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PEACE AND SECURITY COUNCIL
163RD MEETING
22 DECEMBER 2008
ADDIS ABABA

PSC/MIN/3 (CLXIII)

REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN MAURITANIA

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I. INTRODUCTION

1. At its 151st meeting held at the Ministerial level in New York on 22 September 2008, Council considered the situation in the Islamic Republic of Mauritania following the coup d'Etat in that country on 6 August 2008. In the communiqué issued at the end of its deliberations, [PSD/MIN/Comm.2(CLI)] Council:

- expressed serious concern about the fact that, despite the efforts made, no progress had been made towards the speedy restoration of constitutional legality;
- recalled the relevant provisions of the Constitutive Act of the African Union, Decision AHG/142 (XXXV) of Algiers of July 1999, the Lome Declaration of July 2000 on the Framework for an OAU reaction to unconstitutional changes of Government and the Protocol relating to the establishment of the Peace and Security Council on unconstitutional changes of Government, as well as those of the African Charter on Democracy, Elections and Governance;
- reiterated its strong condemnation of the coup d'Etat and all the measures taken by its perpetrators to consolidate the situation that resulted therefrom and reiterated the legitimacy of constitutional order represented by the democratically elected institutions at the legislative and Presidential elections organised respectively in November 2006 and March 2007;
- demanded the restoration of constitutional order through the unconditional reinstatement of Mr. Sidi Ould Cheikh Abdoulaye, President of the Islamic Republic of Mauritania, in his functions, by 6 October 2008 at the latest, and warned the perpetrators of the coup d'Etat and their civilian supporters against the risk of sanctions and isolation in case they did not respond positively to that demand.

2. Council, furthermore, urged the AU Member States and the international community at large to consider as illegitimate and illegal all the actions and initiatives of the perpetrators of the coup d'Etat aimed at foiling the restoration of constitutional order. Council encouraged me to pursue consultations with all the partners concerned to consider, with them, the actions to be taken to strengthen the contribution of the International Community so as to end the crisis in Mauritania with the support of all the parties and in compliance with the constitution of the country.

3. At its 156th meeting held on 11 November 2008, Council, on the basis of the above-mentioned communiqué, requested the Commission to submit, at its next session, recommendations on the way forward and the measures to be considered in light of developments in the situation and in conformity with the relevant instruments of the African Union, particularly the Lome Declaration of July 2000.

4. This Report takes stock of developments in the situation in Mauritania since the meeting of New York as well as the efforts made to restore constitutional order. It concludes with recommendations on actions to be taken by the AU in light of these developments.

II. MAJOR POLITICAL DEVELOPMENTS

5. Since the New York meeting, the authorities installed by the coup d'Etat of 6 August 2008, had taken a number of measures to consolidate what they call a "rectifying movement". On their part, the political actors and others opposed to the coup d'Etat continued their action for the restoration of constitutional order, particularly within the framework of the National Front for the Defence of Democracy in Mauritania (FNDD).

6. On 13 November 2008, the authorities installed by the coup d'Etat transferred President Sidi Ould Cheikh Abdoullahi, so far detained in Nouakchott, to his home village, Lemden, about 200 km from the capital. On the same day, he received a visit of his supporters grouped within the FNDD. At a meeting with the press, he stated that "although deprived of my freedom, I deny categorically that I pledged to quit politics and I am still the legitimate President of Mauritania. I reaffirm my rejection of the self-established powers who installed themselves in Nouakchott 3 months ago...". President Sidi Ould Cheikh Abdoullahi was reacting to a declaration of a representative of the coup authorities saying that he had undertaken to abdicate his functions. Since then, President Sidi Ould Cheikh Abdoullahi has increased the contacts with his supporters although he was still under military surveillance, with the prohibition of leaving the place of his confinement but with the latitude of receiving visitors. "I am no longer a prisoner but at the same time I am not free" he explained. There were many journalists who came to interview him.

7. On 17 November 2008, the Chairman of FNDD, Mr. Mohamed Jemil Mansour, sent me a letter on developments in the situation in Mauritania. In that letter, he affirmed that "in the face of the unanimous exigency for the restoration of constitutional order", the authorities installed by the coup d'Etat "initiated a new escalation in the consolidation of the power of the dismissed General Mohamed Ould Abdel Aziz, by trying to gain time". He added that this precipitation contains major risks, especially as it was characterised by speeches full of hatred and incitation to civil war. In his opinion it was "more than ever before urgent to do everything to put an end to that personal adventure". The same day, Mr. Mansour wrote to the partners of the African Union to inform them about his concerns.

8. On 20 November 2008, President Sidi Ould Cheikh Abdoullahi addressed the nation. In his statement, which was telecast on El Arabia Channel, President Sidi Ould Cheikh Abdoullahi gave a summary of his activities at the helm of the State, recalling that the efforts made by his Government were translated into a healthy economic situation, the grant of unprecedented financial assistance, as well as the large inflow of foreign investments. He also pointed out that public freedoms, human rights, independence of justice and the regular functioning of the institutions, including the Parliament, did not face any impediment during his 15 months in power. He continued to state that "all the achievements have now disappeared since 6 August 2008, when an officer, whose duty and honour is to serve, obey and defend the institutions of the Republic, seized power

by force". He denounced the use of intimidation and corruption after the dissolution of Parliament and the establishment of witch-hunting and the settlement of scores as a system of government.

9. President Sidi Ould Cheikh Abdallahi affirmed that he would leave no stone unturned to get Mauritania out of its hardship and, to that end, he needed the assistance and support of everyone so that "without violence, but far from any compromise or solutions which do not substantively resolve anything, constitutional order be restored by ensuring the failure of the coup d'Etat of 6 August 2008". He pointed out that once the coup d'Etat had been foiled, he would be "open to all discussions and reflection on the future of our institutions which fall within the framework of the constitution and the laws of the Republic and which serve, within a spirit of tolerance and forgiveness, the cohesion and unity of the nation". He concluded by stressing that he "would conduct himself as the President of all the Mauritians, concerned about the freedom and dignity of each one and far from any idea of revenge or settlement of scores".

10. On 28 November 2008, on the occasion of the 48th anniversary of the independence of Mauritania, General Ould Mohamed Abdel Aziz, who chairs the State High Council, the structure set up by the perpetrators of the coup d'Etat, made a speech in which he stated the priorities of the Government established by the authorities of the coup d'Etat, which intended to follow a policy of proximity with the citizens and find solutions to the problems they faced. Within that framework, he mentioned the reactivation of the administration; the reform of justice; the struggle against shortcomings and poverty, announcing, as regards the latter point, the establishment of a National Solidarity Fund amounting to 16 Billion Ouguiyas for the economic recovery and growth; the fight against terrorism and narcotics trafficking and clandestine immigration; the reorganization of the army and the security forces; the eradication of the remnants of slavery; the establishment of favourable conditions for the return and integration of refugees as well as the search for appropriate solutions to the humanitarian problems.

11. General Mohamed Ould Abdel Aziz pointed out that the State High Council had "definitively put an end to the power of the former President with the aim of saving the country from the dangers that threatened it and to extract the country from the crises that affected it". The State High Council did not take that action by the desire to take power and still less to remain in power. If that were the case, we would not have scrupulously adhered to the continuity of the functioning of democratic institutions and to the guarantee of freedom of expression and all the rights granted by the constitution to citizens". He affirmed that the change affected only the Executive where the disfunction existed and that the Government was endeavouring to set up the necessary mechanisms for the launching of the Consultation Exercise which would determine the duration of the transitional period and the appropriate conditions for the organization of free and fair and democratic Presidential elections.

12. The Mauritanian press pointed out that President Sidi Ould Cheikh Abdellahi wanted, as is customary for the Heads of State, to address his countrymen on the occasion of the celebration of independence but was prevented from doing so by the authorities installed by the coup d'Etat.

13. Since taking power, General Mohamed Ould Abdel Aziz has visited many areas in the capital as well as in the interior of the country. He announced a number of measures aimed at improving the living conditions of the most impoverished people. At the same time, the Government put in place by the State High Council initiated an anti-corruption operation which led to the arrest of several personalities opposed to the coup d'Etat and who today faced court trials. It was the case of Prime Minister Yahya Ould Ahmed El Waghef. The FNDD strongly rejected the accusation made against the latter and other personalities opposed to the coup. Generally, the FNDD considers the actions initiated by the authorities of the coup d'Etat as "manipulation of the organs of control, of public action and of justice" which "were prepared within the framework of the replacement of all civil servants in charge of public persecution and those of the General State Inspectorate with the supporters of the Junta".

III. EFFORTS AIMED AT RESTORING CONSTITUTIONAL ORDER

14. During the period under consideration and pursuant to the communiqué of Council, I continued and intensified my consultations with the different Mauritanian actors as well as with the international partners in order to speed up the restoration of constitutional order in Mauritania. I seized every opportunity to reiterate the position of the African Union as stated by Council and mobilised the support of our partners so as to attain the objectives set out.

15. On 28 September 2008, the Minister of Foreign Affairs and Cooperation of the authorities installed by the coup d'Etat, Dr. Mohamed Mahmoud Ould Mohamedou, sent me a letter regarding the Communiqué issued by Council at the end of its meeting held in New York. In that letter, he affirmed that the authorities installed by the coup d'Etat had "the opportunity, during the visit of the African Union delegations, to explain the reasons for the rectifying movement of 6 August 2008 and "in this regard, affirmed (their) will to return to normal democratic life...expressed (their) readiness to find a solution that will enable Mauritania to resume its march towards a peaceful approach. He invited me to come to Nouakchott so that we could clear all misunderstanding and consider together the ways and means of finding a constructive solution to the present situation which could be supported by our international partners particularly the African Union". After that, in Brussels, I received, at his request, Dr. Ould Mohamedou. I also had telephone conversations with General Mohamed Ould Abdel Aziz who reiterated the invitation for me to come to Mauritania. Each time I reaffirmed the position of the African Union on the need for the restoration of constitutional order.

16. On 7 October 2008 I received in Addis Ababa, a delegation sent by the authorities installed by the coup d'Etat and led by the Minister of Justice, Mr. Bal Souleymane. That delegation briefed me on the situation and the measures envisaged by the perpetrators of the coup d'Etat for the restoration of constitutional order. On my part, I seized the opportunity of that meeting to reiterate the position of the African Union as determined by its appropriate organs. Due to the expiry on the same day of the deadline fixed by Council for the reinstatement of President Sidi Ould Cheikh Abdallahi in his functions, I issued a Communiqué requesting, once again, the authorities installed by the coup d'Etat to reconsider their attitude in the supreme interest of Mauritania and to fully understand the determination of the AU and its Member States not to accept the fait accompli.

17. On 20 October 2008, the European Union opened consultations, in Paris, with the ACP on Mauritania, under Article 96 of the Cotonou Agreement. At the end of that meeting, the EU, after recalling that the coup d'Etat of 6 August 2008 was a serious violation of the essential provisions of Article 9 of the Cotonou Agreement, pointed out that it did not note any satisfactory proposals from the Mauritanian side, specifying that "the proposals and commitments of the Mauritanian side did not include an immediate and unconditional release of the legitimate President and remained within a fundamentally unconstitutional and illegitimate framework, without the prospect for the restoration of constitutional order in the short term". The EU proposed to the Mauritanian side that the consultations would remain open for a period of one month with a possibility of convening a new meeting if a potentially satisfactory solution was submitted. The communiqué underscored the fact that in the absence of new elements within one month, the consultations would be closed and appropriate measures would be proposed to the decision-making organs of the EU. In the meantime, the EU decided that its cooperation activities would be limited to humanitarian actions benefiting directly the people as well as the implementation and the payments relating to already ongoing contracts which could not be interrupted.

18. On 26 October 2008, a delegation sent by the authorities installed by the coup d'Etat and led by their Minister of Foreign Affairs and Cooperation held talks in Dar-es-Salaam with the Chairman of the African Union, President Jakaya Kikwete. That delegation was carrying a message from General Mohamed Ould Abdel Aziz explaining developments in the situation in Mauritania. Following the statements made with regard to the substance of the audience, particularly the allegation according to which the Chairman of the African Union had adopted a position different from that of the Chairperson of the Commission, the Permanent Mission of Tanzania in Addis Ababa forwarded to the Commission a summary of the conclusions of the visit, with request that the conclusions be disseminated.

19. In his response to the message sent by the perpetrators of the coup d'Etat, President Jakaya Kikwete stated that his responsibility, in his capacity as Chairman of the African Union, was to have the Constitutive Act and all the other relevant texts of the African Union respected, which rejected unconstitutional changes of Government. Denying to the military the right to choose who should lead the country, the Chairman of the African Union called upon his interlocutors to resolve the crisis on the basis of the Mauritanian Constitution, stressing that the only possible way out of the crisis was the restoration of the rule of law. Finally, he clearly stated that no African Government would recognize the present authorities if they chose to maintain the *status quo*.

20. On 5 November 2008, the authorities installed by the coup d'Etat sent to Addis Ababa a delegation led by a member of the State High Council and comprising particularly the Minister of Foreign Affairs and Cooperation, for consultations with the Commission. The Commissioner in charge of Peace and Security and myself gave a long audience to the delegation. On that occasion, the Mauritanian side submitted proposals for ending the crisis, focusing on the following points:

- the speedy release of the former President who would enjoy all the privileges and prerogatives of a former Head of State. In that regard, he would be able, if he so wished, to participate in the National Consultation Exercise, the *Etats généraux de la démocratie*;

- the organization of the National Consultation Exercise open to all the Mauritanian political forces without exception as regards participation or any taboo about the issues to be discussed;
- the adoption, at the end of the Exercise, of a roadmap which would specify :
 - the duration of the transitional period,
 - the electoral schedule leading to the free and fair Presidential election,
 - eligibility in the Presidential election, and
 - the guarantees of free and fair election including international observation of the election.

21. In those proposals, the Mauritanian side stressed that the implementation of that framework would require the active, dynamic and constructive involvement of the AU and all its partners with a view to supporting the process by which Mauritania would conclude the restoration of full constitutional order.

22. On 10 November 2008 and at my initiative, a consultative meeting on the situation in Mauritania was held in Addis Ababa. That meeting brought together, in addition to the AU, the following organisations: the European Union, the International Organisation of the Francophonie, the League of Arab States, the Organisation of the Islamic Conference and the United Nations. The Consultation made it possible to have an exchange of information, views and analysis of the development of the situation in Mauritania, as well as the efforts made to restore constitutional order.

23. The participants reiterated the willingness of their respective organisations, within the framework of a constructive dialogue, to assist the Mauritanian stakeholders to find a consensual solution to the crisis. At the same time, they reiterated the determination of their respective organisations to spare no efforts to speed up the restoration of constitutional order. They noted that, in its Communiqué of 22 September 2008, Council had warned the perpetrators of the coup and their civilian supporters against the risk of sanctions and isolation if they failed to respond to the demand of the International Community, stressing, in this context, that the leader of these authorities would bear particular responsibility in this respect. Participants reiterated their urgent appeal to the authorities installed by the coup d'état to cooperate fully with the AU and the other regional and international organisations concerned in the search for a political and consensual solution to the current crisis, based on the unconditional release of President Sidi Ould Cheikh Abdallahi and his contribution, inherent in his status of legitimately elected President, to the determination of a solution to the crisis, the involvement of all stakeholders, the respect for the Mauritanian Constitution and international legality.

24. On 11 November 2008, Council, at its 156th meeting, listened to a communication on the situation in Mauritania in the light of the developments in that country and the efforts made for the speedy restoration of constitutional order after the coup d'Etat of 6 August 2008. Council, on the basis of the Communiqué adopted at its meeting of New York, requested the Commission to submit to it, at its next meeting, recommendations on the way forward and the measures to be envisaged in the light of developments in

the situation and in conformity with the relevant instruments of the African Union, particularly the Lome Declaration of July 2000.

25. On 19 November 2008, the Prime Minister appointed by the authorities of the coup d'Etat, Moulay Ould Mohamed Laghdaf, wrote to the European Commissioner in charge of Development and Humanitarian Assistance, Louis Michel, to inform him of the developments in the political situation in Mauritania as a follow-up of the consultations of 20 October 2008. In the letter, he referred to the proposals for ending the crises submitted to the AU on 4 November 2008 and the preparation for the "Consultation Exercise, the *Etats généraux de la Démocratie*". He concluded by pointing out the readiness of the coup authorities to pursue with the EU, consultation initiated in October 2008.

26. As agreed at the meeting of 10 November 2008, another consultative meeting, equally at the initiative of the AU Commission, on the situation in Mauritania was held in Addis Ababa on 21 November 2008. The participants noted that the authorities installed by the coup d'Etat did not send either to the AU or the EU any new element different from the proposals contained in the document submitted to the AU on 4 November 2008, a document which was deemed inadequate by the International Community. The participants recalled the elements for the settlement of the crisis contained in the Communiqué of 10 November 2008: unconditional release of President Sidi Ould Cheikh Abdallah, his contribution in his capacity as the President to the search of a solution, participation of all the stakeholders and full compliance with the Constitution. The meeting specified that within that framework, that approach could lead to the organisation of free and fair Presidential election, as an element of a comprehensive, peaceful and democratic solution to the crisis which would be acceptable to the Mauritanian people and enlist the support of the International Community.

27. The participants supported the Communiqué of Council of 11 November 2008 and encouraged the AU, if the present efforts failed, to include among the concrete measures to be taken, upon the proposal of the AU Commission, the possibility of seizing the UN Security Council, in parallel with the procedures of the appropriate organs of the EU. The participants expressed the intention of their respective organisations to draw conclusions from the present stalemate and to take, at the appropriate time, the relevant measures, especially individual measures on the basis of their respective procedures.

28. The participants took note of the transfer of President Sidi Ould Cheikh Abdellahi to the Lemden village where he was, at present, in a position to communicate with and receive visitors and the fact that he could express himself as President of the Republic, although he was still deprived of the prerogatives of his high office. Consequently, the participants agreed to send, before their next meeting, a high level delegation to Mauritania with a mandate to hold talks with President Sidi Ould Cheikh Abdellahi and General Mohamed Ould Abdel Aziz, to engage them to envisage a consensual solution for ending the crisis.

29. Both at the meeting of 10 and 21 November 2008, the participants met with the permanent members and the African members of the UN Security Council, with whom they had an in-depth exchange of views on the situation. The members of the Security Council reaffirmed their full support to the efforts of the AU and the partner

organisations and reiterated their preparedness to review the situation, in the light of the evolution of the efforts aimed at resolving the crisis and restoring constitutional order in Mauritania. They supported the contents of the Communiqués issued at the end of those two meetings.

30. On 26 November 2008, I received a Mauritanian delegation of the FNDD led by Mr. Messaoud Ould Boulkheir, Speaker of the National Assembly. During our exchange of views, Mr. Messaoud Ould Boulkheir expressed satisfaction at the position of principle adopted by the AU and the efforts it made to mark its refusal of the fait accompli and its commitment to the restoration of constitutional order. He stigmatized what he called the shirking of responsibilities by the military, marked by threats, arrests and summary trials. At the same time, he said that he suspected the military power of preparing a procedure to remove the Speaker of the Assembly. In conclusion, he said he was convinced that the dynamics of sanctions was the only telling option. On my part, I reaffirmed the position of principle of the AU and its determination to do all in its power to definitively turn the page on coups d'Etat in Africa.

31. The international mission, agreed upon at the meeting held on 21 November 2008, went to Nouakchott from 6 to 7 December 2008. Led by Ambassador Mahamat Saleh Annadif, on behalf of the AU, that mission was composed of the representatives of the United Nations, the EU, the OIF, the League of Arab States and the OIC. The mission held talks on two occasions with General Mohamed Ould Abdel Aziz. It was also received in Lemden by President Sidi Ould Cheikh Abdellahi. The delegation finally met Ahmed Ould Daddah, the statutory Leader of the opposition.

32. General Mohamed Ould Abdel Aziz pointed out that Mauritania was "in a situation which we did not wish and we want to get out of it as soon as possible". He affirmed that the "*Etats généraux de la démocratie*" should constitute the platform to identify a consensual solution to end the crisis. In a more specific manner, the Consultation Exercise, which would be chaired by an independent personality of international renown, should make it possible to arrive at a clear vision of what the Mauritians wanted to make of their country and their future and to lead to a schedule for the speedy organisation of free and fair Presidential election. He pledged to respect the resolutions and decisions of the Consultation Exercise and expressed the wish that the International Community be widely associated. He also wished that the international community could "help us with the Mauritanian actors who refused to hold dialogue with us and help us in the future stages particularly the *Etats généraux de la démocratie* and the electoral process. General Mohamed Ould Abdel Aziz said he would do everything possible to ensure that the international community did not get to the point of sanctions.

33. General Mohamed Ould Abdel Aziz pointed out that in order to facilitate the search for a satisfactory way to get out of the crisis the present authorities have maintained contacts with all the actors concerned. However, he maintained that the efforts always came up against the issue of the reinstatement of the "former President" to power, "which a minority considered as indispensable while the majority of Mauritians wanted to move ahead". On that issue, the General stressed that he "was open to all suggestions without any prohibition or taboos except the reinstatement of the former President" being "the only issue not to be discussed and was non-negotiable". With regard to the release of the latter, General Mohamed Ould Abdel Aziz considered that President Sidi Ould Cheikh Abdallahi was free to receive people and to express

himself and that the only remaining constraint (movement outside Lemden and travel abroad) would soon be lifted “on 24 December at the latest and before that, if possible”.

34. On his part, President Sidi Ould Cheikh Abdallahi dwelled lengthily on the situation in Mauritania and the conditions in which he exercised his functions as Head of State, his priority projects, and the political crisis which erupted in April 2008. He insisted on difficulties he encountered with the military, and the pressures they put on him which led to the dismissal decision of 6 August, in full awareness that the decision could trigger a coup d'état. He recalled his position, with emphasis on the fact that he ruled out all political discussion with the military, except to consider the modalities for their departure. Once re-installed in his functions, he would be ready to discuss with the political class to find consensus.

35. President Sidi Ould Cheikh Abdallahi said he was satisfied with the position of the international community “which should play a more active role if Mauritians were really serious about the search for a solution to the crisis, but would not accept mediation which would secure the departure of the military in exchange for early elections. He drew attention to the fact that the situation of public liberties and human rights has deteriorated seriously since the coup (arrests, censorship of the public media, manipulation of justice...). He was in favour of sanctions, especially against individuals “so that the authors of the coup d'Etat may know what they were going to face...”.

36. On 12 December 2008, a coordination meeting on the situation in Mauritania was held in Brussels, at the Headquarters of the AU Permanent Mission to the EU and ACP countries, pursuant to the communiqué on the consultative meeting on Mauritania of 21 November 2008. The meeting brought together the representatives of the following international organizations: the AU, League of Arab States, United Nations, IOC, IOF and EU. The meeting, which considered the results of the international mission to Mauritania, took special note of the commitment of General Mohamed Ould Abdel Aziz to unconditionally free President Sidi Ould Cheik Abdallahi latest by 24 December 2008, and noted that the unconditional release of the President would be a first step in answer to the demands made by the international community in its communiqué of 21 November 2008. Participants reiterated the determination of their various organizations to continue their efforts under the coordination of the AU. They confirmed the intention of their respective organizations to draw conclusions from the persistent impasse at this stage and to take the necessary measures in compliance with their procedures, as agreed in the communiqué of 21 November 2008.

IV. OBSERVATIONS

37. Since the New York meeting, the AU has spared no efforts to press for the return to constitutional order in Mauritania. In this regard, both the Commission and the current Chair of the Union have maintained close contact with the authors of the 6 August 2008 coup d'Etat. Similarly and in accordance with the Lome Declaration, the Commission has also mobilized all AU partners to support the position expressed by the decision-making organs of the Union. I would like to express my gratitude to our partners for their support of AU efforts and their determination to work for the return of constitutional order in Mauritania.

38. The actions of the Commission in the previous months have been guided by relevant instruments of the Union. In this regard, I want to recall the Constitutive Act,

which expresses in no uncertain terms the categorical rejection by AU, of unconstitutional changes of government; the Lome Declaration of July 2000, as follow-up to the Algiers Decision of 1999 and which was an important milestone in the formulation of a comprehensive approach by our continental organization to the problem of unconstitutional changes of government, especially by coup d'état. In more specific terms, the Declaration provides, beyond the initial reaction of condemnation of unconstitutional changes of government and suspension of the participation of the country concerned from AU activities, that a maximum period of 6 months be granted to authors of the illegal change to restore constitutional order. If beyond this period constitutional order is not restored, the Declaration provides that a number of limited and targeted sanctions be imposed, including visa refusal to authors of the unconstitutional change and the restriction of both contacts with them and of commercial links.

39. In January 2007, the Assembly of the African Union adopted the African Charter on Democracy, Elections and Governance, which among other things, considerably strengthens the sanctions regime in cases of unconstitutional changes of government. The Charter provides, in addition to the suspension of the country concerned, the following measures: the non-participation of coup authors in elections organized to return to constitutional order and prohibition of the authors to hold positions of responsibility in the political institutions of their country; their trial by AU jurisdictions and the possibility of the Assembly to impose other forms of sanctions, including economic sanctions. Furthermore, the Charter provides for the possibility of the Assembly to impose sanctions against any Member State which engineers and supports an unconstitutional change in another State; the refusal by Member States to receive or grant asylum to authors of unconstitutional changes; and the signing of bilateral agreements, as well as the adoption of legal instruments on extradition and mutual judicial help. Although this Charter is not yet in force, it nevertheless constitutes a reference which can inspire future action that may be taken as necessary. It should be noted that Mauritania ratified this Charter on 7 July 2008, becoming thus the first Member State to become party to the instrument.

40. While pursuing its action under the above framework, the Commission has been engaged, in every way possible, in facilitating the search for a solution which can gain the support of all actors while being in line with the Mauritanian constitution. I am pleased to note that there is within the international community, today, a consensus on the elements needed to resolve the Mauritanian crisis, namely, the unconditional release of President Sidi Mohamed Ould Cheikh Abdallahi, his contribution as President to the search for a solution, the participation of all stakeholders and the full respect of the constitution, with the understanding that with these elements in place, the holding of free and fair presidential elections could be envisaged.

41. Despite efforts deployed by the AU and the international community, there has been no progress towards the restoration of constitutional order, in the sense of the framework explained above. Although no effort should be spared in the search for dialogue, it is clear that the AU can in no way compromise in its stance on the coup that took place in Mauritania. Such a compromise would not only be contrary to the relevant instruments of the Union, but would lay down a dangerous precedent with grave consequences for the stability of the continent and the credibility of ongoing democratic processes in Africa. Democracy, as well as the search for peace and security, calls for

firmness in the implementation of principles collectively laid down by Africa, and it is all the organs of the Union which are the depository of the collective will of Member States on the matter. Lack of firmness towards a single case of unconstitutional change holds the potential of jeopardizing peace and security and regional stability. It is within this context and in light of the relevant AU instruments, as well as the conclusions of different consultative meetings on the situation and the decision adopted in New York, that Council should consider the situation and take the necessary measures.

V. RECOMMENDATIONS

42. For as long as there is no consensual solution, the only legitimate authorities are those belonging to the Government of President Sidi Ould Cheikh Abdallahi or those appointed by him and it is these very authorities that should continue to represent Mauritania at the AU. To this end, Council could recommend that the Assembly of the Union invite President Sidi Ould Cheikh Abdallahi to appoint Mauritania's representatives to take their country's seat at meetings of the deliberative organs of the African Union.

43. Council should take a firm stand in the face of the resurgence of the phenomenon of coup d'état in Africa, as this constitutes a threat to peace, a very disturbing development and a serious setback to the ongoing democratization process in the Continent.

44. Pursuant to the pertinent provisions of the Lomé Declaration of July 2000 and the Protocol Relating to the Establishment of the Peace and Security Council on Unconstitutional Changes of Government, if by 5 January 2009, no progress is made, Council could consider imposing limited and targeted sanctions, especially visa denials, travel restrictions, the freezing of the assets of all civilian and military personnel, as well as those of economic operators, whose international travels are designed to maintain the unconstitutional *status quo*. Additionally, the United Nations Security Council could be encouraged to assess the impact of the concerted international measures taken to restore constitutional order in Mauritania since the adoption of its presidential declaration of 19 August 2008, and consider additional measures to move the situation forward.