

## The "Rotating" Presidency in the Comoros: Assessment and Prospects

Dr ABDOU SALAMI MOHAMED

Doctor of Public Law  
Head of the law department  
University of Comoros

### Abstract

*The purpose of this paper is to demonstrate why and how, today, the principle of the rotating presidency between the islands of the Union of the Comoros, established by the constitution of 2001 to put an end to the separatist crisis, must be reformed.*

*From the outset, it is necessary to take note of one fact. From 1997 to 2001, the Union of the Comoros was faced with attempts at secession, when the population of the island of Anjouan triggered a separatist crisis that threatened the integrity of the country. However, the League of Arab States (LAS), the Organization of African Unity (OAU) and the United Nations called on members of the international community not to recognize the declaration of independence of the state of Anjouan.*

*In reality, the principle of the rotating presidency is a key issue. As established by the 2001 constitution in its article 13 to end the separatist crisis of 1997, it constitutes a solution for the reintegration of the island of Anjouan into the new Comorian entity and remained the only political alternative to restore the country to its integrity.*

*Consequently, in the aftermath of the separatist crisis, this principle constitutes a compromise between the islands and entails significant difficulties in the functioning of the institutions and the political stability of the country.*

*The implementation of the rotating presidency, often criticized, inevitably calls for a reform. The rotating presidency is enshrined in the 2001 constitution of the Union of the Comoros, revised in 2009: article 13 states that "the presidency rotates among the islands. The president and vice-presidents are elected together by direct universal suffrage in a single ballot for a renewable five-year term in accordance with the rotation system. A primary election is held in this island and only the three candidates with the highest number of votes cast can stand for the presidential election..."*

*Today, this principle of the rotating presidency is maintained. The latest reform of the 2001 constitution in 2018 states that "the presidency shall rotate among the islands...". However, a novelty lies essentially in the abolition of the vice-presidents and the primary election that is held in the island to which the presidential rotation falls. Thus, the president is elected by direct universal suffrage majority in two rounds by the population of the islands.*

*Also, this 2018 constitutional revision amends the term of the president. The presidential term was a single term of five years. However, the term of the president is five years renewable once. The latest revision also innovates on the regime of eligibility for the supreme magistracy. The age required to become a candidate for the presidential election is reduced from 40 to 35 years.*

**Keywords:** Comoros, separatist crisis, political alternation, rotating presidency, 2001 constitution, constitutional revision.

## INTRODUCTION

Located in the Indian Ocean, in the northern part of the Mozambique Channel and "200 kilometers northwest of Madagascar"<sup>1</sup>, "the Union of Comoros is a sovereign republic"<sup>2</sup> composed of four islands (Moheli, Grande Comoros, Anjouan and Mayotte). The Union of the Comoros is a sovereign republic composed of four islands (Moheli, Grande Comoro, Anjouan and Mayotte)<sup>3</sup>. Since its independence in 1975, the country has experienced decades of political and institutional crises. The Comorian state experienced an unfinished independence with the island of Mayotte being occupied by the French administration. The state had suffered numerous coups and secession attempts. In 1997, the population of the Anjouanese island was triggered a separatist crisis that threatened the integrity of the country. The solution of a rotating presidency remained the only political alternative to restore the country's integrity.

To this end, the rotating presidency allows each island making up the Comoros archipelago to hold the supreme office for a fixed

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<sup>1</sup> André Oraison, the essential characteristics of the Constitution of the Union of the Comoros, testimonies.1 August 2005, see: <https://www.temoignages.re/andre-oraison>.

<sup>2</sup> Article 1 of the 2001 Comorian constitution, revised in 2009, 2013 and 2018.

<sup>3</sup> The Union of the Comoros has experienced unfinished independence with the island of Mayotte remaining under French administration.

period, for a single term. This presidency is enshrined in the 2001 constitution of the Union of the Comoros, revised in 2009: article 13 states that "the presidency rotates between the islands. The president and vice-presidents are elected together by direct universal suffrage in a single round for a renewable five-year term in accordance with the rotation system. A primary election shall be held on that island and only the three candidates with the highest number of votes cast shall be eligible to stand for election as President...".

The rotating presidency is a key issue. As established by Article 13 to end the separatist crisis of 1997, it has led to drawbacks that need to be corrected. However, it has led to drawbacks that need to be addressed. So what are the issues and limitations that the country faces with respect to this rotation? Is it therefore possible to reform this principle of the rotating presidency in the same way as the other provisions of the Constitution?

The rotating presidency does not come without major difficulties in the functioning of the institutions. Significant changes to its essence have been adopted recently. It is clear that the principle of the rotating presidency is based on a reality (I) and that its new form should be presented (II).<sup>4</sup>

## **I. THE REALITY OF THE ROTATING PRESIDENCY**

In order to present the reality of the rotating presidency, it is useful to first recall its challenges before identifying its limitations.

### **A. The issues at stake in the principle of the rotating presidency**

The directions that the rotating presidency would take are largely determined by its principle, which is framed around the advantages.

#### **1. The principle of the rotating presidency**

By establishing the principle that "the presidency shall rotate among the islands", the Comorian constituent of 2001 aimed to preserve the reintegration of the island of Anjouan into the new Comoros (NEC)

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<sup>4</sup> The island of Anjouan unilaterally declared its independence from the RFIC in 1997. But thanks to the principle of the rotating presidency enshrined in the 2001 Comorian constitution, Anjouan will put an end to its separatism.

and to avoid a new secessionist crisis. The constitution that constitutes this principle of the rotating presidency was adopted by referendum on December 23, 2001, in the aftermath of the Anjouanese crisis following the Fomboni Framework Agreement of February 17, 2001. This framework agreement was signed with the support of the international community, by the Comorian political authority, representatives of the island of Moheli and those of Anjouan.

The Fomboni framework agreement provided for national reconciliation in the Comoros to end the separatist crisis in Anjouan and provided for a new political architecture to be determined by a new fundamental law. Thus, the 2001 constitution, revised in 2009, seeks to meet the aspirations of the stakeholders of the said framework agreements. It envisaged new institutions. In other words, the new constitution of 2001 modified the entire institutional architecture of the state. It established a rotating presidency between the islands in the structure of the Executive Branch.

The rotating presidency is a major institutional innovation that the country has known since the Fomboni agreements. It is a necessary condition to preserve national reconciliation. It should be noted that this principle has advantages in this respect.

## **2. Advantages of the rotating presidency**

The rotating presidency consists in ensuring national unity. In this sense, the principle of the rotating presidency is linked to national reconciliation. It aims to appease "the secessionist ardor of a part of the population"<sup>5</sup>. It has a significant interest, because it establishes an equality of effective deadline to allow any Comorian regardless of his island of origin to run for the supreme magistracy of the country and "put an end to repeated coups d'état through the promotion of a democratic culture in the renewal of institutions and the fact that the islands are set up as guardians of institutions because they find their account.

The need for a rotating presidency was a compromise between the separatist island and the other unionists. While there are advantages to the principle of a rotating presidency, there are also consequences.

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<sup>5</sup> CPAN, op, cit, p.40

### **B. The limits of the rotating presidency**

The rotating presidency is also necessary, but it has its difficulties. Indeed, the rotating presidency leads to a communalization of power. Thus, a fringe of the population from the island on which the rotating presidency falls, or from the region or village from which the president comes, monopolizes power.

We also note the collapse of national unity and the weakening of patriotism; the "legitimization and constitutionalization of regionalist and identity-based claims and the institutionalization of the establishment of "insularity" to the detriment of the cementing of national unity"; the dispersion and fragmentation of political parties and the effective absence of political parties of national scope; the "perpetuation of a situation that was originally designed to be exceptional"; the "suspicion that the government is not the only one in the country"<sup>6</sup>; the "suspicion of illegitimacy of the president because of the primary elections held on a single island"<sup>7</sup>, etc.

If the principle of the rotating presidency is necessary, but today it does not cease to challenge the constituent. Hence the need for a revision.

## **II. THE NEW FORM OF THE ROTATING PRESIDENCY**

"Should the principle of the rotating presidency be abolished or maintained? The implementation of the rotating presidency, which is often criticized, inevitably calls for a rethink. Maintaining the principle of the rotating presidency is a first approach to the solutions to be proposed. Perhaps the constituent of 2018 was indeed optimistic. Its approach was based on a principle: that of avoiding crises in its application. So the principle is maintained, but it presupposes corrections (A) for its improvement, for clarification of eligibility for the supreme magistracy (B).

### **A. From maintaining the principle of the rotating presidency to renewing it.**

After some fifteen years of the process, the principle of the rotating presidency was at the top of the debate during the national

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<sup>6</sup> Idem

<sup>7</sup> Idem

conferences. The principle of the rotating presidency is a kind of compromise, but it does not meet the aspirations of sustainable development, in time and in governance. The rotating presidency is a constitutional provision. In general, any provision of the constitution that is called into question can, in the awareness of society, be changed. Through the current Comorian constitution, those that cannot be changed are only those that concern national unity, the intangibility of the borders and the autonomy of the islands. In the trend, the new revision of the fundamental law has not maintained this principle of the rotating presidency without modifications and this appears:

### **1. The rotating presidency is not abolished**

Some people are hostile to the abolition of the rotating presidency. A part of the Comorian population shows at the end of the long debate during the national assizes: an attempt to abolish the principle of the rotating presidency risks to plunge the country in a political and institutional crisis notably separatist and secessionist practices. Very wisely, the new reform of the constitution of 2001 preserves the "principle of the rotating presidency.

It is well known that at the beginning of the 21st century, the Comorian constituent established this principle of the rotating presidency between the islands. In logic, the rotating presidency is, in the aftermath of the separatist crisis, of essence of reconciliation, of consensus.

Today, this principle of the rotating presidency is maintained. The latest reform of 2018 of the 2001 constitution revised in 2009 provides that: "the presidency shall rotate between the islands...". But, a novelty lies essentially in the abolition of the vice presidents and the primary election on the island concerned.

### **2. The end of the vice presidency and the primary election**

Article 13 of the 2009 constitutional reform stated that "the presidency shall rotate among the islands. The president and vice-presidents are elected together by direct universal suffrage in a first-past-the-post system. .... "A primary election shall be held on that island and only the three candidates with the highest number of votes cast shall be eligible to stand for the presidential election. At the national conference, these principles of a rotating presidency, vice-

presidents and a primary election were severely criticized. The vice presidents and the organization of primary elections were considered to be "wasteful" institutions.

In general, the office of vice-president is seen in modern states as "an honorary position without portfolio. In the Comoros, however, the vice presidents play a very important role. Under article 12, paragraph 2 of the 2001 constitution, revised in 2009, "the president of the Union may delegate some of his powers to the vice-presidents. Article 15 provided that "...the Vice-Presidents of the Union shall be responsible for a ministerial department. The Vice President shall coordinate the implementation of the actions of the various ministerial departments of the Union, in the island from which he or she comes, and shall ensure the legality of the decisions of the executive of the island". Article 14 states that in the event of the President of the Union of the Comoros becoming vacant or unable to act, "the Vice-President of the island to which the office of President falls" shall act as interim President.

In practice, however, tensions have arisen between the president and his vice-presidents, as the latter are endowed with power and carry "electoral legitimacy. The primary election can contribute to the access of uncharismatic people who cannot defend a societal project, in the supreme magistracy.

The new text of the 2018 reform abolishes the vice-presidents and the primary election that is held in the island to whom the presidential rotation falls. Article 52, paragraph 3, states that "... The president is elected by direct universal suffrage with two rounds" by the population of the islands. And even, this constitutional revision of 2018 amends the mandate of the president.

### **3. The amendment concerning the presidential term**

According to Article 13 of the former 2001 constitutional reform, the president cannot double his term. The presidential term was a single term. The president's term of office was "five (5) years renewable in compliance with the rotation", in accordance with the 2009 revision. However, the new reform of 2018 in its article 52 al.2 provides that "each Island, by the elected candidate, ensures the presidency of the Union for a term of five (5) years renewable once", without really defining the meaning of "renewable". The last revision innovates on the regime of eligibility to the supreme magistracy.

## **B. Clarification of the eligibility regime for the supreme judiciary**

The new constitutional revision of 2018 sets out the conditions for eligibility for the office of the supreme magistracy. The age required to become a presidential candidate is reduced from 40 years to 35 years.

Article 53 al.1 specifies that any Comorian who "may be a candidate for the presidency of the Union" must be of origin "from the island where the rotation falls" and be at least thirty-five(35) years old. The Comorian must indeed reside "permanently on the national territory during the twelve months preceding the election."

The same article adds that "is from the island, the Comorian whose one of the ascendants, of the maternal or paternal line is born in this island" It poses that "can also be candidate, any Comorian who, without being from the island, has however lived there in an effective way in the island where falls the turn during at least the ten years preceding the election." He adds that "the Comorian who has chosen to be a candidate in the presidential election, governors, in an island, can no longer be in another island."

## **CONCLUSION**

The rotating presidency is a feature of reconciliation. But this principle, as established by article 13 of the 2001 constitution as a compromise to end the Anjouanese separatist crisis, did not meet the new aspirations of the Comorian people. All this should be revised, if there is still time, so that the new reform is measured in its consequences and possible effects and tends to serve perfectly the objective of preserving the National Unity that the constituent of the referendum law of 2018 sought. Are the Comorian people satisfied with the new arrangements made to the institution of the rotating presidency?



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