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PEACE AND SECURITY COUNCIL

57TH MEETING

21 JUNE 2006

ADDIS ABABA, ETHIOPIA

PSC/PR/2 (LVII)
ORIGINAL: FRENCH

BRIEF ON THE DEVELOPMENTS IN THE TRANSITION PROCESS
IN THE ISLAMIC REPUBLIC OF MAURITANIA

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IN THE ISLAMIC REPUBLIC OF MAURITANIA**

I. INTRODUCTION

1. In light of the outcomes of the visit of the AU Ministerial Delegation to Nouakchott on 9 August 2005, the 37th meeting of the Peace and Security Council, held on 8 September 2005, mandated the Chairperson of the Commission to pursue the ongoing efforts and requested him, in cooperation with the Current Chair of the AU and the Chairperson of the Council, to take all the necessary support measures, as soon as possible, to facilitate the early return of constitutional order in Mauritania. The political situation in that country has since been evolving rather positively. In line with the programme adopted by the Military Council for Justice and Democracy (CMJD), as implemented by the Transitional Government, the Mauritanian authorities have taken a number measures to implement their commitments.
2. This Note presents an account of the implementation of the Council decision and of the developments in Mauritania since September 2005.

II. PROGRESS OF THE TRANSITION

a) Return of exiled leaders or political organizations

3. Following the 5 September 2005 announcement by the President of the CMJD granting a general amnesty to all Mauritians prosecuted or convicted for political crimes and offences, the leaders of the main opposition political organizations, who were then in exile, returned to Mauritania. They include the leaders of “Conscience et Résistance” (Conscience and Resistance) and of “Cavaliers du Changement” (Cavaliers of Change), which emerged following the attempted coup d'état of 8 June 2003 and since recognized with the nomenclature HATEM. It was within this context that the leaders of a wing of the African Liberation Forces of Mauritania (FLAM) also returned to the country, and were received by the President of the CMJD. The leaders of these political organizations have, since their return to the country, rejoined the ongoing process and are actively participating in the political life of the country.

b) Official launch of National Days of Dialogue

4. It should be recalled that the establishment of three inter-Ministerial Committees to brainstorm on the issues of justice, the process of democratic transition, political and economic good governance, as well as the organization of National Days of Dialogue, were among the measures taken by the CMJD in the aftermath of the coup d'état. As set out in its programme, the National Days of Dialogue were held in Nouakchott from 25 to 29 October 2005. The Days brought together many participants from diverse political and socio-professional backgrounds, namely representatives of government structures, political parties, non-governmental organizations, associations, labour and employers' organizations, the liberal professions, the academia and independent personalities.

5. The Days of Dialogue were declared open by Colonel Ely Ould Mohamed Vall, President of the CMJD, who underscored its objectives and, once again, assured the international community of his determination to honour the commitments made by government. Deliberations took place in the form of workshops devoted to consideration of the issues contained in the draft reports prepared by the inter-Ministerial Committees to provide guidance for the Dialogue. The workshops also examined other issues as proposed by the participants. All the items on the agenda were subjected to extensive debate.

6. With respect to the democratic transition process, the participants were in agreement as to the need, among other things, to organize all the elections within the stipulated timeframe, which was not to exceed 24 months; hold the municipal and legislative elections concurrently; and establish an Independent National Electoral Commission (INEC) to control and supervise the preparation, organization, execution and monitoring of the different stages of the electoral process.

7. As regards constitutional reform and review of texts, consensus was reached on the issue of a semi-presidential system; the establishment of an integral proportional representation system for the municipal elections, and partial proportional representation for the legislative elections, both on the basis of regional or national electoral lists, while the single list system is to be used in the election of some of the deputies in the Departments; enacting a new press law and the creation of a high audio-visual and communication authority; and the reaffirmation of the freedom of association in the preamble of the Constitution and enacting it into law. In more general terms, the participants called for the review of existing texts, the elaboration of new ones and the abrogation of texts that restrict individual freedoms.

8. Regarding economic and environmental governance, the participants agreed to make the changes necessary for transparent, sound and efficient management of economic and environmental resources. The same spirit of consensus prevailed on the need to take urgent measures to consolidate the basis of good governance in public contracts, the campaign against corruption and other forms of economic crime, promotion of the private sector and State/private sector partnership and on enhancing the effectiveness of public spending and environmental governance.

9. On humanitarian issues, the participants took note of the readiness of Government to address them and its commitment, in collaboration with all the players concerned, to study how best to resolve the problem, including compensation for the victims or their eligible representatives, and to create conducive conditions for a broad-based debate on national unity.

10. Following clarification sessions, the reports of the different workshops were adopted in plenary at the closing ceremony, which took place on 29 October 2005. The National Dialogue Days paved the way for a constructive political debate and the adoption of a consensual document. The document was subsequently adopted by the Government and approved by the CMJD. The recommendations of the National Days of Dialogue have since been incorporated into the programme of the Transitional Government for the period 1 January 2006 to 31 March 2007.

c) The Independent National Electoral Commission (INEC)

11. Pursuant to the recommendations of the Dialogue, the CMJD decided to reduce the transitional period from 24 to 19 months; that is, from August 2005 to March 2007, and established a timetable for the election as follows:

- constitutional referendum: 25 June 2006;
- municipal and legislative elections to be organized concurrently: 19 November 2006;
- senatorial elections: 21 January 2007;
- extraordinary review of the voters list: January 2007; and
- presidential election: first round on 11 March 2007, and provision for a second round, on 25 March 2007.

12. To ensure that the elections take place as scheduled, the CMJD, on 14 November 2005, issued a constitutional edict establishing the Independent National Electoral Commission. According to that Edict, the INEC shall be accorded the authority necessary for it to carry out its mandate. The INEC shall be made up of 15 members appointed by consensus after consultation between the government, political parties, labour unions and the civil society. The decentralized structures of the INEC, namely the local independent electoral commissions in the regions, the Departments and the districts were put in place on 14 February 2006. For the take-off of its activities and its functioning, the INEC received a financial allocation from the State by virtue of the finance law of 2006. This allocation is subject to increase, depending on the availability of international funding for the electoral process.

d) The Census

13. The CMJD, on 16 December 2005, issued a decree defining the modalities of an administrative census to be conducted for the purposes of the elections (RAVEL), with the objective of establishing a reliable and transparent voters' list. The objectives of RAVEL are as follows:

- conduct a census of all Mauritanian citizens, both male and female, who possess a national identity card and aged over and above 18 years as of 28 February 2006;
- constitute a new and transparent electoral documentation using the data gathered during the census;
- from this documentation, develop a reliable voter's register for use in the constitutional referendum, as well as in the municipal, legislative and presidential elections.

14. To this end, a structure was put in place in all the districts of the country to address the claims of citizens that do not have civil status documents. This exercise, which was conducted under the control and supervision of the INEC, concerned, in particular, persons who could not be counted in 1998 during the civil status administrative census.

15. RAVEL, which got under way throughout the national territory on 16 February 2006, was originally supposed to end on 17 March, but was extended to 30 April 2006. As of 13 April, 938,292 citizens had been registered. As at the end of the exercise, 1,013,817 people had been counted and the 90 to 95% of the target needed to establish a reliable electoral register was attained. This result was achieved thanks to the civic education campaign launched on 5 January 2006. That campaign, whose first component focused on RAVEL, involved the organization of seminars, as well as briefing and training workshops, both in Nouakchott and in the interior of the country, and the awareness building, sensitization and public enlightenment campaigns set in motion using all the available media facilities. Similar exercises will be organized for the other elections due to take place during the transitional period.

16. There is provision in the electoral calendar adopted by the Mauritanian authorities for an extraordinary review of the voters lists, known as RAVEL 2, in January 2007. This exercise entails the updating of the list to include citizens who would have come of age and delete those who would have passed away. As part of the preparations for elections, mention should be made of the adoption, on 26 February 2006, of an edict, which, among other things, reintroduced the principle of independent candidatures. Furthermore, in the bid to ensure the transparency of the voting process, the political authorities and the parties concerned held consultations, which resulted in the approval of the principle of single ballot paper. Similarly, mention should be made to the will of the Mauritanian parties, as a whole, to enhance women access to the electoral mandates and to elective offices.

e) The Media

17. There is the need to underscore the commitment of the Mauritanian authorities to ensure respect for the principle of pluralism in the audio-visual sectors by opening up, and as is already effective, the public media to the political parties and the civil society. This is evidenced by the adoption, by government, of a draft law on press and audio-visual reform on 7 June 2006. This text defines the journalism profession and clarifies the laws relating to printing and editing, the right of response and the provisions governing defamation. The distinguishing feature of this law resides in the disappearance of censure and in the provision requiring the legal submission of only the necessary receipt in order to launch a newspaper.

f) Mauritania's Commitments to the European Union (EU)

18. According to Article 9 of the Cotonou Agreement governing the partnership between ACP countries and the EU, the relation between the two entities is based on respect for democratic institutions, human rights, rule of law and good governance. Thus, the coup d'état in Mauritania, having violated the basic elements of Article 9 of the Cotonou Agreement, led the EU to suspended all forms of cooperation with Mauritania.

However, the EU political dialogue with the Government of Mauritania resulted in consultations, which opened in Brussels on 30 November 2005, under the terms of Article 96 of the Agreement.

19. On that occasion, the EU noted with satisfaction that the Mauritanian party had confirmed some of its commitments and had taken positive measures to implement them, particularly those relating to respect for democratic principles, basic rights and freedoms, the rule of law and proper management of public affairs. The EU also noted that the Memorandum presented by Mauritania on 24 November, in preparation for the consultations, contained a number of commitments. The EU was expected to closely monitor the situation in light of the report on the implementation of the commitments, to be submitted by Mauritania. The EU was also supposed to ensure compliance with the commitments, particularly the adoption of measures on transparency and on the democratic organization of the elections.

20. Two months ago, a delegation of European parliamentarians visited Mauritania to evaluate the ongoing process. At the end of their visit, the delegation recommended the lifting of EU sanctions on Mauritania. On 31 May 2006, in a letter addressed to the Prime Minister of Mauritania, the President of the European Council revealed that the EU noted with satisfaction that the Mauritanian party had confirmed some of its previous commitments, and had given positive signs regarding their implementation. The EU Council lifted the measures suspending cooperation. It is valid for eighteen months, effective from the date of adoption, and will be appraised regularly, at least every six months.

III. SUPPORT MEASURES BY THE AU

a) Political Support

21. In pursuance of the mandate given to the Chairperson of the Commission by the 37th meeting of the PSC, the African Union maintained regular contact with the Mauritanian authorities and fielded several political missions to Mauritania. In this regard, Ambassador Saïd Djinnit, Commissioner for Peace and Security, led an AU delegation to Mauritania from 1 to 3 October 2005. Apart from officials of the Commission, the delegation also comprised representatives of Nigeria and South Africa, in their respective capacities as the Chair of the AU and of the Council for September 2005 during which the PSC discussed the situation in Mauritania. The Mission was intended to reaffirm AU's message as expressed at the 37th meeting of the Council, exchange views on the programme which the authorities planned to implement during the transition, and to explore the modalities of possible assistance in the various areas.

22. Thereafter, Ambassador Vijay Singh Makhan, AU Special Envoy, visited Mauritania several times, and remained actively engaged in the different stages of the transition process in that country. It should be mentioned, in that connection, that, on 25 October 2005, he participated in the National Days of Dialogue. On that occasion, he indicated that, beyond reiteration of its principles, the AU was fully committed to back the dialogue and provide all the requisite support. He therefore reaffirmed AU's encouragement to the new authorities in Mauritania for their initiative and reiterated the organization's full commitment to shore up and accompany the ongoing process.

Expressing satisfaction at the atmosphere of consensus which characterized the entire debate, the Special Envoy urged the participants to maintain the spirit of dialogue and to implement the road map resulting from the Dialogue.

23. At the same time, the Chairperson of the Commission issued a press release by which he welcomed the launch of this major event in Mauritania. On that score, he reiterated his encouragement to the Mauritanian authorities and urged all the active forces in the country to demonstrate a sense of responsibility to enable them, through wide consensus, to take the necessary measures to ensure the success of the National Days of Dialogue. On the sidelines of the National Days of Dialogue, the Special Envoy was received in audience by the President and Secretary General of the CMJD, the Prime Minister and some members of the Cabinet. These meetings resulted in a mid-term evaluation of the ongoing process in Mauritania. Immediately thereafter, the Special Envoy had meetings with the political party leaders, civil society organizations, the President of employers' association, as well as the Secretary General of the *Centrale syndicale des Travailleurs de Mauritanie* (Central Labour Union of Mauritania).

24. Subsequently, the Special Envoy, who was once again in Mauritania from 12 to 17 December 2005, welcomed CMJD validation of the recommendations of the Dialogue, especially the recommendation to reduce the transition period and to establish the INEC. He, however, highlighted the concern of the Mauritanian authorities over inadequate financing and the possible repercussions of this situation on the electoral calendar. Accordingly, the Mauritanian authorities made an urgent appeal to the African Union to assist Mauritania in mobilizing the partners.

25. During the Special Envoy's meeting with the political parties, the latter recognized that the recommendations adopted by the Dialogue had been effectively and properly implemented. They, however, expressed concern for not having been involved in important Government decisions. In view of these concerns, the Special Envoy proposed the strengthening of the permanent consultation mechanism and the intensification of the awareness-building campaign vis-à-vis the population using all the available media facilities. He also underscored the need for a Round Table in terms of an initiative with the objective of showcasing past and current progress and mobilizing the required resources.

26. The Special Envoy returned to Mauritania between 27 and 31 March 2006 to elaborate the terms of reference for the Round Table in collaboration with the Mauritanian authorities. That mission also offered the AU representative the opportunity to exchange ideas with all the Mauritanian parties, as was the case during his previous visits.

27. It should further be noted that, in the wake of the request by the Mauritanian authorities for the AU to dispatch an observer mission for the elections scheduled under the electoral process, the Chairperson of the Commission authorized, exceptionally, the fielding of a small observer team for the constitutional referendum due to take place on 25 June, in view of its special nature, as it marks the commencement of the process which will pave the way for the restoration of constitutional order in Mauritania.

b) Technical Support

28. As part of the transition support process, the AU dispatched an Elections Expert to Mauritania in the person of M. I. Abdool Rahman, the Electoral Commissioner of Mauritius. The objective of the mission, which took place from 17 to 20 January 2006, was to assist the INEC and, in collaboration with the competent authorities, evaluate the preparatory stages of the constitutional referendum and the presidential elections.

29. Furthermore, in response to the request for assistance to finance the political parties and women's participation in the electoral mandate and in elective offices, presented by Mauritanian authorities, the AU decided to dispatch to Mauritania M. I. Abdool Rahman and Y. Aboobakar, Electoral Commissioner and President of the Elections Supervisory Commission of Mauritius, respectively. The two experts were in Mauritania from 4 to 9 June 2006.

c) Financial Support

30. Respecting the deadlines set by the Mauritanian parties implies the mobilization of the resources needed to finance the electoral process and ensured the proper conduct of the transition. Of the US\$20,463,717 total budget of the electoral process, US\$7,192,864 was yet to be raised as at the beginning of 2006. It is against this background that the Mauritanian Government, with the support of AU, organized in Nouakchott, on 25 April 2006, a Donors' Round Table to mobilize funding for the electoral process.

31. Member States and AU partners, as well as the bilateral and multilateral partners of Mauritania were invited to the Round Table. In attendance were: Senegal represented by its Minister of State, Minister of Foreign Affairs; The Gambia, represented by its Minister of Territorial Administration; Gabon, then Chair of the Council, represented by the Secretary-General of the Ministry of Foreign Affairs; a delegation of the Saharawi Arab Democratic Republic, and Libya, Egypt, Algeria and Tunisia, all represented by their respective Ambassadors in Nouakchott. The partners in attendance were the United States of America, Germany, France, Japan and Spain, in addition to the United Nations, the International Organization of the Francophonie (IOF), the League of Arab States (LAS) and the European Union (EU).

32. The Round Table made it possible to raise US\$3,300,000. However, a little over a half of the total budget is yet to be mobilized. The Chairperson of the Commission calls on Member States and AU partners to demonstrate solidarity and to do their utmost to assist the Mauritanian authorities to successfully conduct the electoral process in the best possible condition. As a follow up on the Round Table, the Chairperson of the Commission addressed correspondence to a number of partners soliciting their support for Mauritania.

IV. OBSERVATIONS

33. Significant progress has been made in the process of returning the country to constitutional order, and this deserves to be encouraged. Against this background, the AU should continue to back the ongoing efforts and to encourage the Mauritanian parties and other concerned stakeholders to continue to work hand-in-hand to ensure the early return of constitutional order, pursue and deepen the dialogue and consultation among all the concerned players and consolidate democracy and the rule of law.

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