



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

on the opening of consultations with Mauritania under Article 96 of the Cotonou Agreement

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Mauritania's recent history is marked by numerous coup attempts. This was the means by which Colonel Ould Taya seized the power in 1984, succeeding President Ould Haidallah.

At the beginning of the 1990s, under pressure from the international community, a new constitution was approved and political parties were legalised. Presidential elections were held in 1992 and were won by the President; the fairness of later elections - parliamentary in 1996 and presidential in 1997 - was challenged. In 2001 fresh and more democratically organised general elections were held and, despite an overwhelmingly majority for the party in power and its allies, a group of opposition candidates were elected. The last presidential election to date (2003) saw the arrest and later release (before the elections) of the second candidate, ex-President Ould Haidallah, who was then re-arrested after the election.

The last coup attempts, mounted by Islamist-inspired members of the armed forces, took place in June 2003 and between August and September 2004. The suspected instigators, together with civil Islamist leaders and leaders of the "traditional" political opposition, were put on trial at Ouad Naga. Despite the different cases being tried together, the irregularities observed during the trial and the severe punishment demanded by the prosecution, the Ouad Naga trial handed down moderate sentences. A wave of arrests of Islamist militants took place in April and May this year; this was followed by an attack mounted by terrorists against a squadron of the Mauritanian military in the north of the country. The President then mobilised the army to fight terrorist groups.

Abroad, President Ould Taya's regime initially cultivated relations with Iraq, and later with the West. It established diplomatic relations with Israel in 1999. These relations fuelled religious opposition which the regime has tried to suppress. Mauritania's foreign policy and its recent rapprochement with the United States on the issues of security and the fight against terrorism, combined with the repression of grassroots religious opposition at home, has created tensions in relations with Libya, Saudi Arabia and other Arab states.

Mauritania is not a member of either ECOWAS (which it left in 2000) or UEMOA, but it is member of the Arab Maghreb Union (*Union du Maghreb Arabe* - UMA). The country takes part in the Barcelona Euro-Mediterranean dialogue as an observer and formally applied for membership at the end of May 2005.

This is the backdrop to the coup on 3 August 2005.

The coup, the real reasons for which are not entirely known, was carried out without bloodshed by soldiers very close to former President Ould Taya, who then formed a "Military Council for Justice and Democracy" (CMJD). The CMJD is chaired by Colonel Ely Ould Mohamed Vall, who was Director of National Security under the former government, and made up of 15 other colonels and a navy captain.

The CMJD has promulgated a constitutional charter putting an end to the powers of the parliament elected in 2001. The Council will exercise legislative power by decree. In

accordance with the constitutional charter, a transitional government whose members have resigned from their political parties has been set up.

The new regime has been accepted by the population without ethnic distinction, by the political parties (including, after initial condemnation, the PRDS, the party of the former President) and by moderate Islamist groups. The CMJD made a number of public undertakings, which they have started to translate into legislative action, namely to:

- (a) propose amendments to the Constitution which would limit the length and the number of presidential terms and prevent any subsequent amendments: After consultation of all Mauritanian stakeholders, these amendments would be submitted to a constitutional referendum within 12 months of the coup;
- (b) organise free and transparent parliamentary and presidential elections after the constitutional referendum but no more than 24 months after the coup; The members of the CMJD and the new transitional government will not be permitted to take part in political parties' activities and campaigns or stand as candidates in these elections, which will be supervised by an independent electoral commission and monitored by international observers;
- (c) set in motion the democratic transition, reform of the justice sector and good governance;
- (d) guarantee political freedoms and release prisoners of conscience;
- (e) uphold international treaties and conventions ratified by the country.

The CMJD has adopted a constitutional decree which confirms the ineligibility of members of the Council and the transitional government to take part in the elections scheduled to take place as part of the democratic transition process. In addition, the government has asked the United Nations for electoral assistance with the constitutional referendum and the general and presidential elections.

The coup of 3 August was condemned by the international community, in particular by the UN Secretary-General, the President of the African Union Commission (which suspended Mauritania), the Presidency of the European Union, and the European Commission.

Having sent a mission to Nouakchott and in view of developments there, the Peace and Security Council of the African Union, meeting on 8 September 2005, called on "the Mauritanian authorities and other stakeholders to continue to work together for the swift return to constitutional order, to pursue and to enhance dialogue and consultation between all the stakeholders and to consolidate democracy and the rule of law, within the context of the unity and sovereignty to Mauritania".

On the day of the coup the EU Presidency reiterated its condemnation of all attempts to seize power by force, and the Commission deplored the seizure of power by force and called for respect for democracy and a return to constitutional order. The declaration also stated that when the time came the Commission would assess the situation in the light of the applicable provisions of the Cotonou Agreement, to which Mauritania is signatory.

Article 9(2) of the ACP-EC Partnership agreement signed in Cotonou on 23 June 2000 and revised in Luxembourg on 25 June 2005 lays down the essential elements on which the

partnership is based. Respect for democratic principles and the rule of law underpin the domestic and international policies of the Parties and constitute the essential elements of the Agreement. In accordance with this article and in the light of the circumstances in which power changed hands in Mauritania, the Commission considers that a dialogue with the country's new authorities is necessary in order to clarify the following points:

1. the holding of elections, in particular: (i) the revision of electoral rolls; (ii) the practical arrangements for participation in the elections; (iii) the practical arrangements for setting up an independent electoral commission; (iv) the practical arrangements for deploying observers;
2. the holding of elections and their scheduling; it appears at this stage that the maximum period envisaged for holding the elections (24 months) is more than enough time to complete the preparations and should be shortened;
3. fulfilling the commitments made by the previous governments concerning good governance, in particular: (i) the adoption of rules guaranteeing transparency in the management and distribution of mineral and oil revenues; (ii) liberalisation of the land transport sector; (iii) transparency in budgetary and macroeconomic management;
4. the measures to be taken concerning: (i) reform of the justice sector; (ii) promotion of civil liberties and freedom of expression.

A dialogue would give the Mauritanian authorities an opportunity to state their case on the above points and allow the EU to see whether, on that basis, it could support the country's efforts at improving compliance with the essential elements of the revised Cotonou Agreement.

Due to the circumstances in which the change of regime in Mauritania occurred and due to the form of political organisation put in place by the new authorities, the Commission considers this to be a “case of special urgency”. Therefore, in compliance with Article 96(1a) of the revised Cotonou Agreement, it is not necessary to work out the possibilities of political dialogue as set out in Article 8 of the same Agreement. The European Commission, however, hopes to have formal consultations with the government before appropriate measures are taken. The Commission therefore proposes that the Council invite the Islamic Republic of Mauritania to hold consultations under Articles 9 and 96 of the revised Cotonou Agreement in accordance with the attached draft letter.

The Commission proposes that cooperation activities under way under the sixth, seventh, eighth and ninth EDFs should continue during the consultation period on condition that the special conditions of the Financing Agreements are observed. Furthermore, it is proposed that cooperation activities in the pipeline which could help the return to democracy and improve governance should also be pursued.

ANNEX

Brussels,

H.E. Mr Sidi Ahmed Ould Aboubacar
Prime Minister of the Islamic Republic
of Mauritania
Nouakchott
Mauritania

DRAFT LETTER

Dear Prime Minister,

In its statement of 3 August 2005 on the coup in Mauritania, the EU Presidency reiterated its condemnation of all attempts to seize power by force.

On the very same day, the Commission deplored the seizure of power by force and called for respect for democracy and a return to constitutional order.

Due to the circumstances in which the change of regime in Mauritania occurred and due to the form of political organisation put in place by the new authorities, the EU considers there has been a violation of the essential elements of the revised Cotonou Agreement. Furthermore, the EU considers this to be a “case of special urgency”. Therefore, in compliance with Article 96(1a) of the revised Cotonou Agreement, it is not necessary to exhaust the possibilities of political dialogue as set out in Article 8 of the same Agreement.

The European Union, however, hopes to have formal consultations with the Government before appropriate measures are taken. We are, therefore, pleased, on behalf of the Community and of the Member States of the European Union, to invite your country to hold consultations under Article 96 of the revised Cotonou Agreement, with a view to carrying out an in-depth analysis of the situation and, if appropriate, of the corrective measures to be taken. For its part, the EU will engage in these consultations in a constructive and open manner.

The consultations should allow the Mauritanian side to be more specific about the transition programme of the new Government and, in particular:

- on aspects relating to the organisation of legislative and presidential elections and to the return to constitutional order;
- on measures to be taken on economic and political governance, on legal sector reform, and on the promotion of public freedoms and of freedom of expression.

We would like to suggest that these consultations are held in the near future, on a mutually convenient date, in the premises of the Council of the European Union in Brussels.

Yours sincerely,

For the Council

For the Commission

Cc : President of the Committee of ACP Ambassadors
Secretary General of the ACP Group