006, the date on which a “Comprehensive Ceasefire Agreement between the Government of Burundi and the Palipehutu-FNL” was signed. This was during the 27th Summit of the Regional Peace Initiative. Presidents Yoweri Museveni, Jakaya Kikwete and Thabo Mbeki, respectively Chairperson of the Regional Initiative, Vice-Chairperson of the Regional Initiative and representative of the facilitating country, were guarantors of the Agreement, while the African Union, represented by the Deputy Chairperson of the Commission, and the UN, represented by the Special Representative of the UN Secretary-General in Burundi, were witnesses.

5. The Agreement, copy of which is herewith attached, comprises six articles, and also four annexes relating to the:

- obligations of the parties and definitions;
- implementation modalities;
- defence and security forces;
- “Modalities for the implementation of the Ceasefire Agreement in respect of the leaders and combatants of the Palipehutu-FNL”.

6. The Agreement assigns roles to the various stakeholders. Accordingly, the Regional Initiative is the guarantor of the process, while the Facilitator, as the “moral guarantor”, is the “recourse authority and conciliation agent”. For their part, the AU and the UN will play an important role in the implementation of the Agreement. Article 3 (1) of the Agreement itself makes provision for a Joint Verification and Monitoring Mechanism (JVMM), which shall involve the AU, the UN and the Burundian parties. Under the activities devolving upon the JVMM, “the AU will be required to assist with the provision of security for combatants during their movement towards the assembly areas as well as the protection of the leadership” (Annex II 1.4). More specifically, and according to the terms of the Agreement, the AU shall:

- “... establish a Special Task Force for the protection of the leadership and combatants of Palipehutu-FNL, including their movement towards the assembly areas” (Article 3.4);
- the JVMM shall develop the mechanisms to address criteria for integration, strength, rank harmonisation, post allocation and career path for individuals in the defence

and security forces. This process shall be monitored and evaluated by the African Union working in consonance with the United Nations and other International fora (Annex III 2.2);

- “be the nucleus of all efforts to give impetus to” the repatriation programme (Annex IV.4).

7. South Africa acted as mediator, with the firm support of Uganda and Tanzania. Represented by its Mission in Burundi, the Commission took part in the negotiations as observer.

8. Today, the Agreement is at the implementation phase. In this respect, the mediation team led by Ambassador Kinsley Mamabolo, Special Envoy of South Africa to the Great Lakes Region visited Bujumbura from 27 September to 5 October 2006. The purpose of the visit was to oversee the establishment of the office of the mediation and the setting up of the JVMM. Initially scheduled for 4 October 2006, the installation of the JVMM was postponed to 11 October 2006 at the request of the Palipehutu-FNL, on the grounds that some of its members, who had to serve in this body, were not immediately available.

9. The JVMM was effectively inaugurated on 11 October. The Palipehutu-FNL demanded that the Government should first formally grant provisional immunity to its members and also free political prisoners, and so did not attend the inaugural session. However, like the Government, it gave the mediator the list of its seven representatives. In this respect, it should be noted that the bill to grant provisional immunity to Palipehutu-FNL members was adopted by the National Assembly on Friday 3 November 2006. This marks a step forward towards the effective implementation of the Comprehensive Ceasefire Agreement.

10. The main difficulty encountered at the initial implementation phase of the ceasefire is the fact that the mediator does not still have the list of the Palipehutu-FNL combatants. In a bid to overcome this difficulty and to make progress, especially as concerns logistics and budgeting for the operation, the mediator is working on the assumption that there are 3000 (three thousand) combatants.

11. Ambassador Mamabolo also availed himself of his stay in Burundi to request the financial support of the international community and the traditional donors towards the implementation of the Comprehensive Ceasefire Agreement. Some partners in Bujumbura have already indicated their readiness to provide supplies for the combatants.

12. During the first part of its stay in Bujumbura, the mediation team was accompanied by a Palipehutu-FNL advance team, which had come to prepare the return of the movement's members. Its main duty consisted of evaluating the security situation in the country and seeking accommodation for Palipehutu-FNL returning officials. The Palipehutu-FNL delegation has since returned to Dar es Salaam to report to their authority.

13. Although all attention is currently focused on the implementation of the Ceasefire Agreement signed between Agathon Rwasa and the Government of Burundi, the issue of the Palipehutu-FNL dissident wing, led by Jean Bosco Sindayigaya, is still a major concern. Hence, although the mediation was mandated by the Regional Initiative only to secure a ceasefire with Agathon Rwasa's movement, it is also trying to find a solution to the problem posed by Jean Bosco Sindayigaya, a dissident of the Movement. The mediation has

suggested that the Burundian Government should take the initiative and put in place a mechanism through which this problem can be settled so that Jean Bosco Sindayigaya's combatants will not feel abandoned and, as such, jeopardise the on-going process.

III. OBSERVATIONS

14. I welcome the significant progress recorded in the peace process in Burundi and express my gratitude to the Regional Peace Initiative and the facilitator for their sustained and tireless efforts to promote peace, security and stability in Burundi. It is now time to consolidate the achievements thus made.

15. In this respect, and based on the terms of the Agreement, the Government of Burundi sent, on 28 September, a Note Verbale, formally requesting the African Union Mission in Burundi to "take the necessary measures to ensure the security of (Palipehutu-FNL) leaders and of the corridors through which they will pass". This task requires the speedy deployment of a force on the spot.

16. Considering the urgency of the situation, and in order to speed up the implementation of the Ceasefire Agreement, I took certain measures, based on the Council decision of 19 June "encourage(ing me) to take the necessary measures to contribute, together with AU partners, to the monitoring and evaluation of the agreement to be signed". These measures related to the strengthening of the Mission in Burundi, through the designation of two senior military officers to represent the AU in the JVMM and the rental of office space to accommodate the JVMM and the Headquarters of the protection force to be deployed. Moreover, arrangements are underway for the deployment, in due course, of military observers to represent the AU in the Joint Liaison Teams (JLTs).

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

65th MEETING

9 November 2006

Addis Ababa, Ethiopia

PSC/PR/Comm(LXV)

COMMUNIQUE OF THE 65TH MEETING OF THE PEACE AND SECURITY COUNCIL, 9 NOVEMBER 2006

The Peace and Security Council of the African Union, at its 65th meeting held on 9 November 2006, adopted the following decision on the implementation of the Comprehensive Ceasefire Agreement of 7 September 2006 between the Government of the Republic of Burundi and the Palipehutu-FNL of Agathon Rwasa:

The Council,

1. **Takes note** of the Report of the Chairperson of the Commission on the implementation of the Comprehensive Ceasefire Agreement of 7 September 2006, between the Government of the Republic of Burundi and the Palipehutu-FNL of Agathon Rwasa [PSC/PR/2 (LXV)], as well as of the presentation of the representative of the Facilitator, Ambassador Kinsley Mamabolo, Special Envoy of South Africa for the Great Lakes Region;
2. **Welcomes** the progress made in the peace process in Burundi, particularly the signing of the Comprehensive Ceasefire Agreement between the Government of Burundi and Palipehutu-FNL of Agathon Rwasa, on 7 September 2006, in Dar es Salaam;
3. **Pays tribute** to the Regional Initiative, as well as to the Facilitator of the peace process, Mr Charles Nqakula, Minister of Security and Safety of the Republic of South Africa, for their commitment and sustained efforts aimed at consolidating peace in Burundi;
4. **Commends** the Burundian parties for their political will and commitment to peace, which made the signing of the Comprehensive Ceasefire Agreement possible;

5. **Welcomes** the measures already taken by the Chairperson of the Commission with a view to facilitating the implementation of the Comprehensive Ceasefire Agreement, particularly the designation of military officers to represent the AU in the Joint Verification and Monitoring Mechanism (JVMM), and **requests** him to speed up the deployment of AU military observers to work in the Joint Liaison Teams provided for by the Comprehensive Ceasefire Agreement;
6. **Takes note** of the provisions of the Comprehensive Ceasefire Agreement requesting the African Union to establish a Special Task Force for the protection of the leaders and combatants of the Palipehutu-FNL of Agathon Rwasa, as well as their movement to the assembly areas and of the request by the Government of Burundi for the AU to take the necessary measures to ensure the security of leaders of the Palipehutu-FNL of Agathon Rwasa, as well as the safety of the corridors through which they will pass;
7. **Approves** the establishment of the Special Task Force as provided for in the Comprehensive Ceasefire Agreement and **mandates** the Chairperson of the Commission to solicit the support of Member States to this effect. In this respect, Council **welcomes** the willingness expressed by South Africa to contribute to the establishment of the Special Task Force and **requests** the Chairperson of the Commission, working in close collaboration with the Facilitator, to submit, as soon as possible, proposals on the modalities for the establishment of the Special Task Force. In the meantime, Council **requests** the Chairperson of the Commission and the Facilitator, in consultation with the parties, to take appropriate measures to consolidate the progress made with the signing of the Comprehensive Ceasefire Agreement, including the immediate deployment by South Africa, of forces that shall assist in the implementation of the Comprehensive Ceasefire Agreement, as part of the envisaged Special Task Force;
8. **Urges** the parties to faithfully implement the provisions of the Comprehensive Ceasefire Agreement. Council **encourages** the Government of Burundi to promote a policy of reconciliation, tolerance and respect of human rights, in order to consolidate the progress made so far in the peace process;
9. **Appeals** to the United Nations, the European Union and other partners of the African Union to provide the necessary support and assistance for the implementation of the Agreement. In this regard, the Council **welcomes** the commitment made by some partners to support the process of disarmament, demobilisation and reintegration (DDR) of the combatants and the willingness of the United Nations to facilitate, through the Integrated United Nations Office in Burundi, the implementation of the Comprehensive Ceasefire Agreement;
10. **Requests** the Chairperson of the Commission to continue working closely with the Regional Initiative, the Facilitator, the United Nations and other partners for the effective implementation of the Comprehensive Ceasefire Agreement;
11. **Decides** to remain seized of the matter.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

77TH MEETING

9 MAY 2007

DURBAN, SOUTH AFRICA

PSC/MIN/Comm.1(LXXVII)

COMMUNIQUE OF THE 77TH MEETING OF THE PEACE AND SECURITY COUNCIL ON THE SITUATION IN THE COMOROS, 9 MAY 2007

The Peace and Security Council of the African Union, at its 77th meeting held on 9 May 2007, at Ministerial level, adopted the following on the Situation in the Comorian Island of Anjouan:

The Council:

1. **EXPRESSES CONCERN** over the situation in The Comoros, notably the incidents that took place in the Comorian Island of Anjouan and the negative consequences that they could have on the national reconciliation process in The Comoros, particularly the holding of the forthcoming elections of the Presidents of the autonomous islands scheduled to take place from 10 to 24 June 2007, and **FIRMLY CONDEMNS** the attacks perpetrated by the Anjouanese gendarmerie against the National Comorian army, as well as acts of harassment that have been committed in the Island;
2. **CALLS** 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;
3. **APPEALS** to all the Comorian parties to refrain from any action that can aggravate the situation and compromise the holding of the elections for the Presidents of the Islands, as scheduled in the electoral calendar adopted by the National Independent Electoral Commission. Council **URGES** the

- Comorian parties to engage in constructive dialogue in order to overcome the difficulties confronting the reconciliation process;
4. **WELCOMES** the initiatives taken by the Chairperson of the Commission to help the Comorian parties to overcome the current crisis through, *inter alia*, the mission currently being undertaken in the Archipelago by the Special Envoy, Mr Francisco Madeira. Accordingly, Council **CALLS ON** all the Comorian parties to fully cooperate with the Special Envoy in order to speedily resolve the current crisis within the framework of the Constitution of the Union and other fundamental texts governing its functioning and the authority of the central Government;
 5. **AUTHORISES** the Chairperson of the Commission, 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 elections of the Presidents of the autonomous islands. In this regard, Council **TAKES NOTE** of the recommendations of the two joint missions by the African Union and South Africa (in its capacity as coordinator of the regional efforts on The Comoros) dispatched to The Comoros in March and April 2007, and **INVITES** the Chairperson of the Commission, in close consultation with the Chair of the Ministerial Committee on The Comoros, to finalise the modalities of the envisaged AU Electoral and Security Assistance Mission to The Comoros (MAES) and ensure its deployment as soon as possible;
 6. **DECIDES** that MAES shall 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 elections of the Presidents of the Islands;
 - ii. to oversee and ascertain that the Comorian security forces play an effective role in ensuring that the elections are trouble-free, in accordance with international standards;
 - iii. to monitor the electoral process;
 - iv. to encourage dialogue among the Comorian parties;
 - v. to provide long-term assistance to strengthen the capacities of the Comorian forces and facilitate the effective restoration of the authority of the central Government in Anjouan;
 7. **URGES** Member States to contribute the military and civilian police personnel, as well as the financial and logistical resources required, to facilitate the timely deployment of MAES and the successful accomplishment of its mandate;
 8. **APPEALS** to the AU partners to provide the necessary financial and logistical support to facilitate the deployment of MAES and the effective accomplishment of its mandate;
 9. **EXPRESSES APPRECIATION** to the Ministerial Committee of the countries of the region on The Comoros for the work accomplished under the coordination of South Africa, and **ENCOURAGES** the Committee to pursue its

efforts, including undertaking a mission to The Comoros as soon as possible, to support the efforts aimed at consolidating the reconciliation process in the country;

10. **DECIDES** to remain seized of the matter.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

78TH MEETING

9 JUNE 2007

ADDIS ABABA, ETHIOPIA

PSC/PR/COMM (LXXVIII)

COMMUNIQUE OF THE 78TH MEETING OF THE PEACE AND SECURITY COUNCIL ON THE SITUATION IN THE COMOROS, 9 JUNE 2007

The Peace and Security Council of the African Union, at its 78th meeting held on an emergency basis on 9 June 2007, adopted the following decision on the situation in the Comoros:

Council:

1. **TAKES NOTE** of the Decree of the President of the Union of the Comoros postponing to 17 June 2007 the election of the President of the Autonomous Island of Anjouan, which was scheduled to be held on 10 June 2007, and **ENDORSES** the assessment of the Comorian authorities that the prevailing conditions in Anjouan, notably security conditions, are not conducive for the holding of free, fair and transparent elections;

2. **URGES** all the parties concerned to exercise restraint and to extend the necessary cooperation to the African Union and to its Mission on the ground, the African Union Electoral and Security Assistance Mission to The Comoros (MAES), in order to create conditions conducive to the holding, on 17 June 2007, of free, fair and transparent elections in the Autonomous Island of Anjouan. In this respect, Council **WARNS** against any attempt by the Anjouanese authorities to organise the election this Sunday 10 June 2007, in violation of the Presidential Decree, and **STRESSES** that the African Union and the international community at large will not recognise the result of such an election;

3. **REQUESTS**, in the meantime, MAES to continue to provide the requisite assistance and support to facilitate the holding, on Sunday 10 June 2007, of the election of the Presidents of the Autonomous Islands of Grande Comore and Moheli;
4. **EXPRESSES** its appreciation to South Africa for its role as coordinator of the regional efforts on the Comoros and for its contribution to MAES. Council **ALSO EXPRESSES** its appreciation to Senegal, Sudan and Tanzania for having pledged civilian and military personnel to MAES, whose deployment in the mission area has already begun;
5. **REQUESTS** the Commission, working with the troop and police contributing countries, to take all the necessary steps to accelerate the deployment of MAES, including that of the military component of the Mission;
6. **EXPRESSES** its gratitude to the League of Arab States for the financial assistance extended to facilitate the deployment of MAES and for its contribution in support of the holding and the observation of the election of the Presidents of the Autonomous Islands of the Union of the Comoros, and to the Indian Ocean Commission for its support to the on-going process in the Comoros;
7. **REITERATES** its determination to take all necessary steps to assist in the effective establishment of the new institutional framework of the Comoros, as provided for in the Fomboni and Beit-Salam Agreements of February 2001 and December 2003, respectively, including the restoration of the authority of the Government of the Union in Anjouan;
8. **APPEALS** to the United Nations Security Council and the African Union partners to fully support the present decision;
9. **DECIDES** to remain seized of the matter.

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

P. O. Box 3243 Addis Ababa, ETHIOPIA Telephone (251-11) 551 77 00 Fax (251-11) 551 93 21

Website: www.africa-union.org

PEACE AND SECURITY COUNCIL

81st MEETING

20 JULY 2007

ADDIS ABABA, ETHIOPIA

PSC/PR/2(LXXXI)

Original: French

**INFORMATION NOTE ON THE IMPLEMENTATION OF THE
COMPREHENSIVE CEASEFIRE AGREEMENT OF 7 SEPTEMBER 2006
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BURUNDI AND THE
PALIPEHUTU-FNL, 20 JULY 2007**

I. INTRODUCTION

1. During its 65th meeting held on 9 November 2006, Council was briefed on the encouraging developments in the peace and reconciliation process in Burundi [PSC/PR/2(LXV)], in light of the signing, on 7 September 2006, of the Comprehensive Ceasefire Agreement between the Government and the Palipehutu-FNL of Agathon Rwasa. The Agreement made provision for a Joint Verification and Monitoring Mechanism (JVMM), involving the African Union, the United Nations and the Burundian parties. Under the activities devolving upon the JVMM, the African Union was “requested to assist with the provision of security for the combatants during their movement towards the assembly areas as well as the protection of their leadership”. More specifically, and according to the terms of the Agreement, the African Union was to: establish a Special Task Force for the protection of the leadership and combatants of Palipehutu-FNL, including their movement towards the assembly areas; follow up and evaluate the process of development by the JVMM of the mechanisms to address criteria for integration, strength, rank harmonisation, post allocation and career path for individuals in the defence and security forces; and play a central role in all the efforts aimed at implementing the repatriation programme.

2. In its decision PSC/PR/Comm(LXV), Council approved the establishment of the Special Task Force as provided for in the Comprehensive Ceasefire Agreement and mandated the Chairperson of the Commission to solicit the support of the Member States to

this effect. In this respect, Council welcomed the willingness expressed by South Africa to contribute to the establishment of the Special Task Force and requested the Chairperson of the Commission and the Mediator, Charles Nqakula, Minister of Safety and Security of South Africa, in consultation with the parties, to take appropriate measures to consolidate the progress made with the signing of the Comprehensive Ceasefire Agreement, including the immediate deployment by South Africa of forces that shall assist in the implementation of the Agreement, as part of the envisaged Special Task Force.

3. The present Information Note gives an account of the implementation status of the Comprehensive Ceasefire Agreement and the difficulties encountered in this respect. It also deals with the efforts being deployed to overcome the difficulties.

II. STEPS TAKEN IN IMPLEMENTATION OF THE COMPREHENSIVE CEASEFIRE AGREEMENT

4. In pursuance of the decision of Council, and in view of the conclusion of the mandate of the United Nations Operation in Burundi (ONUB) on 31 December 2006, which has been replaced by the United Nations Integrated Office in Burundi (BINUB), since 1 January 2007, the South African contingent that was until then operating under United Nations mandate was transferred to the African Union on 28 December 2006, to serve as the nucleus of the Special Working Group. This 786-strong nucleus is to be increased to a total number of 1088 troops. At the same time, the African Union Mission in Burundi (AMIB) has been strengthened with the arrival of a military adviser from Niger and 8 military observers from the Republic of Congo, Egypt, Ethiopia, The Gambia, Mali, Chad, Tunisia and Zimbabwe, who represent the African Union within the Joint Liaison Teams, provided for in the Comprehensive Peace Agreement.

5. After the signing of the Comprehensive Ceasefire Agreement, its implementation began only on 11 February 2007, the date on which delegates of Palipehutu-FNL to the JVMM were freed from prison. A week later, on 18 February 2007, exiled cadres of the movement returned to Burundi to participate in the activities of the JVMM, the main organ responsible for the implementation of the provisions of the Agreement. On 19 February, the activities of the JVMM were formally inaugurated in the presence of the Mediator and representatives of the international community in Bujumbura.

6. A closed session immediately followed during which participants discussed the items that should be placed on the agenda of the meeting. The agenda had three items, namely: introduction of the JVMM and the Joint Liaison Teams, identification of the assembly areas, and liberation of political prisoners and prisoners of war.

7. Since the Palipehutu-FNL was of the view that the liberation of the prisoners takes precedence over the identification of the assembly areas, the order of priorities was modified accordingly. At the end of their first working session, the participants agreed as follows:

- the Government delegation and the delegation of Palipehutu-FNL to the JVMM shall now include 12 members each instead of 7, as originally agreed;
- each of the two parties will be represented by 14 members in the Joint Liaison Teams;

- the Joint Liaison Team responsible for the release of the prisoners should become operational without delay;
- the Palipehutu-FNL delegation should submit proposals regarding the assembly areas to the JVMM, which will study them and take a final decision on the issue. The timeframe for Palipehutu-FNL delegation to carry out this work was not set;
- following a proposal by the Government delegation, rules of procedure of the JVMM were to be prepared. The Government delegation was to provide a draft text at the next working session then slated for 22 February 2007.

8. Unfortunately, the hopes generated by the inaugural session of the JVMM to see the process carried out unimpeded were short-lived. As a matter of fact, right from the session held on 22 February 2007, difficulties emerged, which got compounded later. As a result, the activities of the JVMM came to a halt and were finally suspended indefinitely on 26 March 2007 at the initiative of its Chairman who, in view of the irreconcilable positions of the two parties, referred the matter to the Mediator. In the circumstances, the issue was no longer to try to fast-track the process but rather to see how it could be revived.

9. The deadlock arose from the four prerequisites put forward by the Palipehutu-FNL, namely: the release of political prisoners and prisoners of war; the disengagement of the National Defence Force (FDN) from the Bubanza, Bujumbura Rural, Cibitoke and Kayanza provinces, where FNL combatants are believed to be stationed; the definition of the modalities of integration of the FNL combatants into the defence and security forces (negotiation of a technical agreement of forces); and the participation of the leaders of the movement in the country's political life (power-sharing and implementation of the 18 June 2006 Agreement of Principles).

10. Whilst the first demand falls within the purview of the JVMM, the same cannot be said of the second, which is difficult to implement because it is not possible to imagine how the FDN will withdraw from the provinces when it is expected to ensure security throughout the country. The last two demands, which are political in nature, require directives from the leaders of the two parties.

III. EFFORTS TO RE-LAUNCH THE ACTIVITIES OF THE JVMM

11. In a bid to revive the activities of the JVMM, the Special Representative of the Chairperson of the Commission in Burundi, Ambassador Mamadou Bah, met with the representatives of the Palipehutu-FNL on 27 March. On that occasion, he invited them to make a distinction between political issues, the resolution of which is the prerogative of the President of the Republic, Pierre Nkurunziza, and of the leader of the movement, Agathon Rwasa, from technical issues which could be addressed by the JVMM without prejudice to the legitimate concerns of Palipehutu-FNL. He, therefore, suggested that the work of the JVMM be resumed to try to resolve the problems pertaining to the determination of the assembly areas and the release of the prisoners, and that efforts be made to arrange a meeting between the leader of the movement and the President of the Republic to resolve the issue relating to power sharing and the integration of forces. That proposal did not materialise.

12. On 3 April 2007, the Mediator dispatched his representative, Ambassador Kingsley Mamabolo, to Bujumbura, to try to break the deadlock. The latter was received by the President of the Republic, who raised the possibility of granting Palipehutu-FNL posts in the

diplomacy, administration and the public sector, thus excluding the participation of Palipehutu-FNL in the Government and in the Assemblies, on grounds that the Constitution does not allow for the opening up of these institutions. He also expressed his readiness to meet the leader of Palipehutu-FNL at a meeting to be held in Burundi as soon as possible. For their part, the representatives of Palipehutu-FNL with whom Ambassador Mamabolo held talks demanded that the proposed meeting be held outside Burundi, arguing that they feared for the safety of Mr Rwaswa should the latter come to Burundi.

13. On 17 April 2007, while waiting for the modalities of the meeting between the President of the Republic and the leader of Palipehutu-FNL to be concluded, the Special Representative of the Chairperson of the Commission, once again, tried to convince the representatives of Palipehutu-FNL to rejoin the JVMM and prepare the meeting between the two officials concerned. The representatives of Palipehutu-FNL, however, re-affirmed their position according to which the resumption of the work of the JVMM would be possible only after they have been informed of the outcome of the meeting between Mr Rwaswa and the President of the Republic.

14. In order to break the deadlock, the Chairperson of the Commission wrote, on 17 May 2007, to the Chairman and Vice-Chairman of the Regional Peace Initiative for Burundi, Presidents Yoweri Museveni and Jakaya Kikwete, respectively, as well as to President Thabo Mbeki of South Africa, the Facilitator, to draw their attention to the situation prevailing on the ground. More specifically, he requested them to do everything possible to facilitate a meeting between President Nkurunziza and Agathon Rwaswa so as to restore confidence between the parties and thereby get out of the impasse. The United Nations Secretary-General undertook a similar demarche.

15. Following a long process of consultations between all the stakeholders initiated in the wake of the suspension of the activities of the JVMM, on 26 March 2007, the meeting between President Nkurunziza and Agathon Rwaswa took place in Dar es Salaam on Sunday 17 June 2007. In attendance were President Kikwete, the South African Minister of Transport, who stood in for the Facilitator, the Executive Representative of the United Nations Secretary-General in Burundi, and the Special Representative of the Chairperson of the Commission in Burundi. The meeting essentially consisted of a long tête-à-tête between President Nkurunziza and Mr Rwaswa, which lasted almost 5 hours.

16. At the end of the meeting, it was agreed that the JVMM would resume its activities and would work in a sustained manner to resolve all issues pertaining to the implementation of the Ceasefire Agreement. It was also agreed that, should difficulties arise, the representatives of the parties in the JVMM would consult with their respective authorities, namely the President of the Republic and the leader of Palipehutu-FNL, who would then personally get involved to iron out the differences. In this connection, the President of the Republic and the leader of the Palipehutu-FNL agreed to establish and maintain a permanent line of communication between them. On the specific issue of the release of political prisoners and prisoners of war, the two parties agreed to initiate the process as soon as possible. To this end, Palipehutu-FNL will provide the list of its combatants who fall in this category. The list will be examined by the JVMM and a committee of the Ministry of Justice in order to identify those who, according to the definition of political prisoners and prisoners of war, qualify to be released.

17. The JVMM resumed its activities on 4 July 2007. The meetings held were devoted to the following issues:

- discussion of the results of the meeting of 17 June in Dar es Salaam;
- elaboration of an implementation plan for the decisions reached in Dar es Salaam;
- establishment of the Joint Liaison Team in charge of immunities and the release of political prisoners and prisoners of war; and
- reactivation of the Standing Committee on the allegations of ceasefire violations.

18. Comprising 16 members, including a representative of the African Union, the Joint Liaison Team in charge of immunities and the liberation of political prisoners and prisoners of war has since started its work. However, it is feared that the JVMM may again be faced with a deadlock. Indeed, the same issues that led to the suspension of the activities of the JVMM some months ago have been put back on the table. These issues relate to the identification of the assembly areas, the submission of the list of prisoners and combatants, the disengagement of the FDN from provinces where FNL combatants are believed to be stationed, and the participation of Palipehutu-FNL in the institutions of the Republic.

IV. OBSERVATIONS

19. Nearly a year after the signing of the Comprehensive Ceasefire Agreement between the Government and the Palipehutu-FNL, progress made in its implementation remains limited. Indeed, the achievements of the JVMM amounted only to the establishment of the Joint Liaison Team on immunities and the release of political prisoners and prisoners of war; the return to Bujumbura of 5 FNL officers from the provinces of Bubanza, Bujumbura Rural, Cibitoke and Kayanza; and the establishment of a Standing Committee comprising representatives of the Palipehutu-FNL, the Government, the United Nations, the African Union and the Mediation charged with analysing all allegations of violation of the ceasefire.

20. Admittedly, the JVMM has resumed its work. However, as indicated above, factors which could provoke a new deadlock in the activities of this organ were perceptible during its recent meetings. The Special Representative of the Chairperson of the Commission, in collaboration with the Executive Representative of the Secretary-General of the United Nations and the Ambassadors of Tanzania and South Africa, is working to prevent another suspension of the activities of the JVMM.

21. It is crucial that the last phase of the peace process in Burundi be successfully carried out in order to consolidate the remarkable progress made over the past years and allow a much greater mobilisation to meet the challenges of post-conflict reconstruction and development. In this context, the Burundian parties should be urged to take advantage of the momentum created following the meeting between President Nkurunziza and Agathon Rwaswa, to move forward the implementation process of the Comprehensive Ceasefire Agreement. The leaders of the Palipehutu-FNL should also be requested to scrupulously honour their commitments.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

82nd MEETING

23 JULY 2007

ADDIS ABABA, ETHIOPIA

PSC/PR/PS(LXXXII)

PRESS STATEMENT ON THE SITUATION IN THE COMOROS, 23 JULY 2007

The Peace and Security Council of the African Union, at its 82nd meeting held on 23 July 2007, was briefed by the Commission, supplemented by the representative of South Africa, the country coordinating the regional efforts on The Comoros, on the outcome of the Meeting of the Ministerial Committee of the Countries of the Region on The Comoros, held in Pretoria, South Africa, on 8 and 9 July 2007, and on the subsequent developments in the Comoros.

Council commended the countries of the region, under the leadership of South Africa, for their untiring efforts aimed at resolving the crisis that arose 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 presidential decree postponing the said election. In this respect, Council recalled its decision of 9 June 2007 warning the Anjouanese authorities against the organisation of the election and indicating that the African Union and the international community would not recognise the outcome of this election.

Council expressed its full support for the conclusions adopted by the meeting of the Ministerial Committee of the Countries of the Region.

Council welcomed the visit to The Comoros, starting from today, of the Special Envoy of the Chairperson of the Commission, and assured him of its confidence and full support. Council expressed hope that this visit will result in the full and formal acceptance of the conclusions of the Pretoria meeting, as well as in their speedy and scrupulous

implementation. Council will meet in due course to review the situation in The Comoros and decide on the best way forward.

Addis Ababa, 23 July 2007

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**PEACE AND SECURITY COUNCIL
81ST MEETING
20 JULY 2007
ADDIS ABABA, ETHIOPIA**

PSC/PR/Comm(LXXXI)

**COMMUNIQUE OF THE 81ST MEETING OF THE PEACE AND SECURITY
COUNCIL OF THE AFRICAN UNION ON THE IMPLEMENTATION OF THE
COMPREHENSIVE CEASEFIRE AGREEMENT OF 7 SEPTEMBER 2006
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF BURUNDI AND THE
PALIPEHUTU-FNL OF AGATHON RWASA, 20 JULY 2007**

The Peace and Security Council of the African Union, at its 81st meeting held on 20 July 2007, adopted the following Communiqué on the implementation of the Comprehensive Ceasefire Agreement of 7 September 2006 between the Government of the Republic of Burundi and the Palipehutu-FNL of Agathon Rwaswa:

Council,

1. **Takes note** of the Information Note on the status of implementation of the Comprehensive Ceasefire Agreement of 7 September 2006 between the Government of the Republic of Burundi and the Palipehutu-FNL of Agathon Rwaswa [PSC/PR/2 (LXXXI)] and the briefing of the Special Representative of the Chairperson of the Commission in Burundi on the general situation in this country;
2. **Welcomes** the measures taken by the Commission and the Facilitation with a view to supporting the implementation of the Comprehensive Ceasefire Agreement, including the deployment of the AU Special Task Force and AU military observers. In

this regard, Council **expresses gratitude** to the United Nations, the AU Member States, and in particular, South Africa, for their contribution to the implementation of the Comprehensive Ceasefire Agreement;

3. **Notes with satisfaction** the outcome of the Dar es Salaam Meeting of 17 June 2007 between President Pierre Nkurunziza and the leader of the Palipehutu-FNL, Agathon Rwasa and **commends** the continuation of a permanent channel of communication between the two leaders. Council **expresses gratitude** to the Regional Initiative, in particular to the President of the United Republic of Tanzania for his assistance;

4. **Expresses its concern** over the delays in the implementation of the Comprehensive Ceasefire Agreement and the recurring difficulties encountered in this regard. Council **calls upon** the parties to honour their obligations and commitments with a view to accelerating the implementation of the Comprehensive Ceasefire Agreement which should be concluded at the latest by December 2007;

5. **Notes with concern** the danger of institutional stalemate in Burundi and **encourages** the Government of Burundi, the political opposition and all other parties to work together for unity and reconciliation. Council **further encourages** the Burundian authorities and the political opposition to work together to put an end to the political crisis through a frank dialogue;

6. **Emphasizes** the role of socio-economic development in enhancing the peace process in Burundi and **calls upon** the international community to provide the necessary assistance to the people of Burundi. In this respect, Council **also calls on** the donor community to honour their pledges with a view to facilitating post-conflict reconstruction in Burundi;

7. **Pays tribute** to the Chairperson of the Commission and his Special Representative in Burundi for their unrelenting efforts towards the improvement of the political climate and the completion of the peace process;

8. **Decides** to remain seized of the matter.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**PEACE AND SECURITY COUNCIL
84th MEETING
31 JULY 2007
ADDIS ABABA, ETHIOPIA**

PSC/PR/Comm(LXXXIV)

COMMUNIQUÉ, 31 JULY 2007

The Peace and Security Council of the African Union, at its 84th meeting held on 31 July 2007, adopted the following decision on the renewal of the mandate of the African Union Electoral and Security Assistance Mission to the Comoros:

Council,

1. **Recalls** decision PSC/MIN/Comm.1 (LXXVII) adopted at its 77th meeting held in Durban, South Africa, on 9 May 2007, authorising the deployment of the African Union Electoral and Security Assistance Mission to The Comoros (MAES), for an initial period running from 13 May to 31 July 2007;
2. **Decides** to extend the mandate of MAES for an additional period of one month, until 31 August 2007;
3. **Further decides** to meet as soon as possible to review the situation in the Comorian Island of Anjouan, on the basis of a report to be submitted by the Chairperson of the Commission after consultation with the countries of the region.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**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, 13 AUGUST 2007**

I. INTRODUCTION

1. At its 84th meeting held on 31 July 2007, the Council, after recalling decision PSC/MIN/Comm.1 (LXXVII) adopted at its 77th meeting held in Durban, South Africa on 9 May 2007, authorising the deployment of the AU Electoral and Security Assistance Mission to The Comoros (MAES) for an initial period from 13 May to 31 July 2007, decided to extend a mandate of MAES for an additional period of one month up to 31 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, characterised among other things by the use on 2 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 organisation 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 Organisation 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 26 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 14 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 the 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 condemning 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) Authorised 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 finalise 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 that the elections are 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 States also provided financial assistance 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 30 June 2007 and 1 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 elections on 10 June 2007, and emphasised that the African Union and the international community at large would not recognise 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 organised 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 organised. The Anjouanese authorities proceeded 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 organise 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 organise the presidential election in the Island on 10 June 2007. The meeting, which was chaired by the Foreign Minister of South Africa 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 by either 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 steps:

- (i) to comply with the ruling of the Constitutional Court and to unambiguously acknowledge that the “election” organised in Anjouan on 10 June 2007 is null and void;
- (ii) to facilitate the organisation, 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 meet 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 on 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 on 8 and 9 July 2007.

28. The Ministerial Committee met again in Pretoria on 8 and 9 July 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 emphasised 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 fulfil 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 emphasised 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 organisation 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 organisation 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 after 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 after 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 to 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 organised in Anjouan under the conditions spelt out above should be accepted by all concerned;
 - ix) Immediate steps should be taken for the mobilisation 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 organisation 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 rationalisation 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 organised 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 organise new elections. Lastly, the Government underscored the importance of forthcoming meetings of ADB and the IMF on 17 and 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 organisation 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 to 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 organisation 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 on 17 and 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 the 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 and 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 country's 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 Organisation (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 began to invest 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 additional time to make its position known. Meanwhile, a *coup d'état* took place in Moroni which jeopardised 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, which 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 those 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 Sambu, 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 status 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 organisation 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 dozen and more than a thousand personnel; but also in terms of mandate: confidence building among the parties, security and electoral assistance, collection of weapons, etc. The OAU also helped in mobilising 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 Organisation 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 jeopardising 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 into 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 organisation of fresh democratic elections 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 sacrifice.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PRESS STATEMENT, 27 SEPTEMBER 2007

The Peace and Security Council, at its 93rd meeting held on 27 September 2007, was briefed on the outcome of the meeting of the Ministerial Committee of the countries of the region on The Comoros and the Troop Contributing Countries to the African Union Electoral and Security Assistance Mission to the Comoros (MAES), held in Cape Town, South Africa, on 18 September 2007.

Council agreed to meet in due course to consider the recommendations of the Ministerial Committee and agree on the way forward.

Addis Ababa, 27 September 2007

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**PEACE AND SECURITY COUNCIL
95TH MEETING
10 OCTOBER 2007
ADDIS ABABA, ETHIOPIA**

PSC/PR/Comm(XCV)

**COMMUNIQUE OF THE 95TH PEACE AND SECURITY COUNCIL MEETING,
10 OCTOBER 2007**

The Peace and Security Council of the African Union, at its 95th meeting held on 10 October 2007, adopted the following communiqué on the situation in the Comoros:

Council,

1. **Takes note** of the Report of the Chairperson of the Commission on the situation in the Comoros [PSC/PR/2(XCV)] and the additional information provided by the Special Envoy of the Chairperson of the Commission for the Comoros and the representative of South Africa, coordinator of the regional efforts on the Comoros, the statements by the representatives of Tanzania and the Sudan, in their capacity as Troop Contributing Countries (TCCs) to the African Union Electoral and Security Assistance Mission to the Comoros (MAES), as well as by the United Nations, the League of Arab States and the Organisation internationale de la Francophonie (OIF). Council **further takes note** of the statement by the delegation of the Government of the Union of the Comoros;
2. **Expresses its gratitude** to the countries of the region for their untiring efforts in support of the process of reconciliation in the Comoros, under the leadership of South Africa, coordinator of the regional efforts on the Comoros, as well as to MAES TCCs;
3. **Deeply regrets** that, in spite of the tireless efforts of the African Union and the urgent appeals by several members of the international community, the illegal authorities of Anjouan have continued to reject the proposals put forward by the countries of the region, following the two meetings held in Cape Town and Pretoria, South Africa, on 18 June and 8 and 9 July 2007, respectively, in order to end the crisis and create conditions for lasting stability and reconciliation in the Comoros;

4. **Stresses** that any further delay in the resolution of the crisis would further destabilise the Comoros and seriously jeopardise the unity of the country, as well as seriously impede the efforts to address the socio-economic problems facing the Archipelago. Accordingly, Council **reiterates** its determination to ensure that the illegal authorities of Anjouan fully and unconditionally comply with the demands of the countries of the region, as articulated in the Cape Town communiqué of 18 June 2007, and the relevant decisions of Council;

5. **Approves** the recommendations submitted, in conformity with its communiqué PSC/PR/Comm(LXXXVII) of 13 August 2007, by the meeting of the Ministerial Committee of the countries of the region, held in Cape Town on 18 September 2007, which endorsed the conclusions of the meeting of senior officials of the countries of the region and the MAES TCCs, held in Addis Ababa on 4 September 2007. In this respect, Council **decides** that:

- a) all Member States shall immediately take the necessary measures to prevent the entry into or transit through their territories of all the illegal Anjouanese authorities and all other persons that impede the reconciliation process and constitute a threat to peace and security in the Comoros,
- b) all Member States shall immediately freeze the funds, other financial assets and economic resources that are on their territories and are owned or controlled by the illegal authorities of Anjouan and all other persons and entities that impede the process of reconciliation and constitute a threat to peace and security in the Comoros,
- c) in order to facilitate the implementation of the measures referred to in paragraph 5 (a) and (b) above, the Government of the Union of the Comoros, in collaboration with the Commission, shall draw up a comprehensive list of all the individuals and entities concerned. The Commission shall circulate the list of the said individuals and entities to all Member States,
- d) all air and sea transport to or from Anjouan shall be monitored to ensure that they do not, in any way, benefit the illegal authorities of Anjouan and their supporters, bearing in mind the need to limit, as much as possible, the impact of these measures on the civilian population;

6. **Further decides**, and in conformity with its communiqué of 13 August 2007 [PSC/PR/Comm(LXXXVII)], that the mandate of MAES is reviewed as follows:

- a) to support implementation of individual and other sanctions imposed by paragraph 5 above against the illegal authorities in Anjouan,
- b) to deploy in Anjouan in order to undertake the following:
 - (i) facilitate the organisation, in Anjouan, of the first round of the election of the President of the Island, in accordance with the Constitution and relevant electoral legislation, and provide the requisite security for the holding of free, fair and transparent elections,

- (ii) supervise the encampment of the elements of the Anjouanese Gendarmerie, which will, in no way, be involved in the supervision of the electoral process, as well as their disarmament and integration into the Comorian National Army,
 - (iii) assist in the establishment in Anjouan of an internal security force in accordance with the Constitution of the Union, and
 - (iv) facilitate the restoration of the authority of the Union in Anjouan;
- c) to support the work of the inter-Comorian Committee on the Sharing of Constitutional Competences between the Union and the Autonomous Islands, as well as the efforts aimed at rationalising the current constitutional arrangements in the Comoros, after the restoration of the authority of the Union in Anjouan;

7. **Stresses** the need to strengthen MAES and, in this respect, **requests** the Commission to liaise with the TCCs for the speedy deployment of additional troops and other elements to facilitate the implementation of the revised mandate of MAES;

8. **Further requests** the Commission and the Government of the Comoros to undertake a sensitisation campaign to explain to the Anjouanese population that the measures imposed by paragraph 5 are directed exclusively at the illegal authorities of the Island and that the only objective being pursued is to restore normalcy in Anjouan;

9. **Directs** that a follow-up mechanism, made up of two members of the Peace and Security Council, namely Angola and Senegal, representatives of the countries of the region and MAES TCCs, the Government of the Union of the Comoros, and the Commission, be established at the level of MAES in Moroni, under the leadership of the African Union, to supervise the implementation of the measures imposed by paragraph 5 above and grant the requisite exemptions on humanitarian or other grounds. Council **requests** the Commission to take the necessary steps to strengthen the African Union Liaison Office in Moroni, to enable it to play the role expected of it, and to mobilise the resources required to that end;

10. **Stresses** the importance of securing the full support of the international community in order to enhance the effectiveness of the measures referred to in paragraph 5 above. In this respect, Council **requests** the Chairperson of the Commission to formally liaise with the United Nations, the League of Arab States, the OIF, the Indian Ocean Commission, the European Union and all other concerned stakeholders to solicit their support and that of their respective Member States for the implementation of the measures imposed by paragraph 5 above, including providing any information at their disposal on possible violations of these measures;

11. **Decides** that the measures imposed in paragraph 5 shall be applicable for an initial period of forty-five (45) days from the date of the adoption of the present communiqué. Should the illegal Anjouanese authorities comply fully and unconditionally with the demands of the Ministerial Committee and the relevant decisions of Council, before the expiration of this period, Council **shall meet to terminate** these measures, after consultation with the

countries of the region. In the event of non-compliance, Council **shall meet to adopt** further measures, including sea and air blockade of the Island, as well as MAES support to the Comorian Government to enable it take all measures necessary to restore its authority in Anjouan;

12. **Requests** the Chairperson of the Commission to submit to it, within twenty-one (21) days from the date of the adoption of this communiqué, a report on the steps taken to further the implementation of the measures imposed by paragraph 5, and in this respect, **requests** the Member States to communicate to the Commission all relevant information on the actions that they would have taken to implement the measures imposed by paragraph 5;

13. **Decides** to remain seized of the matter.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**PEACE AND SECURITY COUNCIL
95TH MEETING
10 OCTOBER 2007
ADDIS ABABA, ETHIOPIA**

**PSC/PR/2(XCV)
Original: French**

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE
SITUATION IN THE COMOROS, 10 OCTOBER 2007**

I. INTRODUCTION

1. At its 87th meeting held on 13 August 2007, Council considered the situation in The Comoros. In the communiqué adopted at the end of its deliberations, Council endorsed the recommendations and conclusions of the Ministerial Committee of the countries of the region on The Comoros, as adopted by its meetings held in Cape Town and in Pretoria on 19 June 2007 and 8–9 July 2007, respectively. Council regretted that the efforts deployed to resolve the Comorian crisis did not receive the expected positive response from the *de facto* Anjouanese authorities.

2. Council decided, on the basis of the recommendations of the Ministerial Committee, to review the mandate of the African Union Electoral and Security Assistance Mission (MAES) and the strength of the Mission, to ensure the effective implementation of the institutional framework as provided for in the Constitution of The Comoros. In this respect, Council requested the Commission to work closely with the Ministerial Committee of the countries of the region, with a view to submitting, within one month, concrete proposals, without excluding any option, for the consideration of Council, regarding the implementation of the Cape Town and the Pretoria framework, including the imposition of targeted individual sanctions against the *de facto* Anjouanese authorities. In the meantime, Council decided to extend the mandate of MAES until 31 December 2007.

3. At its 93rd meeting, held on 27 September 2007, Council received a briefing on the outcome of the meeting of the Ministerial Committee of the countries of the region on The Comoros and the MAES Troop Contributing Countries, held in Cape Town, on 18 September 2007. Council agreed to reconvene at the appropriate time to consider the recommendations of the Ministerial Committee and to decide on the way forward.

4. The present report is submitted in implementation of these decisions. It provides an account of the reactions of the Comorian parties to the decision of Council, covers the activities undertaken in the follow-up of the communiqué of Council of 13 August 2007, and provides recommendations on the way forward for the definite resolution of the crisis facing the Archipelago.

REACTIONS OF THE COMORIAN PARTIES TO THE COMMUNIQUE OF THE 87TH MEETING OF COUNCIL

5. In my report to the 87th meeting of Council, I indicated that the Comorian Government had accepted the recommendations submitted by the countries of the region during their meeting held in Pretoria, as well as the relevant decisions of Council, while the *de facto* authorities of Anjouan rejected these recommendations. The reactions of the Comorian parties to the communiqué of Council of 13 August 2007 were the same as had been expressed previously.

6. More specifically, the Government of the Union welcomed the communiqué. In particular, it appreciated the decision to increase the strength of MAES and to revise the mandate of the Mission, as well as the determination of Council not to exclude any option with a view to resolving the Anjouanese crisis. Furthermore, the Assembly of the Union of The Comoros, through a resolution adopted on 3 September 2007, condemned the intransigence of the *de facto* authorities of Anjouan and supported the position of Council.

7. On their part, the *de facto* authorities of Anjouan, through a communiqué of 3 September 2007, indicated, among other things, that they received the communiqué of Council with profound disappointment. They reiterated their rejection of the conclusions of the meetings of Cape Town and Pretoria, linking any resolution of the crisis in Anjouan to a number of pre-conditions, particularly the holding of an inter-Comorian round table that would bring together all the socio-political and religious stakeholders in the country and discuss the way out of the crisis, including the malfunctioning of the current institutional arrangements.

III. FOLLOW-UP ON THE COMMUNIQUE OF THE 87TH MEETING OF COUNCIL

8. In follow-up to the communiqué of the 87th meeting of Council, a meeting of senior officials of the countries of the region and the Troop Contributing Countries of MAES was held in Addis Ababa on 4 September 2007, under the chairmanship of South Africa, Coordinator of the regional efforts on The Comoros. The Commission

was represented at that meeting by a delegation led by my Special Envoy for The Comoros, Francisco Madeira. In response to the invitation addressed to it, the Government of the Union of The Comoros dispatched a delegation to Addis Ababa. The delegation informed the participants of the evolution of the situation in the Archipelago, but did not take part in the actual deliberations of the meeting.

9. After having noted the persistent rejection by the illegal authorities of Anjouan of the conclusions of the two meetings of the Ministerial Committee and the relevant decisions of Council, the meeting, in conformity with the decision of Council, elaborated a number of recommendations for the resolution of the crisis. These recommendations revolve largely around individual targeted sanctions and other measures that would further the implementation of the decisions of the meetings of Cape Town and Pretoria, the revision of the mandate of MAES and the mechanism to put in place with a view to facilitating the implementation of these recommendations.

10. The Ministerial Committee met again in Cape Town on 18 September 2007, under the chairmanship of the Foreign Minister of South Africa, to examine the recommendations put forward by the meeting of senior officials. Senegal and the Sudan participated in the meeting in their capacity as MAES Troop-Contributing Countries. The Commission was represented by a delegation led by the Commissioner for Peace and Security. The Government of the Union of The Comoros, as well as the illegal authorities of Anjouan, were invited to the meeting, for consultation. The Anjouanese delegation was led by Colonel Mohamed Bacar, the self-proclaimed President of the Island.

11. At the end of its deliberations, the Ministerial Committee, having made some minor adjustments, endorsed the conclusions of the meeting of senior officials. The Committee decided to submit the conclusions, a copy of which is herewith attached, to Council for it to take an appropriate decision on the situation in The Comoros.

12. It is necessary to underline that, during the meeting, the Ministerial Committee held in-depth consultations with the delegations of the Government of the Union and the illegal authorities of Anjouan. The Committee presented the recommendations made to Council and requested, once again, the reaction of the Comorian parties to the proposals put forward during the Pretoria meeting of July 2007. The Government of the Union of The Comoros reiterated its acceptance of these proposals and its support to the envisaged measures against the illegal authorities of Anjouan in order to put an end to the current impasse. On their part, and despite the persuasive efforts deployed by the participants to the meeting, the illegal Anjouanese authorities again rejected the proposals of the Pretoria meeting. They submitted a counter-proposal, herewith attached, which subordinates the possible holding of elections in Anjouan to the convening of an inter-Comorian round table, which would, with sovereign authority, agree on the way forward for the resolution of the crisis in The Comoros.

13. Subsequently, the Government of the Union issued a press statement indicating that, following the decision of the Ministerial Committee endorsing the recommendations of the meeting of senior officials, it is now up to Council to ensure the implementation of the recommendations. On his part, Colonel Bacar, during an interview with the local radio station in Anjouan, reiterated the position of Anjouan as expressed in Cape Town. Furthermore, he indicated that he was satisfied with his visit to Cape Town and that it was henceforth clear that there would not be a “military action” in Anjouan.

IV. OBSERVATIONS

14. Since Council’s meeting of 13 August 2007, no progress has been made in resolving the crisis facing the Archipelago. In spite of the efforts made by the countries of the region, the urgent appeals of Council and the repeated exhortations of the AU partners in the international community, the illegal Anjouanese authorities still persist in their rejection of the proposals made to end the present impasse. Even after they had been informed by the Ministerial Committee of the risk of having sanctions imposed, if they persist in their intransigence, the Anjouanese delegation attending the Cape Town meeting did not change its position.

15. In my report of 13 August 2007, I recalled that the Comorian crisis has been on the agenda of our Organisation for ten years now, and that on the fundamental issue of the return of Anjouan to the fold of the Union and the restoration of State authority on that island, no significant progress has been made. That state of affairs is all the more regrettable as the AU has left no stone unturned to facilitate the resolution of the crisis and promote lasting reconciliation in The Comoros; very few African conflicts have mobilised so much attention and energy of the AU as the situation in the Archipelago. In my above-mentioned report, I also stressed the dangers of that situation and its implications both for the unity and cohesion of the country and for its socio-economic development.

16. Since then, the developments that have taken place in The Comoros have confirmed those worries. On the one hand, every passing day without progress in the search for a solution only strengthens the status quo in Anjouan and reinforces the illegal authorities of the Island in their defiance. There is real risk of extremist elements taking advantage of the situation to destabilise the legal institutions of the country, make the unity of the country more fragile and raise community tensions.

17. On the other hand, the present impasse literally prevents the authorities of the country from devoting all the necessary energy to the priority issue of socio-economic development. It complicates the relations with the regional and international financial institutions, as well as the implementation of the cooperation agreements signed with the bilateral partners of The Comoros. In a letter addressed to me a few weeks ago, President Ahmed Abdallah Mohamed Sambi pointed out that the meeting of the partner countries and institutions of The Comoros, that was scheduled in Paris at the beginning of September, to consider the cancellation of the

debt of The Comoros to the African Development Bank, had to be postponed to a later date because of the persisting crisis in Anjouan. Similarly, the presentation of the file of The Comoros to the International Monetary Fund could be compromised. It is in this context that the growing frustration of the Comorian authorities in the face of the stagnating efforts of the international community aimed at resolving the crisis through negotiations, as well as their urgent appeals for assistance, including an intervention in Anjouan, should be situated.

18. The recommendations submitted by the Ministerial Committee of the countries of the region are particularly appropriate. They would involve the immediate imposition of individual and other sanctions (travel ban; freezing of funds, other financial assets and economic resources; and restriction of air and maritime links from and to Anjouan), which would penalise the illegal authorities of Anjouan. At the same time, the mandate of MAES would be revised to enable it to support the implementation of the sanctions, while the necessary initiatives would be taken to mobilise the support of the international community. Those measures would be applied for an initial period of 45 days, it being understood that if the objective is not attained at the end of that period, Council, as recommended in paragraph 19 of the conclusions endorsed by the Ministerial Committee in Cape Town, would meet to adopt further measures.

19. If urgent action is not taken to overcome the impasse in which the Archipelago finds itself, it is feared that the situation could seriously deteriorate in a short time, which would compel the AU to deal with the Comorian problem within a different, more complicated and difficult framework, that would necessitate more robust means than those required presently. It is, therefore, imperative that the recommendations of the Ministerial Committee be endorsed and implemented with the full support of our partners.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

**PEACE AND SECURITY COUNCIL
102ND MEETING
26 NOVEMBER 2007
ADDIS ABABA, ETHIOPIA**

PSC/PR/Comm(CII)

**COMMUNIQUE OF THE 102ND MEETING OF THE PEACE AND SECURITY
COUNCIL, 26 NOVEMBER 2007**

The Peace and Security Council of the African Union, at its 102nd meeting held on 26 November 2007, adopted the following decision on the situation in the Comorian Island of Anjouan:

Council,

6. **Takes note** of the Report of the Chairperson of the Commission on the follow-up of the communiqué of the 95th meeting of Council on the situation in the Comoros [PSC/PR/2(CII)] of 10 October 2007;

7. **Expresses appreciation** for the steps taken by the Commission as part of the implementation of the sanctions imposed against the illegal authorities of Anjouan, as well as for the support provided by the Indian Ocean Commission, the Organisation Internationale de la Francophonie, the League of Arab States, the European Union and its Member States, and the United States of America, to these sanctions and the efforts of the AU;

8. **Notes with regret** that the illegal authorities of Anjouan have, to date, not taken the steps expected from them, in conformity with the demands of the countries of the region and the Council. Council **strongly condemns** the measures announced by the illegal

authorities of Anjouan to prevent a number of Anjouanese personalities from leaving or travelling to Anjouan, including the President of the Union of the Comoros and members of his Government;

9. **Decides** to extend the measures contained in paragraph 5 of its communiqué PSC/PR/Comm(XCV) of 10 October 2007 for an additional period of 60 days, and **urges** the AU partners to continue to support the implementation of the sanctions. Council, in particular, **requests** the United Nations Security Council to give support to the sanctions imposed against the illegal authorities of Anjouan;

10. **Requests** the Commission to intensify the efforts that it has initiated to ensure an effective follow-up of the sanctions imposed against the illegal authorities of Anjouan, including through regular visits to the countries of the region, the organisation of a meeting of security experts of the countries of the region in Moroni, the strengthening of the Follow-up Mechanism and the AU Liaison Office in the Comoros, and any other step it would deem appropriate;

11. **Further requests** the Member States to provide the Commission with the necessary logistical and other forms of support required to facilitate a more effective follow-up of the implementation of the sanctions imposed against the illegal authorities of Anjouan. Council **reiterates** the need to strengthen the African Union Electoral and Security Assistance Mission to the Comoros (MAES) and, in this respect, **encourages** the Troop Contributing Countries to deploy additional troops and to provide all the support required to that effect. Council **decides** to extend the mandate of MEAS, due to expire on 31 December 2007, for it to coincide with the sanctions imposed against the illegal authorities of Anjouan, as stipulated in paragraph 4 of this decision;

12. **Appeals** to all AU partners to continue to support the implementation of the sanctions and the efforts deployed by the AU to achieve a speedy resolution of the crisis in Anjouan;

8. **Reaffirms** the commitment of the AU to explore all avenues towards achieving a peaceful and negotiated solution to the crisis, on the basis of the Cape Town and Pretoria framework, as articulated by the Ministerial Committee of the countries of the region. Council **requests** the countries of the region to meet and to submit to it any recommendation they would deem appropriate for the way forward;

9. **Decides** to remain seized of the matter.

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL
102nd MEETING
26 November 2007
Addis Ababa, ETHIOPIA

PSC/PR/2(CII)
Original: French

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE FOLLOW-
UP OF THE COMMUNIQUE OF THE 95TH MEETING OF THE PEACE AND
SECURITY COUNCIL ON THE SITUATION IN THE COMOROS, 26
NOVEMBER 2007**

I. INTRODUCTION

1. At its 95th meeting held on 10 October 2007, Council approved the recommendations submitted, in conformity with its Communiqué PSC/PR/Comm (LXXXVII) of 13 August 2007, by the meeting of the Ministerial Committee of the countries of the region, held in Cape Town, South Africa, on 18 September 2007. In this respect, Council decided to impose, for an initial period of 45 days, a number of sanctions (restrictions on travel; freezing of funds, other financial assets and economic resources) on the illegal Anjouanese authorities and all other persons impeding the reconciliation process in The Comoros. It was further decided to monitor all air and sea transport to or from Anjouan to ensure that they do not in any way, benefit the illegal authorities of Anjouan and their supporters, bearing in mind the need to limit, as much as possible, the impact of these measures on the civilian population.

2. To facilitate the implementation of these sanctions, Council:

- decided to review the mandate of the African Union Electoral and Security Assistance Mission to The Comoros (MAES), and requested the Commission

to liaise with the Troop Contributing Countries (TCCs) for the speedy deployment of additional troops and other elements to facilitate the implementation of the revised mandate of MAES (paragraphs 6 and 7);

- requested the Commission and the Government of the Union of The Comoros to undertake a sensitisation campaign to explain to the Anjouanese population that the only objective being pursued is to restore normalcy in Anjouan (paragraph 8);
- directed that an appropriate mechanism be established in Moroni to supervise the application of the sanctions, and requested the Commission to take the necessary steps to strengthen the African Union Liaison Office in Moroni, to enable it to play the role expected of it, and to mobilise the resources required to that end (paragraph 9); and
- requested the Chairperson of the Commission to formally liaise with a number of international organisations to solicit their support and that of their respective Member States for the implementation of the Council decision (paragraph 10).

3. This report provides an account of the measures taken by the Commission in follow up to the decision of Council, and the reactions by AU partners, as recorded till now. The report makes recommendations on the steps to be taken to achieve the objectives set by Council based on recommendations made by countries of the region, at the expiry of the initial period of 45 days.

II. STATUS OF IMPLEMENTATION OF THE COUNCIL DECISION

4. As mentioned above, Council requested the Commission to take a number of measures to facilitate the implementation of its decision. The following paragraphs present the status of implementation of the various aspects of the decision of Council.

a) **Transmission of the decision to all stakeholders concerned and mobilisation of support by the international community (paragraphs 5 and 10)**

5. On 11 October 2007, the Commission forwarded the Communiqué from Council to all AU Member States to inform them of the measures taken against the illegal authorities of Anjouan. A message was also sent to the AU Liaison Office in Moroni, which, in turn, formally informed the Government of the Union of The Comoros.

6. On 25 October 2007, I sent letters to the Secretary-General of the Indian Ocean Commission, Monique Andreas Esoavelomandroso; the Secretary-General of the League of Arab States, Amr Moussa; the United Nations Secretary-General, Ban Ki-moon; the Secretary-General of the Organisation of the Islamic Conference, Ekmeleddin Ihsanoglu; the Secretary-General of the Organisation internationale de

la Francophonie, Abdou Diouf; as well as the Secretary-General of the Council of the European Union and High Representative for the Common Foreign and Security Policy, Javier Solana, and to the EU Commissioner for Development and Humanitarian Aid, Louis Michel. In the letters, I solicited the full support of these organisations and their Member States to facilitate the realisation of the efforts deployed by the AU. As regards the United Nations in particular, I requested the Secretary-General to convey my letter and the communiqué of Council to the members of the Security Council for information and appropriate action to be taken in support of the decision of the Council.

b) Finalisation of the list of individuals and entities under sanction (paragraph 5(c))

7. On 16 October 2007, the Government of the Union of The Comoros, in collaboration with the AU Liaison Office in Moroni, drew up an initial list of individuals and entities to be sanctioned. The list, comprising members of the de facto Government and of other Anjouanese institutions (the Electoral Commission of the Island and Appeal Court, in particular), members of the civil cabinet of Colonel Mohamed Bacar, the self-proclaimed President of the Island, and other personalities (members of the Island Legislative Assembly, traders, and others), was subsequently transmitted to all Member States, so that they could immediately take the necessary steps to prevent the entry into or transit through their respective territories of the individuals concerned and also to immediately freeze the funds, other financial assets and economic resources belonging to such individuals and to entities affected by the sanctions. The list was also sent to the United Nations, the European Union and its Member States, the League of Arab States, the Organisation internationale de la Francophonie, the Indian Ocean Commission and the Organisation of the Islamic Conference, for information and appropriate action.

8. The Government of the Union of The Comoros, in collaboration with the AU Liaison Office, updated the above-mentioned list, which now comprises the names of 168 individuals and entities. When this report was being finalised, steps were being taken to forward the list to all Member States and all concerned members of the international community.

c) Strengthening of MAES (paragraph 7)

9. From 10 to 14 November 2007, I dispatched a delegation led by my Special Envoy and comprising officers from the Commission to Tanzania and the Sudan to discuss the modalities for strengthening MAES with the authorities of these two countries. In Tanzania, the delegation met the Minister of Foreign Affairs, Bernard Membe, who was accompanied by military and civilian officials. In Sudan, the delegation met the Deputy Minister for Foreign Affairs, Elsmeni Elwasila, as well as representatives of the Ministry of Defence.

10. Both Tanzania and Sudan reiterated their appreciation of the efforts made by the AU to find a lasting solution to the Comorian crisis, as well as the commitment of their respective Governments to support these efforts. The Tanzanian Minister indicated that his country was ready to supply additional troops, provided that the Commission would mobilise the required financial and logistical resources from other Member States in order to confer continental character to the Mission. He stressed the need for elections for the presidency of the Island of Anjouan to be held before the end of December 2007 at the latest. The interlocutors of the team in Khartoum informed my Special Envoy that the Council's request for the strengthening of MAES would be forwarded to the competent authorities for consideration and appropriate action.

11. For its part, the Commission is pursuing efforts on the review of the concept of operation of MAES and the identification of the logistics required, particularly with respect to naval means. At the time of finalising this report, the Commission was preparing for a technical meeting on this issue. Meanwhile, MAES carried out a first naval patrol mission on 3 November 2007 to verify compliance with the measures taken by Council regarding restrictions on sea links to or from Anjouan. In this respect, it should be specified that the boat used is of civilian passenger type and, as such, is not suitable for such operations; moreover, the Mission does not have trained naval personnel for such operations. Besides, MAES elements were deployed in the ports and airports of Moroni and Moheli in order to ensure compliance with the measures imposed with respect to sea and air links to and from Anjouan.

d) Sensitisation of the Anjouanese population (paragraph 8)

12. The Commission sent a communication specialist to its Moroni Liaison Office for a period of one month to work out a sensitisation campaign as requested by Council. At a more technical level, and following the confiscation by the illegal authorities of Anjouan of the equipment and materials used to relay Comorian radio and television programmes, measures were taken to redirect the transmitters located in Grand Comoros, with the aim of directly reaching the population of Anjouan.

13. As concerns the sensitisation campaign itself, religious authorities and representatives of the youth and of women's organisations were called in to explain to the Comorian population the objective being pursued through the imposition of sanctions against the illegal authorities of Anjouan. Accordingly, a daily radio programme was introduced to serve as a forum. Another interactive radio programme (in national language) was also launched to enable the diaspora and the entire Comorian population to take part in the debate. In this respect, free telephone numbers were opened and an experienced Comorian journalist was called in to coordinate the programme. Advertisements in national language were produced and are aired during musical and other radio programmes to inform the population that the sanctions are targeted only at the de facto authorities of Anjouan.

14. My Special Envoy also featured as a guest on the synchronised Comorian radio and television news bulletin to explain the measures taken by Council. The Head of the AU Liaison Office in The Comoros holds periodic press conferences, and press releases are published after each meeting of the Sanctions Follow-up Mechanism.

e) Establishment of the Sanctions Follow-up Mechanism and Strengthening of the AU Liaison Office (paragraph 9)

15. To ensure the effective establishment of the Sanctions Follow-up Mechanism, the Commission formally requested the AU Member States concerned, namely the countries of the region and MAES TCCs, to designate their representatives who will sit on the Mechanism and effectively participate in its deliberations in Moroni. Some of the States concerned have already confirmed their readiness to send representatives to Moroni to take part in the deliberations of the Committee. At the request of these countries, the Commission is considering how it could mobilise the resources needed to facilitate their participation. Other countries are represented in Moroni by their embassies and already participate in the deliberations of the Follow-up Mechanism.

16. Meanwhile, I sent my Special Envoy for The Comoros, Francisco Madeira, to Moroni from 29 October to 9 November 2007, to discuss the modalities for the implementation of the sanctions with the Union authorities. He availed himself of the opportunity to formally put the Follow-up Mechanism in place on 2 November 2007. I am pleased to inform Council that the Mechanism is now operational; it meets every Monday and Friday, and whenever the need arises. The Mechanism also has a standing unit at the AU Liaison Office in Moroni.

17. A delegation of the Follow-up Committee comprising my Special Envoy, the Head of the AU Liaison Office and the Commander of MAES in Moroni, the Director of Cabinet of the President and the Secretary-General of the Government of The Union of The Comoros went to Mayotte, on 6 and 7 November 2007, to discuss the modalities for the implementation of sanctions with the local authorities. The French Ambassador to The Comoros also accompanied the delegation on this mission. The delegation plans to undertake other visits to the countries of the region to consider with the relevant authorities the modalities of an adequate follow-up of the sanctions and the contribution they could make in this respect.

18. The Commission is also taking the necessary steps to deploy additional staff to Moroni to support the action of the Liaison Office. To this effect, measures were taken to identify experts who could be rapidly deployed in Moroni.

III. REACTION OF AU PARTNERS

19. Since the adoption by the Council of the communiqué of 10 October 2007, a number of countries and organisations have expressed their support for the AU action and underlined the importance of holding free, transparent and fair elections in Anjouan to help resolve the crisis. The following paragraphs summarise reactions at international level registered to date.

a) **Indian Ocean Commission (IOC)**

20. Meeting in extraordinary session in the Seychelles, on 10 October 2007, the IOC Council expressed its deep concern about the situation provoked by the attitude of the de facto Anjouanese authorities. The IOC Council endorsed the recommendations and conclusions adopted by the Ministerial Committee of countries of the region at its meeting held in September 2007, and pledged its support for any measure or decision that could be taken by Council towards the early resolution of the crisis.

b) **United States**

21. In a press statement issued by the State Department dated 16 October 2007, the American Government commended the AU for applying sanctions against the unconstitutional authorities of Anjouan, in order to promote democracy on the Island. The US Government expressed its full support for the joint efforts of the Union of The Comoros and the AU to promote free and fair elections in Anjouan as soon as possible, and appealed to the illegal authorities of Anjouan to cooperate fully with the AU in this regard.

c) **The European Union and its Member States**

22. In a declaration issued on 23 October 2007, on behalf of the European Union, the Presidency of the European Council fully supported the decisions taken by Council during its meeting of 10 October 2007, particularly the measures adopted against the illegal authorities of Anjouan. The EU recalled its support for the integrity and unity of The Comoros, and stressed the need to organise new elections in Anjouan under AU supervision, in conformity with the recommendations made by countries of the region during their meetings held in Cape Town in June and September 2007. The EU declared its readiness to consider what assistance it could provide to the AU for the purpose of implementing the Council's communiqué of 10 October 2007.

23. The 9th ministerial meeting of the Africa–EU Troïka, held in Accra, Ghana, on 31 October 2007, also expressed its concern about the persistent crisis in Anjouan and its ensuing political and socio-economic consequences. The Ministers reiterated their appreciation of the untiring efforts made by the AU to promote peace and lasting reconciliation. To this effect, the European side once again expressed its support for the Council's decision and its readiness to consider supporting the implementation of the decision.

24. At the end of the visit to Mayotte of the Follow-up Mechanism mentioned above, France reiterated its full support for the Council's decisions, stressing that it would fully contribute to their implementation. Concretely, it was decided, by common accord, to temporarily station Comorian inspectors in Mayotte to monitor the movement of persons and goods between Mayotte and Anjouan, jointly with French authorities. The French authorities have also adopted the principle of transit via the autonomous islands of Moheli and the Grand Comoros for all sea and air links between Mayotte and Anjouan.

25. In a Note Verbale dated 15 November 2007, the French Embassy in Addis Ababa informed the Commission that the persons whose names appeared on the list of individuals under sanction (excluding Franco-Comorians) have now been registered under the French visa control system. Furthermore, in order to stop the Anjouanese in question from obtaining Schengen visas in other countries, France intends to seek systematic consultation with its Schengen partners about all visa applications by Comorian nationals.

26. Regarding financial sanctions, the Embassy stated that the French judicial authorities may be solicited by the Comorian counterparts to freeze assets in case of legal proceedings against illicit activities. France is also examining, at national level, preparatory measures that could be taken pending introduction of a European-scale mechanism.

d) Organisation internationale de la Francophonie (OIF)

27. In a letter dated 5 November 2007, the OIF Secretary-General, Abdou Diouf, having recalled that the OIF had clearly condemned the election for the Presidency of the Island organised by the Anjouanese authorities, pledged to forward the AU appeal for support for the implementation of the sanctions against the illegal authorities of Anjouan, during the meeting of the OIF scheduled for next 19 November in Vientiane, Laos. He indicated his readiness to work together with the AU and other international partners to restore Comorian State authority on the Island of Anjouan, by organising fresh elections for the presidency of the Island, and to eventually contribute to the revival of efforts to address the problems posed by the Comorian fundamental laws and the sharing of competences between the Union and the Islands.

e) League of Arab States

28. On 10 November 2007, the Secretary-General of the League of Arab States sent me a letter expressing the League's support for the Council communiqué of 10 October 2007. He said that the Secretariat of the League had transmitted to all the Member States of the League the communiqué of Council and the preliminary list of persons and entities under sanction, for purposes of implementation. He further informed me that the League will be discussing the issue at ministerial level in order

to adopt a binding resolution for Member States to impose sanctions against the illegal authorities of Anjouan.

IV. OBSERVATIONS

29. Whereas the Council decision was welcomed by the Union Government and, more generally, by the Comorian people, the illegal authorities of Anjouan reacted defiantly, calling the 10 October 2007 meeting a “non event”. The illegal authorities of Anjouan continue insisting on the holding of inter-Comorian talks as a pre-condition for possibly organising fresh elections in Anjouan, but also in Grand Comoros and Moheli.

30. The illegal authorities of Anjouan have announced that they had taken a decision prohibiting a number of high-ranking Anjouanese personalities, including the Union Head of State, from visiting the Island. Other personalities opposed to the illegal authorities of Anjouan were banned from leaving the Island. The illegal authorities of Anjouan also forcefully seized containers in transit to Grand Comoro and Moheli that the maritime company SPANFREIGHT had directly transported to Anjouan, in violation of the Follow-up Mechanism requirement that all air and sea links to or from Anjouan should transit via Moroni or Moheli for purposes of inspection.

31. Clearly, it is too early to make an exhaustive assessment of the impact of the measures taken by Council. But, based on indications observed by the AU Liaison Office in Moroni, it is evident that the measures have increased the isolation of the illegal authorities of Anjouan and the pressure exerted on them to yield to the demands of the AU and the international community. I am also happy to note that the Council’s communiqué of 10 October 2007 enjoys the full support of the international community.

32. The results so far obtained are quite appreciable in view of the fact that the full mechanism required for the effective implementation of the Council’s measures is not yet in place. In addition, a time lag has elapsed before the effective enforcement of the sanctions. The delay is due to the time required to compile the list of persons and entities to be sanctioned and to circulate it to the concerned members of the international community. Lastly, the surveillance mechanism is not yet fully set up, and thus sanctions were violated during the period under review.

33. The violation of sanctions by SPANFREIGHT, the major maritime carrier for the illegal authorities of Anjouan, should be pointed out here. Despite AU warnings, the company has continued serving Anjouan directly in disrespect of the Follow-up Mechanism’s decision requiring prior transit via Moroni or Moheli, for inspection, applicable to all ships and planes travelling to or from Anjouan. The visit to Anjouan by the President of the autonomous Island of Ngazidja (Grand Comoros) is also worth mentioning. This visit was condemned by Union authorities, who had not been consulted, and the majority of Comorians in the three autonomous islands,

irrespective of their political inclinations, denounced its negative consequences on the AU sanctions. On their part, the illegal authorities of Anjouan, in quest of internal and external support to no avail so far, went on to capitalise on this visit.

34. In light of the foregoing, it is appropriate, for the time being, for Council to extend, by 60 more days, the duration of the measures contained in its communiqué of 10 October 2007. The Commission would use this extension to strive with troop-contributing countries to strengthen MAES and to seek the necessary support from both the Member States and AU partners. Such support includes appropriate logistics (air and naval) needed to boost efficiency in the implementation of the sanctions and, where necessary, take any other measures as the situation may dictate.

35. In pursuance of its communiqué of 10 October 2007, Council could encourage the countries of the region to carry on with their efforts to find a solution to the protracted crisis in The Comoros. In light of the efforts made in the implementation of their recommendations and of the Council decision, the countries of the region could re-examine the situation and come up with recommendations. They could notably pursue their efforts to persuade the illegal authorities of Anjouan, in any manner they deem appropriate, to conform to the demands of the countries of the region and of Council, including the holding of free, transparent and fair elections, which would pave the way to finding effective solutions to the problems of governance in the Islands, including the inadequacies of the current constitutional arrangements.

36. I wish to express my gratitude to the countries of the region, and MAES troop-contributing countries, for their constant and determined commitment to resolving the Comorian crisis, and urge them to spare no effort to facilitate the rigorous implementation of Council's decision. I appeal to all Member States in a position to assist, to offer the necessary material and financial support for MAES to effectively fulfil its mandate. I commend the support from our partners within the international community. I would like to call on them to further rally support for the AU efforts.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

107TH MEETING

21 JANUARY 2008

ADDIS ABABA, ETHIOPIA

PSC/PR/BR/PS/2(CVII)

COMMUNIQUÉ ON THE SITUATION IN THE COMORIAN ISLAND OF ANJOUAN, 21 JANUARY 2008

The Peace and Security Council, at its 107th meeting held on 21 January 2008, decided as follows on the situation in the Comorian Island of Anjouan:

Council,

Decides to extend, for an additional period of one (1) month, the measures imposed against the illegal authorities of Anjouan, as stipulated in paragraph 5 of communiqué PSC/PR/Comm(XCV), adopted at its 95th meeting held on 10 October 2007 and extended by communiqué PSC/PR/Comm(CII), adopted at its 102nd meeting held on 26 November 2007, as well as the mandate of the African Union Electoral and Security Assistance Mission (MAES) in the Comoros, pending the envisaged ministerial meeting of the countries of the region that would review the situation and submit recommendations on the way forward.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

124TH MEETING

30 APRIL 2008

ADDIS ABABA, ETHIOPIA

PSC/PR/Comm(CXXIV)

**COMMUNiqué OF THE 124TH MEETING OF THE
PEACE AND SECURITY COUNCIL, 30 APRIL 2008**

The Peace and Security Council of the African Union (AU), at its 124th meeting held on 30 April 2008, adopted the following decision on the situation in the Comoros:

Council,

1. **Takes note** of the Report of the Chairperson of the Commission on the Situation in the Comoros [PSC/PR/2(CXXIV)] and the additional information provided by the Special Envoy of the Chairperson of the Commission for the Comoros, as well as the statements made by the representatives of Libya, the Sudan and Senegal, in their capacity as countries that provided military, logistical and financial support to the operation “Democracy in the Comoros”. Council **also takes note** of the statement made by the delegation of the Government of the Comoros;

2. **Recalls** decision Assembly/Dec.186(X) on the situation in The Comoros adopted by the 10th Ordinary Session of the Assembly of the Union, held in Addis Ababa from 31 January to 2 February 2008, requesting all Member States capable of doing so to provide the necessary support to the Comorian Government in its efforts to restore, as quickly as possible, the authority of the Union in Anjouan and to put an end to the crisis born out of the persistent refusal by the illegal authorities of Anjouan to comply with the relevant texts governing the functioning of the Union of The Comoros;

3. **Expresses satisfaction** at the success of the operation “Democracy in The Comoros” launched in Anjouan on 25 March 2008, which enabled the Government of the Union of The

Comoros to remove the illegal regime of Colonel Bacar and to restore its authority in the Island;

4. **Reiterates** its gratitude to the Governments of Tanzania, the Sudan, Libya and Senegal for having responded to the request for assistance made by the Comorian Government and for having provided military, logistical and financial support for the operation mentioned above. Council **further expresses** its gratitude to France and the United States of America for the assistance that they provided towards the reestablishment of the authority of the Union in Anjouan;

5. **Commends** the Government of The Comoros for having spared no efforts to try to resolve the crisis in Anjouan peacefully and for its full cooperation with the AU in addressing the crisis. Council **welcomes** the commitment of the Comorian authorities to take all necessary steps for the organisation of new elections in Anjouan as soon as possible, as well as for their commitment to scrupulously conform to the provisions governing the functioning of the institutions of the Union of The Comoros and the autonomous Islands, and **appeals** to all the Comorian stakeholders to consolidate the national unity and territorial integrity of The Comoros and to take up the challenge of social and economic development facing the country;

6. **Decides** to extend the mandate of the AU Electoral and Security Assistance Mission (MAES) for another additional period of six (6) months to undertake the following:

- support the efforts being deployed by the Comorian authorities to collect the arms and ammunition in Anjouan,
- provide the necessary assistance for the organisation of elections for the President of the autonomous Island of Anjouan, in conformity with the Constitution of The Comoros and the relevant legislative texts, and contribute to the creation of the requisite security conditions for the holding of free, fair and transparent elections,
- assist in the establishment of an internal security force in Anjouan, in conformity with the Constitution and relevant legislative texts,
- assist, within capacity, the re-organisation of the National Development Army,
- provide, within its capacities, assistance in the domain of governance and other related areas, and
- provide support to the activities of the Inter-Comorian Committee relating to the definition of constitutional competences between the Union and the autonomous Islands, as well as to the efforts aimed at rationalising the current institutional arrangements in The Comoros;

7. **Appeals** to all AU member States and the international community as a whole to provide all necessary assistance for the organisation of the forthcoming presidential election in Anjouan and for the consolidation of peace, stability and reconciliation in The Comoros;

8. **Expresses its gratitude** to all the countries that contributed to the follow-up mechanism for the implementation of the measures imposed against the illegal authorities of Anjouan by the 95th meeting of Council held on 10 October 2007;

9. **Expresses its gratitude**, once more, to the countries of the region which, under the leadership of Republic of South Africa, have left no stone unturned over the past years in providing assistance to The Comoros and in supporting the reconciliation efforts;

10. **Reiterates** its gratitude to the AU partners involved in The Comoros (United Nations, League of Arab States, European Union, Organisation Internationale de la Francophonie and Indian Ocean Community), and the international community as a whole, for their support to the various decisions of Council on The Comoros, and **requests** the Commission to continue to work closely with these institutions, with a view to consolidating reconciliation and stability in The Comoros;

11. **Decides** to remain seized of the matter.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

124TH MEETING

30 APRIL 2008

ADDIS ABABA, ETHIOPIA

PSC/PR/2 (CXXIV)

Original: French

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE
SITUATION IN THE COMOROS SINCE THE 10TH ORDINARY SESSION OF
THE ASSEMBLY OF THE AFRICAN UNION HELD IN ADDIS ABABA FROM
31 JANUARY TO 2 FEBRUARY 2008, 30 APRIL 2008**

I. INTRODUCTION

1. At its 117th meeting held on 28 March 2008, Council, after expressing satisfaction at the re-establishment of the authority of the Union of The Comoros in the Island of Anjouan, thus putting an end to the illegal regime of Colonel Mohamed Bacar, agreed to meet subsequently to consider modalities for the African Union to continue providing support to the authorities of the Union and those of the Autonomous Islands in order to consolidate peace and stability in the country and facilitate the search for a lasting solution to the institutional problems facing the new Comorian Entity.

2. This report, which is submitted to facilitate the deliberations of the Council, provides an account of the developments in The Comoros since the 10th Ordinary Session of the Assembly of the Union held in Addis Ababa from 31 January to 2 February 2008. It contains recommendations on the modalities by which the AU could provide support to the efforts deployed to promote stability in The Comoros.

**II. FOLLOW-UP ON THE ASSEMBLY DECISION ON THE SITUATION IN
THE COMOROS**

3. The 10th Ordinary Session of the Assembly of the Union took place against the background of the rejection by Colonel Bacar of all the crisis exit proposals submitted by

the AU, and despite the sanctions imposed by Council since 10 October 2007. In his statement before the Assembly, the Head of State of The Comoros solicited Member States' support for his country's efforts to re-establish, in a sustainable manner, the authority of the State of The Comoros in Anjouan. He announced, to this end, his Government's determination to use all available means, including force, given the failure of all attempts to resolve the Anjouanese crisis peacefully.

4. In its decision Assembly/Dec.186 (X) on the situation in The Comoros, the Assembly, among other things:

- regretted that all the efforts thus far deployed to resolve the crisis in The Comoros have not yielded the expected positive response from the illegal authorities of Anjouan and stressed that the persistence of that situation constituted a serious threat to the reconciliation process in The Comoros;
- expressed its understanding of the frustration of the Comorian population and the authorities of the Union in view of the absence of tangible progress regarding the restoration of State authority in Anjouan and the organisation of free, fair and transparent elections, as stipulated in the relevant Communiqués of the Ministerial Committee of the countries of the region;
- requested all Member States capable of doing so to provide the necessary support to the Comorian Government in its efforts to restore, as quickly as possible, the authority of the Union in Anjouan and to put an end to the crisis born out of the persistent refusal by the illegal authorities of Anjouan to comply with the relevant texts governing the functioning of the Union of The Comoros. In this regard, the Assembly requested Council and the Commission to mobilise the assistance of Member States to the Union of The Comoros.

5. Pursuant to the above-mentioned Assembly decision, the Chairperson of the Executive Council, Bernard K. Membe, Foreign Minister of the United Republic of Tanzania, took the initiative to convene in Addis Ababa on 20 February 2008, a meeting of the Foreign and Defence Ministers, as well as other senior officials of the countries that had expressed readiness to respond positively to the request for assistance made by the President of the Union of The Comoros. Apart from Tanzania, the countries involved were Libya, Senegal and the Sudan. The Government of the Union of The Comoros was also represented at the meeting. In accordance with the Assembly decision, the Commission provided the necessary assistance towards the organisation of that meeting and contributed to its deliberations.

6. The meeting was also held in the context of the pertinent decisions of Council, particularly those adopted at its 95th meeting on 10 October 2007, which mandated the African Union Electoral and Security Assistance Mission to The Comoros (MAES) to *“deploy in Anjouan in order to undertake the following:*

- (i) facilitate the organization, in Anjouan, of the first round of the election of the President of the Island, in accordance with the Constitution and relevant electoral legislation, and provide the requisite security for free, fair and transparent elections;*

(ii) supervise the encampment of the elements of the Anjouanese Gendarmerie, which will, in no way, be involved in the supervision of the electoral process, as well as their disarmament and integration into the Comorian National Army; PSC/PR/2(CXXIV)

(iii) assist in the establishment in Anjouan of an internal security force in accordance with the Constitution of the Union, and

(iv) facilitate the restoration of the authority of the Union in Anjouan.”

7. The Addis Ababa meeting reiterated the AU's commitment to the unity, territorial integrity and sovereignty of The Comoros. It underscored its understanding of the frustration of the people and authorities of The Comoros in the face of lack of tangible progress on the issue of the re-establishment of State authority in Anjouan and the organisation of free, fair and transparent elections. The meeting was briefed on recent developments in Anjouan, then characterised by numerous human rights violations perpetrated by the illegal authorities of the Island and the repressive measures unleashed against all those suspected of favouring the return to normalcy in the Island.

8. The meeting considered the modalities of implementing the Assembly decision and agreed on practical, military and security measures to give effect to the decision of the Government of the Union of The Comoros to re-establish its authority in Anjouan. On this note, it welcomed the readiness of a number of AU partners to extend their support to the African countries willing to assist the Government of The Comoros in restoring its authority in Anjouan.

9. Pursuant to the agreement reached at the meeting, a military planning team comprising experts from Tanzania, the Sudan, Senegal and Libya visited The Comoros from 25 February to 5 March 2008 to put finishing touches to the plan for military intervention in Anjouan, in consultation with the relevant Comorian authorities. The team held several working visits with senior officials of the Comorian Defence Ministry and the National Army for Development (AND). Thereafter, the team proceeded to Dar es Salaam to conclude its work.

10. On 8 March 2008, the Ministers and other representatives of the four countries mentioned earlier, as well as those of The Comoros, met in Dar es Salaam under the chairmanship of the Tanzanian Foreign Minister. The meeting approved the report of the team of military and security experts, including the team's recommendations on the practical measures needed to assist the Government of The Comoros in re-establishing its authority in Anjouan. The meeting further emphasised that any attempt on the part of the illegal authorities in Anjouan to resist the military intervention in the Island would be regarded as a criminal act and would be dealt with as such.

11. On the following day, 9 March 2008, the Ministers and the other representatives of the African coalition proceeded to Moroni to update the Comorian President on the outcomes of the Dar es Salaam meeting. The delegation took the opportunity to re-affirm its unwavering support for the efforts deployed by the Government of the Union of The Comoros to restore State authority in Anjouan and preserve the unity and territorial integrity of the country. It appealed to Colonel Bacar to surrender unconditionally and to do nothing to oppose the Comorian army backed by the coalition.

12. The meeting of the Ministerial Committee of the countries of the region on the Comoros held in Addis Ababa on 28 January and 1 February 2008, on the sidelines of the 12th Ordinary Session of the AU Executive Council, agreed on the principle of fielding an AU-led high-level international mission to Anjouan, led by the AU and including representatives of the United States of America and France. The objective was to convince the illegal authorities of Anjouan to conform to the framework for resolving the crisis in Anjouan as spelt out by relevant decisions of Council.

13. It was in this spirit, and in a last attempt, that an international mission comprising the Head of the AU Liaison Office in Moroni, the French Ambassador in The Comoros, the Chargé d'Affaires of the US Embassy in Madagascar and a representative of the League of Arab States embarked on a visit to Anjouan on 27 February 2008 to meet with Colonel Bacar with a view to finding a peaceful exit from the crisis and avoid the use of force. The mission, however, came up against the intransigence of Colonel Bacar who rejected in their totality the proposals put forward by the AU and the representatives of the international community, particularly the recommendations pertaining to the holding of free, fair and transparent elections to elect a new President for the Island under conditions defined by the AU, on the understanding that Colonel Bacar may run in such an election or opt to go into exile. On return to Moroni on the same day, the delegation was immediately received in audience by the Head of State of The Comoros to whom it gave an account of the outcomes of its visit to Anjouan.

14. Meanwhile, the 111th meeting of Council held on 18 February 2008 decided to extend, for another two (2) months, the measures imposed on the illegal authorities of Anjouan as stipulated in paragraph 5 of Communiqué PSC/PR/Comm (XCV) adopted at its 95th meeting held on 10 October 2007, as well as the mandate of MAES. It is noteworthy that, in its aforementioned decision, the 10th Ordinary Session of the Assembly expressed its appreciation for the work accomplished by MAES and appealed to Member States to provide the necessary assistance towards strengthening the Mission, thereby enabling it to discharge its mandate effectively.

III. "OPERATION DEMOCRACY IN THE COMOROS" AND SUBSEQUENT DEVELOPMENTS

15. In execution of the military intervention plan agreed at the Dar es Salaam meeting, the Tanzanian troops to participate in the operation in Anjouan started to arrive on 11 March 2008, and were joined soon after by Sudanese troops. France provided logistical support for the operation, transporting the Tanzanian troops and their hardware. Libya, for its part, provided transport for the Sudanese troops, as well as assistance in the form of equipment to the AND. Ahead of the military intervention, the coalition troops, with a total strength of slightly over 1500, were assembled in the Island of Mohéli, which is the closest to Anjouan, as from early February for Comorian troops, and 13 March 2008 for Tanzanian and Sudanese troops.

16. Prior to the intervention *per se*, the Comorian forces successfully mounted two separate incursions into Anjouan. This enabled them to obtain first-hand information useful for the conduct of the then imminent intervention. During those incursions, several elements of the Anjouanese Gendarmerie were taken prisoner.

17. In a statement made on the eve of the intervention, the President of The Comoros announced that he had given orders to the AND, assisted by Tanzanian and Sudanese troops, to intervene in Anjouan with a view to putting an end to the rebellion. He further made a commitment that, once the rebellion had been quashed, he would do his utmost, with the assistance of the international community, to ensure that the ensuing transitional period in Anjouan is successfully managed in strict compliance with the country's Constitution and in a way that would enable the population of Anjouan to elect the chief executive of the Island through free and democratic elections. The President of The Comoros paid tribute to the AU, Tanzania, Libya, the Sudan and Senegal for their military, logistical and financial support. He also expressed gratitude to the United States of America and France for their engagement in the endeavour to re-establish State authority in Anjouan.

18. The intervention in Anjouan took place in the early hours of 25 March. In just a few hours, the AND, with the support of allied troops from Tanzania and the Sudan, took control of key strategic areas in the Island. Comorian forces took the airport. Tanzanian forces seized the port and Mutsumudu, the Island's capital, while Sudanese troops landed at Domoni, west of the Island. By the following day, the Island had come under the full control of the coalition forces which suffered not a single loss. This intervention was received with jubilation, not only in Anjouan, where the population fraternised with the coalition forces, but also in the rest of the Archipelago.

19. It should, however, be mentioned that the absence of adequate cover for the Anjouanese coastal areas made it possible for Colonel Bacar to flee aboard a traditional small boat known as Kwassa-Kwassa to Mayotte, accompanied by 22 of his closest collaborators. In the evening of 27 March 2008, these fugitives were transferred to the Island of La Reunion for reasons of public order and security. They made a request for asylum and France, in accordance with its international obligations, granted them the right to remain on the French territory pending a decision on their request by competent French authorities.

20. At its 28 March 2008 meeting, the PSC expressed satisfaction that the Comorian forces, with the support of the coalition, succeeded in re-establishing the authority of the Union of The Comoros in the Island of Anjouan, thus putting an end to the illegal regime of Colonel Bacar which had persistently rejected all crisis exit proposals. For my part, I sent letters to the Presidents of Tanzania, the Sudan and Senegal, as well as to the Libyan Leader, expressing to them the gratitude of the AU for having, in pursuance of the decision of the Assembly, responded positively to the appeal for assistance made by the Comorian Government. In a Communiqué published on 27 March 2008, the Government of the United States of America paid tribute to the AU for its support, which paved the way for the restoration of the authority of the Government of the Union of The Comoros in the Island of Anjouan.

21. On 31 March 2008, the authorities of the Union officially inaugurated the interim Chief Executive of the Island in the person of Lailizamane Abdou Cheikh, with responsibility to deal with day-to-day issues and organise elections to be held in May 2008 to choose a new President for Anjouan. The Comorian authorities made a commitment to abide by the texts governing the organisation and conduct of elections. However, the political class remained divided over the modalities of conducting the presidential elections in Anjouan. Some held

the view that there should be a re-run of the entire electoral process in Anjouan which, they argued, had been invalidated right from the onset by the acts of intimidation perpetrated by Mohamed Bacar and his Gendarmerie, to enable all those that so wish to present their candidatures. Others, who advocated the need for a speedy return to legality, argued that it was necessary to pick up the electoral process from the point at which it was interrupted.

22. On 5 April, the Head of State of The Comoros paid a visit lasting several days to Anjouan. On that occasion, the President, among other things, appealed to the people of Anjouan and, in general, the people of The Comoros, to definitively bury separatism as advocated by Colonel Bacar, and called for his immediate extradition to The Comoros to face justice.

IV. OBSERVATIONS

23. After more than 10 years of sustained efforts, the authority of the Union has at last been re-established in Anjouan. This represents a crucial turning point in the annals of The Comoros and deserves the commendations of all. I take this opportunity to pay tribute to President Sambu for his determination and to express my heart-felt gratitude to Tanzania, the Sudan, Libya and Senegal for having extended the requisite assistance to the Government of the Union of The Comoros, pursuant to the decision of the Assembly. I would also like, once more, to express my gratitude to the countries of the region which, under the leadership of South Africa, have left no stone unturned over the past years in providing assistance to The Comoros and in supporting the reconciliation efforts there.

24. With the overthrow of the illegal regime of Colonel Bacar, it is now needful to provide assistance to the Comorian Government towards the organisation of elections to choose a new President for Anjouan. Over and above elections, there is the need to focus on resolving the problem of the sharing of constitutional competences, and to strengthen good governance and the existing institutional arrangements to facilitate the effective functioning of the Comorian Entity. Sustained attention should also be accorded to the socio-economic development of the Archipelago and to reducing poverty which has provided a nurturing ground for separatism.

25. In a letter that he addressed to me on 7 April, President Sambu, after reiterating his profound gratitude to the AU for its determination in accompanying The Comoros in combating separatism, emphasised that the hopes generated by the restoration of State authority in Anjouan *“cannot be sustained for long without consideration of and a solution to the very many problems facing this Island”*, the population of which is, statistically, the poorest in the Archipelago. He further indicated that his Government planned to launch a huge rescue package for the Island’s socio-economic recovery. President Sambu made a solemn appeal to the international community at large to support, with similar determination, the reconstruction efforts to be deployed in Anjouan to help pull the population out of misery and poverty.

26. In light of the above, I recommend that Council extend the mandate of MAES for additional six (6) months, during which the Mission would assist the Comorian forces in ensuring the security of the elections in Anjouan. MAES would also devote attention to boosting security in Anjouan through, in particular, conclusion of the weapons-collection operation and integration of elements of the Anjouanese Gendarmerie into the AND. The Tanzanian and Sudanese contingents would form a major component of the Mission.

However, it would be necessary to deploy police officers to help the Mission accomplish its mandate. On this score, the Commission would contact Member States to raise the required police force as soon as Council approves my proposals.

27. Apart from security issues, it would be necessary to provide assistance to The Comoros in the field of governance and socio-economic development. It is envisaged, in this regard, to endow MAES with a robust civilian component to coordinate support to the Comorian Government in the areas earlier indicated. Similarly, it is planned to field, as speedily as possible, a mission of the AU Commission to The Comoros. The mission would also involve relevant AU partner institutions, especially the League of Arab States, the European Union, the United Nations and the Francophonie, for more incisive joint assessment of needs and more effective coordination of the measures undertaken by all stakeholders.

28. As agreed when Council initially authorised the deployment of MAES, the troop-contributing countries are expected to meet the expenses related to the deployment of the operation. At the same time, however, the Commission will endeavour to mobilise resources, in particular within the framework of the Africa Peace Facility; consultations have already been initiated with the European Union in this direction.

29. I wish to commend the Comorian authorities for their commitment to leave nothing undone to ensure that fresh elections are organised in Anjouan within the shortest possible timeframe, and for their commitment to scrupulously respect the texts governing the functioning of the Union. I urge all Comorians to consolidate the national unity and territorial integrity of the country and to do all in their power to tackle the challenges of economic and social development in the country. At this critical juncture in the history of The Comoros, I call on all AU Member States and the international community at large to provide all necessary assistance to consolidate peace, stability and reconciliation in The Comoros.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

134TH MEETING

6 JUNE 2008

ADDIS ABABA, ETHIOPIA

PSC//PR/BR/2/(CXXXIV)

STATUS OF PREPARATION FOR THE PRESIDENTIAL ELECTIONS IN ANJOUAN, 15 AND 29 JUNE 2008, 6 JUNE 2008

General situation

1. On the whole, a real climate of relief and satisfaction now prevails in The Comoros in the wake of the success of operation “Democracy in The Comoros” in Anjouan, on 25 March 2008. This relief is felt within both the political class and among the Comorian population that paid tribute to the efforts of the African Union in the settlement of the crisis in Anjouan.

2. This feeling of reassurance was also expressed by a delegation of AU representatives and partners in the on-going efforts in The Comoros, who travelled to the Comorian archipelago from 14 to 18 March 2008. The partners included the United Nations, the European Union, the League of Arab States, the Francophonie and the Indian Ocean Commission.

3. The international evaluation mission was received on two occasions by the President of the Union and it also met the African Union Electoral and Security Assistance Mission to The Comoros (MAES) as well as the government officials of the three autonomous islands of Anjouan, Moheli and Great Comoros. Similarly, it had discussions with the officials of the institutions involved in the on-going process, namely, the members of the Constitutional Court, the Bureau of the National Assembly, the National Independent Electoral Commission (CENI) and the Electoral Commission of the Island of Anjouan. In addition, the delegation held meetings with the political parties represented at the National

Assembly, representatives of civil society organisations and the Committee of the Wise, representing the political dignitaries of the country.

4. All those who took part in the mission were unanimous in saying that the restoration of the authority of the State in Anjouan, though important, was only the first step in the consolidation of stability in The Comoros and that these efforts needed to be sustained in order to ensure the continued stability necessary to strengthen the integration of the Island of Anjouan into The Comoros.

Preparation for the election of the new President

5. It is important, as a matter of urgency, to create the necessary conditions that would permit The Comoros to organise the upcoming election of the new President of the autonomous Island of Anjouan, planned for 15 and 29 June by the CENI, which has also adopted the timetable for its activities up to the date of the polls.

6. As such, a committee responsible for following up the electoral process was set up to monitor the organisation and conduct of voting operations. This committee, which is under the authority of the Head of Bureau at Moroni, is composed of representatives of the African Union Electoral and Security Assistance Mission to The Comoros (MAES), the Comorian Ministry in charge of elections, CENI, UNDP and the Chief of Staff of the Comorian Army.

7. In accordance with the electoral calendar adopted by the National Electoral Commission (CENI), after the disqualification of Colonel Baca, the five candidates approved by the Constitutional Court launched the electoral campaign on Saturday 31 May 2008, with a first public rally in Anjouan, which passed without any incident.

8. The five candidates, all natives of Anjouan, were as follows:

- Moussa Toyibou, engineer, native of Nioumekele, the most densely populated region of Anjouan, the candidate presumably favoured by President Sambu;
- Mohammed Djanfari, businessman, retired from the French Army, the unsuccessful candidate in the presidential elections of the Union in 2006;
- Bastoine Soulimane, State lawyer, independent;
- Bacari Abdou, teacher, Member of Parliament for Anjouan;
- Soundi Abdellatif, contractor, unsuccessful candidate in the Island's presidential elections of 2002.

9. In spite of the constraints to which the calendar is subject, UNDP experts believe that the set timeframe may be respected if the necessary financial resources are mobilised very fast. The budget of the elections was estimated at \$800,000.

10. Of this amount, the sum of \$100,000 is already available, being the remainder of the contribution from the international community for the presidential elections of the Union in 2006. This amount made it possible, *inter alia*, to purchase critical election material (ballot papers bearing the pictures of the five candidates, envelopes, wax, ink and stamps). The Arab League promised a contribution of \$100,000, while the African Union plans to contribute the same amount. Requests for assistance were addressed to other partners of

The Comoros. It should be underscored that the CENI has reiterated its concerns regarding the mobilisation of the necessary funds.

11. The electoral commissions both national and insular are working, with the technical assistance of UNDP, to ensure the holding of credible elections. At the moment, the commissions are focusing their efforts on updating the electoral registers, the training of electoral officers, and preparing electoral material.

12. The Comorian Government has officially contacted South Africa, which supported the presidential elections of 2006, to request technical support for the election. This request for assistance is being considered by the South African authorities.

13. Moreover, in order to better ensure the credibility and transparency of the elections, the partners of the countries of the region, as well as the Francophonie, the Arab League and the OIC have also been requested to send ten observers. The United States has also announced that it would be sending two observers. The AU will deploy ten observers.

14. As concerns the aspect of security for the polls, it should be recalled that the Peace and Security Council (PSC), at its 95th session, held on 25 October 2007, mandated the African Union Electoral and Security Assistance Mission to The Comoros (MAES) to deploy in Anjouan, particularly in order to facilitate the organisation of the first round of the election of the Island's President, in accordance with the Constitution and the relevant legislative instruments on elections and create the necessary security conditions for the holding of free, fair and transparent elections.

15. At its 124th meeting, held on 30 April 2008, the PSC also renewed the mandate of MAES for an additional period of 6 months and appealed to all AU Member States and the international community at large for the assistance required to organise the next presidential election in Anjouan and consolidate peace, stability and reconciliation in The Comoros.

16. It is in this context that the Commanders of MAES (Tanzanian and Sudanese officers) carried out a mission in Anjouan, from 31 May to 2 June 2008, along with the Comorian national army and the national and the insular electoral commission, with a view to evaluating the prevailing security conditions on the ground in the run up to the Presidential elections in Anjouan.

17. On the whole, the electoral campaign is going smoothly and the situation in Anjouan is calm.

18. The Mission agreed on the mechanisms to be deployed in order to ensure the credibility of the elections, including security coverage for the entire island, with the Tanzanian and Sudanese being responsible for inland security, and the Comorian forces for security at the international boundaries.

19. However, the stakeholders agreed on the urgent need to mobilise the funding required to create conducive conditions for free, transparent and fair election of the new President for the Island of Anjouan.

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

Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

PEACE AND SECURITY COUNCIL

147TH MEETING

12 AUGUST 2008

Addis Ababa, Ethiopia

PSC/PR/BR(CXLVII)

PRESS STATEMENT, 12 AUGUST 2008

The Peace and Security Council of the African Union (AU), at its 147th meeting held on 12 August 2008, was briefed by the Commission and the representative of the Government of Burundi on the situation in Burundi.

Council expressed its deep concern over the procrastination and delaying tactics that continue to affect the implementation process of the Comprehensive Ceasefire Agreement of 7 September 2006, despite the return to Bujumbura of the representatives of the Palipehutu/FNL in the Joint Verification and Follow-up Mechanism, as well as the return of Mr Agathon Rwaswa, leader of the Movement, on 16 and 30 May 2008, respectively.

Council requested the Government and Palipehutu/FNL to demonstrate greater political will to overcome the obstacles that continue to impede the implementation of the Agreement. In this respect, Council reminded the two parties that the patience and generosity of the international community have limits. Accordingly, Council urged the parties to place national interest above any other consideration and to demonstrate the patriotism required to meet the aspirations of the Burundian people for peace, security, stability and national reconciliation, as well as for social and economic development of the country.

Council reiterated its gratitude to the Facilitation for its initiatives aiming at overcoming the serious difficulties facing the peace process and for the remarkable efforts that it is deploying in support of the implementation of the Comprehensive Ceasefire Agreement. Council further encouraged the Political Directorate to continue supporting the efforts of the Facilitation.

Council also commended the Regional Peace Initiative for the determination with which it continues to work with the parties in support of the peace process in Burundi.

Council encouraged the Commission of the African Union to continue supporting the peace process.

Addis Ababa, 12 August 2008

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
Email: situationroom@africa-union.org, oau-ews@ethionet.et, ausituationroom@yahoo.com

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

**Rev. 1
PSC/PR/Comm(LXXXVII)**

COMMUNIQUÉ, 13 AUGUST 2007

The Peace and Security Council of the African Union, at its 87th Meeting held on 13 August 2007, adopted the following Communiqué on the situation in The Comoros:

Council,

13. **Takes note** of the Report of the Chairperson of the Commission on the situation in The Comoros and the additional information provided by the Special Envoy of the Chairperson of the Commission for The Comoros and the representative of South Africa, the country coordinating the regional efforts on The Comoros, on the latest developments in the Archipelago, as well as of the statements by the representatives of the United Nations, League of Arab States, Organisation Internationale de la Francophonie and Troop Contributing Countries (Tanzania and the Sudan);

2. **Takes note** also of the statement by the delegation of the Government of the Union of The Comoros;

3. **Reaffirms** its commitment to the unity and territorial integrity of the Union of The Comoros, the effective implementation of the institutional framework provided for by the Constitution of the Union and the restoration of the authority of the Union in Anjouan;

4. **Endorses** the recommendations and conclusions adopted by the Ministerial Committee of the Countries of the Region on The Comoros, under the coordination of

South Africa, during its meetings held in Cape Town and Pretoria, on 19 June 2007, and on 8 and 9 July 2007, respectively;

5. **Regrets** that the efforts deployed within the framework of the Ministerial Committee of the Countries of the Region, adopted during their above-mentioned meetings in Cape Town and Pretoria, to resolve the crisis in The Comoros, did not receive the expected positive response from the *de facto* Anjouanese authorities. Council **deplores** the intransigence so far displayed by the *de facto* authorities of Anjouan and their lack of cooperation with the regional initiative on The Comoros and the Peace and Security Council;
6. **Decides**, on the basis of the recommendations of the Ministerial Committee, to review the mandate of the AU Electoral and Security Assistance Mission (MAES) and the strength of its forces, with a view to ensuring the effective implementation of the institutional framework as provided for in the Constitution of The Comoros. In this respect, Council **requests** the Commission to work closely with the Ministerial Committee of the Countries of the Region, with a view to submitting within one month, concrete proposals, without excluding any option, for the consideration of the Council, regarding the implementation of the Cape Town and the Pretoria framework, including the imposition of targeted individual sanctions against the *de facto* Anjouanese authorities;
7. **Decides also**, in the meantime, to extend the mandate of MAES until 31 December 2007;
8. **Expresses** its gratitude to the countries which contributed military personnel and civil police to MAES and **encourages** them to continue providing support to MAES. Council further **requests** all other AU Member States to provide support to MAES;
9. **Expresses** its gratitude to the Countries of the Region for the untiring efforts that they continue to deploy in support of the process of national reconciliation in the Archipelago. Council **also pays tribute** to South Africa, Coordinator of the efforts of the Region for The Comoros, for its sustained efforts and dedication towards the promotion of a durable solution in that country;
10. **Appeals** to the AU partners involved in the reconciliation process in The Comoros (United Nations, League of Arab States, Organisation Internationale de la Francophonie, Indian Ocean Commission and European Union) and the rest of the international community to continue supporting the efforts of the AU aimed at resolving the Comorian crisis;
11. **Decides** to remain actively seized of the matter.

Centre for Humanitarian Dialogue

114, rue de Lausanne
Geneva 1202
Switzerland

t + 41 22 908 11 30
f +41 22 908 11 40

info@hdcentre.org
www.hdcentre.org



“hd | Centre for
Humanitarian
Dialogue

Mediation for peace