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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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1. Background

Since the 1980s, the history of Mauritania¹ has been marked by numerous coup attempts. This was how Colonel Ould Taya seized power in 1984, succeeding President Ould Haidallah. President Taya remained in power for almost twenty years. The Taya regime saw a succession of contested elections but was notable, above all, for the ethnic cleansing of the administration in the late eighties and early nineties and other ethnically-motivated measures which caused thousands of Mauritians to leave the country for Senegal and Mali.

It was against this background that the bloodless coup of 3 August 2005 was carried out by members of the military very close to the former President Ould Taya, who formed a military council under the leadership of Colonel Ely Ould Mohamed Vall. This interim authority carried through an exemplary democratic transition with the support of the international community and the European Union in particular. Following a series of democratic polls – a constitutional referendum and parliamentary and presidential elections - Mauritania's first democratically elected President took office in March 2007.

On 6 August 2008, generals from the Mauritanian army, former members of the military council that had led Mauritania's democratic transition in 2005-2007, carried out another bloodless coup. They arrested the elected President Sidi Ould Cheikh Abdallahi and the Prime Minister Yahya Ould Ahmed Waghef (who was released a few days later). On the same day the Presidency of the European Union and the Commission condemned the coup, calling for respect for democracy and the legal institutional framework that had been in place since 2007, and for the release and return to office of the President and Prime Minister. One of the generals involved in the coup, Mohamed Ould Abdel Aziz, then proclaimed himself head of a "High State Council of armed and security forces" (junta) made up of 11 members of the military who, he announced, would take the necessary measures to guarantee the continuity of the State and cooperate with the institutions, political forces and civil society to supervise the holding of a presidential election. The coup has been widely condemned by the international community, including the United States and the African Union. The latter, like the Arab Maghreb Union, has sent an envoy, the Peace and Security Commissioner Ambassador Ramtane Lamamra, to follow developments and help to promote a peaceful settlement of the crisis.

This event is the culmination of a political crisis which started three months earlier but, until the coup, had remained within the constitutional framework. On Tuesday 6 May 2008 the Mauritanian President replaced Prime Minister Zein Ould Zeidane, who had been in office since the transition, with Yahya Ahmed el Waghef, who was closer to the President and leader

¹ Mauritania is not a member of either ECOWAS (which it left in 2000) or WAEMU, but it is member of the Arab League and the Arab Maghreb Union. It has been participating in the Euro-Mediterranean Barcelona Process as a full member since November 2007 and is also taking part in the Union for the Mediterranean.

of the ruling party. His government was soon criticised, principally for including elements of the former Taya dictatorship and "moderate Islamists". Threatened with a motion of no confidence filed by dissident members of the presidential party, the National Pact for Democracy and Development (PNDD), the Prime Minister tendered the resignation of his government on 3 July 2008, six weeks after it had been formed. The Prime Minister was reinstated by the President and, on 15 July 2008, a new government was formed. It excluded the Islamists but did not satisfy the parliamentary majority or the military, which has always been suspected of fomenting revolt in the parliament.

A few days before the coup, 25 members of parliament and 23 senators announced their resignation from the PNDD. Officially they were protesting against the head of State's alleged authoritarian tendencies, his "wheeling and dealing", and refusal to open a special parliamentary session to answer accusations of misappropriation of funds and fraud. On the morning of the coup, the President signed a decree dismissing the heads of the army, the police and the presidential guard. The head of the presidential guard, General Mohamed Ould Abdel Aziz, took charge of the coup, setting up a High Council of State with himself as its President.

The day after the coup, General Mohamed Ould Abdel Aziz gave a speech calling for national unity and undertaking to solve all the problems facing the country and secure the rule of justice and equality. Surrounded by members of the High Council of State, he stated that the armed forces would stand by the people to secure democracy; it was they who had brought democracy, and they undertook to guard it. He said that they would take care of the proper management of affairs of State, reorganise the administration, strengthen the pillars of State and preserve the rule of law. The military leaders and those in authority who support them have argued that this coup was the only possible solution to the institutional stalemates of recent months and the steady deterioration of the situation in Mauritania.

2. Commission proposal

The Commission considers that any solution falling outside the framework of Mauritania's constitution is completely unacceptable. It believes that a solution within that framework, although difficult, was possible, and would have been far preferable to simply halting a democratic process that had been put in place with considerable political and financial support from the international community and the EU in particular.

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. Democratic principles and the rule of law underpin the domestic and international policies of the Parties and constitute essential elements of the Agreement. In the light of this Article, and given the circumstances in which the military junta took power in Mauritania, the Commission finds that there has been a particularly serious and manifest violation of these essential elements and deems the situation to be a case of special urgency within the meaning of Article 96(2)(b) of the Agreement. It therefore considers it necessary to open consultations with the authorities in power in Mauritania in order to examine possible solutions to the crisis which would re-establish constitutional order. These consultations will be conducted in accordance with Article 96 of the revised Cotonou Agreement. They will take account of the results of mediation and consultation conducted by the European Union and other international institutions, in particular the African Union.

Such dialogue will give the military junta in Mauritania an opportunity to state its intentions and its proposals for ending the crisis and allow the EU to judge whether and how it could, on the basis of this dialogue, support initiatives tending towards compliance with the principles

set out in Article 9(2) of the revised Cotonou Agreement.

The Commission therefore proposes that the Council invite the Islamic Republic of Mauritania to hold consultations under Article 96 of the revised Cotonou Agreement in accordance with the attached draft letter.

The Commission proposes that, during the consultation period, the ongoing cooperation activities be confined to humanitarian measures or those that directly benefit the population (including support under Envelope B of the 9th EDF to deal with the effects of flooding), contract implementation and payments relating to contracts already being implemented (including road and infrastructure works), subject to compliance with the specific conditions of the financing agreements. The humanitarian measures may also include assistance to victims of trafficking in human beings, asylum seekers, refugees and migrants whose life or health is in danger. Where the preparation of new programmes for the recently signed 10th EDF entails repeated contact with the national authorities, project preparation activities will be limited, except in the case of any humanitarian measures or measures that directly benefit the population. In the case of activities based on Community external aid instruments, the Commission proposes that they be treated similarly to activities under the Cotonou Agreement, while ensuring compliance with the instruments' regulations and the Financial Regulation.

The Commission is currently verifying whether the conditions for implementation of the Fisheries Partnership Agreement and its recently revised protocol are still met. Following this verification, it reserves the right to take any action which may be necessary in accordance with the Fisheries Partnership Agreement with Mauritania.

ANNEX

Brussels,

Interim Prime Minister
of the Islamic Republic of Mauritania
Nouakchott
Mauritania

DRAFT

Sir,

In its statement of 6 August 2008 on the coup in Mauritania, the Presidency of the European Union roundly condemned this act of force. It pointed out the need for political tensions to be resolved within the institutional framework arising from the democratic transition and called for a swift return to constitutional order.

On the same day the European Commission issued a statement condemning the coup, calling for respect for democracy and the legal institutional framework that had been in place in Mauritania since 2007 and pointing out the risks that this situation posed for the implementation of Community cooperation. The statement also underlined that, when the time came, the situation would be assessed in the light of the applicable provisions of the Cotonou Agreement, to which Mauritania is a signatory.

In application of Article 96(2)(b) of the Cotonou Agreement and in view of the serious and manifest violation of the essential elements referred to in Article 9 of the Agreement, we have the honour, on behalf of the Community and the Member States of the European Union, to invite your country for consultations in order, as provided for in the Agreement, to study the situation in depth and, where appropriate, take steps to remedy it.

We propose that these consultations take place in the near future, at a date to be agreed jointly, in the building of the Council of the European Union in Brussels.

We have the honour to be, Sir, yours faithfully,

For the Council

For the Commission

Copies: President of the ACP-EU Council of Ministers
Chairman of the ACP Committee of Ambassadors
Secretary-General of the ACP Group