

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

P.O. Box: 3243, Addis Ababa, Ethiopia, Tel.:(251-11) 551 38 22 Fax: (251-11) 551 93 21
Email: situationroom@africa-union.org, oau-ews@ethionet.et

PEACE AND SECURITY COUNCIL
76th MEETING
10 April 2007
ADDIS ABABA, ETHIOPIA

PSC/PR/2(LXXVI)
Original: French

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE
EVOLVING DEVELOPMENTS IN THE ISLAMIC REPUBLIC OF MAURITANIA**

REPORT ON THE EVOLVING DEVELOPMENTS IN THE ISLAMIC REPUBLIC OF MAURITANIA

I. INTRODUCTION

1. At the end of a nineteen months transition following the coup d'état in the Islamic Republic of Mauritania, which took place on 3 August 2005, the electoral process paving the way for the return to constitutional order has been concluded with the holding of the first and the second round of the presidential election, on 11 and 25 March 2007, respectively, which led to the establishment of democratic institutions.

2. This report dwells on the evolving developments in Mauritania since 3 August 2005 and on the efforts deployed by the Commission to implement the relevant decisions of the Council with a view to accompanying the process of return to constitutional order in Mauritania.

II. REACTIONS TO THE COUP D'ETAT OF 3 AUGUST 2005 AND SUBSEQUENT DEVELOPMENTS

3. In the absence of President Maaouya Ould Sid'Ahmed Taya, who was away in Riyadh, Saudi Arabia, attending the funeral of King Fahd, soldiers of the presidential guard took control of strategic areas in the capital, Nouakchott, in the early hours of Wednesday 3 August 2005. Later in the afternoon, it was confirmed that a coup d'état had taken place. In a communiqué issued by the armed and security forces relayed by the Mauritanian news agency, the new leaders announced the establishment of a Military Council for Justice and Democracy (CMJD), comprising 17 members and chaired by Colonel Ely Ould Mohamed Vall who was, until then, Director of National Security. In another communiqué, the CMJD made a commitment to "create conducive conditions for open and transparent democratic process" for a "period of two years deemed necessary to prepare and establish genuine and viable democratic institutions".

a) Reaction of the African Union (AU)

4. Council was informed of the situation in Mauritania at its 36th meeting at the level of Heads of State and Government held in Addis Ababa, on 4 August 2005. After recalling the Algiers decisions of July 1999 on unconstitutional changes of government, the Lomé Declaration of July 2000 on Unconstitutional Changes of Government, and the pertinent principles enshrined in the Constitutive Act of the African Union, Council strongly condemned the coup d'état and demanded the rapid return to constitutional order. Pursuant to the Lomé Declaration and Article 30 of the Constitutive Act of the African Union, Council decided to suspend Mauritania's participation in the activities of the Union, pending the return to constitutional legality in the country. Council further decided to dispatch a ministerial delegation to Mauritania to reaffirm to the coup leaders AU's position and engage them on the modalities of an early return to constitutional legality.

b) International reactions

5. The coup d'état generated a number of reactions in the international community. The United Nations Secretary-General stated that political differences should be settled peacefully through the democratic process. The European Union Commission condemned the coup d'état and suspended cooperation with Mauritania. The same was the case with the International Organization of the Francophonie which, however, indicated its willingness to accompany the electoral process. The United States of America called for the "peaceful reestablishment of order and respect for the Constitution and the government in place". Its position subsequently took a rather flexible tone, just like the positions of many other countries which, in their communiqués, confined themselves to principled condemnation of the coup. The League of Arab States (LAS), the Arab Maghreb Union (AMU) and the Organization of the Islamic Conference (OIC), which had earlier dispatched delegations to Nouakchott, noted that peace was prevailing in the country and commended the CMJD for its commitment to reestablish constitutional legality.

c. Mission of the AU Ministerial Delegation

6. The AU ministerial delegation led by Oluyemi Adeniji, Minister of Foreign Affairs of the Federal Republic of Nigeria, on behalf of the then current Chairperson of the African Union, and comprising Mr. C. Nqakula, Minister of Safety and Security of South Africa, on behalf of Council Chair for August 2005, and an officer of the Peace and Security Department of the AU Commission, proceeded to Nouakchott on 9 August 2005. During talks with the President of the CMJD, Minister Adeniji explained that his delegation had been mandated by the African Union to officially present Council's decision and to reiterate AU's position, not with any punitive intention but rather with a view to establishing dialogue in order to agree with the new Mauritanian authorities on modalities for a return to constitutional order as soon as possible.

7. For his part, while describing the political situation in Mauritania during the preceding 15 years, Colonel Mohamed Vall highlighted the inconsistency between the democratic option adopted by the country in the early 90s and the autocratic exercise of power by the previous regime. He referred to the monotonous nature of the parliament whose support for the Head of State was, at the same time, a convenient reason for him to remain indefinitely in power. According to Colonel Vall, this situation not only generated cumulative dissatisfaction and frustration but also resulted in the fragmentation of the political parties and the formation of small illegal groupings whose only objective was to destabilize the State. The result was the advent of successive coup attempts which presaged the danger that was to engulf the country. Given this *impasse*, there was only one alternative: allow the authoritarian excesses to take root and then move headlong towards civil war or opt for change. The Armed and Security Forces unanimously decided to go for change, with the conviction that such choice was the expectation of the people of Mauritania. For Colonel Mohamed Vall and his compatriots therefore, it was a question of adopting a proactive strategy to prevent a seemingly inevitable explosion in the country.

8. The President of CMJD further explained that the transition would be organized in two stages. The first, which should not extend beyond a maximum duration of 12 months, would be devoted to making amendments to some provisions of the Constitution. Once finalized, the amendments would be incorporated into the Constitution, which would subsequently be submitted to a national referendum. The second stage, which was also to last for 12 months, was to see the preparation for elections.

9. Nonetheless, Colonel Mohamed Vall pointed out that the maximum period of 24 months was only indicative and that the timeframe could be shortened. At the end of this process, the CMJD, he said, would be dissolved and would handover power to the newly elected authorities. By so doing, it would have spared the country the ravages of the crisis and inculcated in the collective memory the rejection of any future change of government by force. Concluding his remarks, the President of CMJD called for the understanding of the African Union and urged it to accompany Mauritania in this process.

10. After series of lengthy talks with all the Mauritanian parties, especially the representatives of the national association of lawyers, all the political parties, the civil society, labour unions and associations of employers, as well as with the diplomatic corps, the AU delegation came to the following conclusions:

- there was broad consensus on the need for change in the country. As a matter of fact, the coup d'état apparently had the support of the entire political class and of the people.
- all the Mauritanian parties were involved in the management of the transition;
- the CMJD was willing to honor its commitments, including the commitment to reduce the transition period and to promote confidence-building measures;
- there was need to examine the issues raised by the Mauritanian parties, especially those relating to the return of the refugees, granting of amnesty to all the Mauritians, the establishing mechanisms to guarantee civil liberties and the adoption of measures to improve the public image of Mauritania; and
- there was also need to establish an independent electoral commission and draw up credible electoral lists with the support of international experts, as well as for the participation of international observers in the various elections.

d) **Measures taken by the CMJD**

i) Preliminary measures

11. Following assumption of office on 10 August 2005 by the new government, composed mainly of technocrats, and pursuant to the commitments made by the CMJD, a number of measures were taken with the aim of creating the requisite conditions for establishing meaningful democratic institutions. In this instance, it is noteworthy to mention, among other things, the adoption, on 26 August 2005, of Decrees establishing, within the Office of the Prime Minister, three Inter-Ministerial Committees, for justice, democratic transition process and good governance, respectively.

12. According to the aforesaid Decrees, each Committee was assigned specific duties. The mission of the Inter-Ministerial Committee for Justice consisted in supervising, stimulating, programming and monitoring the process aimed at establishing a transparent and reliable legal system consistent with the imperatives of the rule of law, in cooperation with the corps of judges and the national association of lawyers. To this end, the Committee was tasked to study and come up with measures to affirm and guarantee the independence of the judiciary, especially through recognition of the personal and functional independence of judges; rationalization of the judicial structure to bring justice closer to the people, ensuring the expediency of the decisions of the judiciary, speeding up procedures, ensuring availability of legal documentation, developing pre-judicial techniques or alternative dispute resolution mechanism and strengthening the control of judicial administration; modernization of the law and its harmonization by updating, simplifying, modernizing and codifying the legal system; training and upgrading the skills of magistrates and judicial offices; improving infrastructure and allocating adequate resources, particularly for the functioning of the tribunals and payment of judges' salaries.

13. As for the Inter-Ministerial Committee for the democratic transition process, which was to operate in collaboration with all the legally recognized political parties and civil society organizations, its mission was to look into the clauses to be submitted to the constitutional referendum in accordance with the guidelines set by the CMJD; study and implement, after adoption in the required form, the measures required to ensure the regularity, sincerity and transparency of the scheduled electoral operations through the establishment of an Independent National Electoral Commission (INEC) and redefinition of the provisions relating to organization of voting, vote counting, centralization and proclamation of results; the drawing up of an electoral calendar and the definition of the modalities for reviewing the electoral list; study matters relating to the material organization of the elections, and also examine and recommend all measures needed for establishing the institutions that were to emerge from the elections.

14. With respect to the Inter-Ministerial Committee on good governance, it was tasked to work towards the establishment of a good governance system, which would protect public financial assets and the rule of law, respect the legitimate aspirations of the citizens for equal treatment in the public service, in collaboration with the private sector and the legally recognized civil society organizations. To this end, the

Committee was to study and recommend measures regarding equal access to government employment for all, public tendering and public services; promotion of human rights; promotion of the general interest in administrative process; improvement of the performance of the administration and its relationship with the people; combating corruption, misappropriation of public funds and, generally, combating all forms of economic and financial crime; improving the status of public servants and workers; strengthening administrative and judicial control and ensuring their effectiveness; promotion of decentralization, consultation and participatory approach as a method of administration; promotion of the private sector and the civil society and their involvement in the process of good governance and transparency.

15. At the same time, the President of CMJD and Head of State, promulgated an amnesty law, on 2 September 2005, according to which full and unconditional amnesty was granted to persons guilty of offences against the internal and external security of the State, offences relating to the media, the convening of unauthorized meetings and forming unauthorized associations and, in general, offences of political or military nature committed before 3 August 2005 – all in the bid to enable all the citizens, without exception, to participate in the democratic transition process. This amnesty benefited 115 Mauritians, including those condemned *in absentia* or with suspended prison sentences since 1992.

16. Former President Mohammed Khouna Ould Haidalla (1980 – 1984), who received five years suspended prison sentence in 2003 and was stripped of his civic and political rights for having plotted a coup d'état, thus benefited from the amnesty. Immediately after, 32 persons, most of them former military officers sentenced for having participated in coup attempts in 2003 and 2004 against the former President, were all set free. Similarly, five senior officers opposed to the 3 August 2005 coup d'état, the only ones that were arrested by the army during the operation, were released. The same was the case with 24 so-called moderate Islamists incarcerated in April 2005 for belonging to unauthorized associations.

17. The amnesty announcement opened the way for the leaders of the main opposition movements in exile to return to Mauritania. Those affected included the leaders of the "Conscience et Résistance" movement and of "*Cavaliers du Changement*", a former armed opposition emanating from the attempted coup of 8 June 2003 and currently known as HATEM. It was also against this background that the leaders of a faction of the African Liberation Forces of Mauritania (FLAM) returned to the country and were, on that occasion, received by the President of CMJD. The leaders of the various movements have, upon their return, joined the transition process and have been actively participating in the political life of the country.

18. It is also worth mentioning the promulgation, on 29 September 2005, of a Constitutional Edict concerning the ineligibility of the President and members of the CMJD, the Prime Minister and members of the government to participate in the presidential and legislative elections as scheduled under the democratic transition

process. This ineligibility extended to all those concerned irrespective of their date of assumption of duty and the duration of effective execution of their duties.

ii) National Days of Consultation

19. In accordance with the programme of CMJD, National Days of Consultation were organized in Nouakchott from 25 to 29 October 2005. The event brought together many participants from across diverse political and socio-professional horizons, namely: representatives of government bodies, political parties, non-governmental organizations, labour and employers' organizations and associations and the liberal professions, as well as the academia and independent individuals. On that occasion, the President of CMJD gave an overview of the objectives of the event and, once again, reassured the international community of its determination to honor the commitments made. Discussions took place within the framework of workshops which were devoted to consideration of the themes contained in the draft reports prepared by the Inter-Ministerial Committees and designed to serve as the basis for the Consultation. All the items on the agenda, as well as additional items proposed by the participants, were discussed in depth, thereby fostering constructive political debate, which resulted in the adoption of consensual documents. It must also be mentioned that the humanitarian backlog (problem of refugees and serious violations of human rights committed in 1990 and 1991), which, like the legacy of slavery, used to be taboo, were widely discussed. While taking note of the problem, the CMJD deemed that the duration of the transition was too short to enable it resolve this issue which, it stressed, can only be addressed effectively by an elected legitimate government.

20. In pursuance of the recommendations of the Consultation and in response to the concerns expressed by the international community in general and those voiced by the AU in particular, the CMJD decided to reduce the transition period from 24 to 19 months, that is, from August 2005 to March 2007, and to adopt the calendar of elections, with the provision of simultaneous holding of legislative and municipal elections. Thus, the transition timetable was presented as follows:

- establishment of INEC: November 2005;
- administrative census for election (RAVEL 1): February 2006;
- Constitutional referendum: 25 June 2006;
- municipal and parliamentary elections to be held simultaneously: 19 November 2006
- senatorial elections: 21 January 2007;
- extraordinary review of the electoral list (RAVEL 2): January 2007; and

- presidential election: 11 March 2007 for Round 1, and 25 March 2007 for Round 2

21. Following the adoption by the Government, the recommendations of the National Days of Consultations were validated by the CMJD on 8 November 2005. From that date, these recommendations became the program of the transition Government for the period 1 January 2006 to 31 March 2007.

iii) Independent National Electoral Commission (INEC)

22. In keeping with the 14 November 2005 Edict establishing the Independent National Electoral Commission (INEC), a Decree was issued on 16 December 2005, defining the organization and functioning of the Electoral Commission with a view to ensuring the holding of the various elections as scheduled in the agreed calendar. The Decree described the INEC as a democracy support institution whose mission was to guarantee the neutrality, impartiality and transparency of the referendum and of the elections. The INEC shall be neutral and independent in the discharge of its functions and shall operate in accordance with the rules of collegiality. To this end, the Electoral Commission shall supervise, monitor and control the operations relating to the referendum and to the municipal, legislative, senatorial and presidential elections to be held as part of the democratic transition. Lastly, the Electoral Commission, in collaboration with the services conducting the elections, shall ensure compliance with the electoral law. It shall exercise all the powers required for the discharge of its mission, and shall comprise 15 members appointed on consensual basis after consultation between the government, the political parties, labour unions and civil society. The decentralized structures of the independent commission, embodied in the local independent electoral commissions established in the regions, departments and districts, were inaugurated on 14 February 2006. To launch its activities and for its operation, the INEC received funding from the State under the 2006 Finance Law. This subvention was to be supplemented depending on the level of international funding mobilized for the electoral process.

iv) Census

23. On 16 December 2005, a Decree was issued spelling out the modalities of the administrative census for the election (RAVEL 1) designed to compile a reliable and transparent electoral list. The objective of RAVEL 1 was to:

- conduct a census of all Mauritanian citizens, men and women alike, who possessed national identity cards and aged 18 or above, on 28 February 2006;
- draw up a new and transparent electoral register using the census data;
- extract, from this register, a reliable electoral list to be used for the constitutional referendum, as well as for the municipal, legislative and

presidential elections then to be organized as part of the democratic transition process.

24. To facilitate the process, a mechanism was put in place in all the administrative districts of the country to address the needs of the citizens that did not have the requisite documents. This operation, which was conducted under the control and supervision of INEC, concerned primarily people who could not be counted in 1998 during the civil status administrative census.

25. RAVEL 1 kicked off on 16 February 2006 throughout the national territory of Mauritania and was extended up to 30 April 2006, although it was initially supposed to end on 17 March. As at 13 April, 938,292 citizens had been registered. By the end of the operation, 1,013,817 Mauritians had been counted and registered; the objective of counting 90% to 95% of the populace in order to have reliable electoral lists was thus attained. The efforts invested to provide civic education through the campaign launched on 5 January 2006 significantly contributed to this result. This campaign, whose first stage was based on the RAVEL, also involved the organization of information and training seminars and workshops both in Nouakchott and elsewhere in the country, as well as a mobilization, sensitization and explanation campaign using all existing media facilities.

26. In the timetable adopted by the Mauritanian authorities, provision was similarly made for the organization, in January 2007, of an extraordinary review of the electoral list, christened RAVEL 2. This involved the updating of the said list to include citizens who, having reached 18 years of age, were eligible to vote, and changing addresses and striking out the names of deceased persons.

v) Other legislative arrangements

27. As part of preparations for the various elections, it is necessary to mention the adoption, on 26 January 2006, of an edict that, among other things, reintroduced the principle of independent candidature. Similarly, and in order to ensure transparency, the consultations between the political authorities and the parties concerned resulted in the retention of the principle of single ballot paper. This principle was confirmed by the Decree of 24 May 2006 relating to the convening of the electoral college and the use of a single ballot paper for the referendum of 25 June 2006, as well as by the Decree issued on 18 August 2006 which instituted the use of a single ballot paper for presidential, parliamentary and municipal elections.

28. In implementation of the principle of equal access to electoral mandate and elective offices, and pursuant to the principle of equality of suffrage, the Head of State promulgated an Edict on 22 August 2006 establishing the organic law for the promotion of access for women to the electoral mandate and elective offices. In that same Edict and with respect to municipal election, women shall have right to a minimum quota equivalent to 20% of the seats on the municipal councils. In order to facilitate the

election of women in the proportion indicated, who would otherwise not qualify, the lists of candidates for the municipal elections were to be prepared in such a way as to place the candidates on eligible positions depending on the number of councilors envisaged. As regards the parliamentary election, women also had a reserved to a minimum quota of the positions on the lists of candidates.

29. On 14 August 2006, Mauritania acceded to the United Nations Convention against Corruption, and ratified the African Union Convention on the Prevention and Combating of Corruption adopted by the second ordinary session of the Assembly of the African Union held in Maputo, Mozambique, on 11 July 2003. The 22 August 2006 Edict on the financing of political parties also represented another breakthrough, which deserves to be underscored. This text defines the conditions and modalities of allocating State financial assistance to legally constituted political parties and coalition of parties.

30. On 30 January 2007, the Government issued a Decree clearly explaining that the concept of "votes cast" would no longer take into account blank ballot papers for the purpose of the second round presidential election, thereby removing the specter of a vote bugging during the election of the President of the Republic after round 2. This Decree came as a result of the controversy arising from the issue of "blank vote" raised by the Head of State on 27 January 2007 at the 6th Congress of Mayors.

31. On 23 March 2007, the CMJD adopted a draft edict on the status of the democratic opposition. This text conferred on the opposition a legal and institutional status, which determines its rights and obligations and enables it to play a role as a principal stakeholder in the political life of the country. The text is also designed to promote respect, tolerance and openness, which constitute the foundations of a democratic culture, and to help consolidate the basis of peace and stable democracy.

vi) The Media

32. Upon assuming power, the Mauritanian authorities indicated their willingness to ensure respect for the principle of pluralism in the audio-visual sector by keeping the public media accessible to the political parties and the civil society. On this score, mention should be made of the 29 December 2005 Decree establishing a National Consultative Commission for the reform of the media, as well as the audio-visual. The objective was to come up with reform measures for the harmonious development of the media and the audio-visual, consistent with the imperatives of the rule of law. In the same vein, the 12 July 2006 Edict establishing press freedom defines the modalities of press and communication freedom, as well as the journalist profession, and clarifies the laws on edition, publication and response, as well as the provisions relating to defamation. The distinctive feature of this edict resides in the disappearance of censure and legal deposit, and in that now only a license is required to launch a newspaper. It was in this same spirit that the 20 October 2006, Edict establishing the High Authority for Press and the Audio-visual (HAPA) was promulgated. HAPA is responsible for organizing communication with the public and ensuring the application of the legislation

relating to the media and transparency of media coverage. It ensures equity among all the players in the field of communication, the independence and objectivity of all media, and guarantees equity and equal opportunities for the citizens and political parties and equal airtime for all candidates during election period.

III. CONDUCT OF THE ELECTORAL PROCESS

33. The electoral process was conducted in several stages. It started with the constitutional referendum, continued with the municipal and legislative elections held simultaneously, then followed by senatorial elections, and concluded with the presidential election.

a) Constitutional referendum

34. The constitutional referendum took place on 25 June 2006. It involved submission of the amended Constitution to popular vote. It should be noted that this did not involve making a clean sweep of the existing Constitution. This was deliberately avoided and the 20 July 1991 Constitution was restored as the Constitution of the Islamic Republic of Mauritania. The proposed amendments dealt mainly with the duration of the term of office of the president, peaceful changeover of political power between parties and stability and sustainability of the republican and democratic institutions. More specifically, the constitutional amendments submitted to the referendum related to the following provisions:

- article 26 which sets the presidential term of office at five years and the conditions for eligibility to the high office;
- article 27 which makes the presidential term of office incompatible with the exercise of any other public or private function and belonging to the leadership of a political party;
- article 28 sets at two the number of presidential terms of office, i.e. a term of office renewable only once;
- new Article 29 which sets the modalities for the inauguration of the newly elected President of the Republic and makes it an obligation for the President to take an oath;
- new Article 99, which is one of the three articles under the eleventh title of the basic law on the review of the Constitution. It determines the republican institutions to which belongs the constitutional review initiative and the legal procedures to be followed;
- new Article 102, which is the only article of the twelfth title dealing with the final provisions of the basic law. It is also the final article of the Constitution, replacing article 104 of the 20 July 1991 text. Under this article, all the laws

governing the legislative fields in Mauritania remain applicable as long as they have not been amended in the form specified by the Constitution.

35. Altogether, 984,422 voters were registered for the election, among whom were 55% women and 45% men. 2,329 polling stations were set up, mainly in public buildings. The turnout was 76.51% of the registered voters. The Yes vote was 713,263, i.e. 96.97% of the votes cast. The approval and promulgation of the Constitution thus paved the way for other elections scheduled to be held within the framework of the democratic transition, i.e. the simultaneous municipal and parliamentary elections and the senatorial and presidential elections.

b) Simultaneous municipal and parliamentary elections

36. These elections enabled Mauritians to elect 216 mayors and 95 MPs. 1,222 lists of candidates for the municipal elections were registered, which included 889 names registered on behalf of political parties and coalitions and 333 independent candidates. In the case of the parliamentary elections, 411 lists were deposited, 289 of which were on behalf of political parties and party coalitions and 122 independent candidates, in addition to 25 lists for the national elections (14 seats) open exclusively to political parties, 25 of which participated in the elections.

37. The results of the parliamentary elections by constituency were as follows:

- Number of registered voters: 1,073,287;
- Number actually voting : 788,029;
- Turnout: 73.42%;
- Number of spoiled ballot papers : 122,716 (11.43%);
- Number of recorded votes : 665,313;
- Number of blank votes: 5,435;
- Number of seats to be filled : 81.

38. During the first round, the voting was decisive in 12 electoral constituencies, representing 29 seats, i.e. 35.8% of the members of the Assembly. The political parties won 19 seats and the independent candidates 10. In the second round, which took place on 3 December 2006, 66 registered candidates, including 34 independents and 32 party candidates contested for seats in 33 constituencies.

39. The results of the national list elections were as follows:

- Number of registered voters : 1,090,265;
- Number actually voting : 793,190;
- Turnout : 72.75%;
- Number of spoiled ballot papers : 191,585 (17.57);
- Number of blank votes : 9,607;
- Number of seats to be filled : 14.

40. The seats won were as follows:

- Rassemblement des forces démocratiques (RFD) – 3 ;
- Parti republicain démocratique rénové (PRDR) – 2 ;
- Parti Unioniste démocratique social (PUDS) – 1 ;
- Rassemblement national pour la démocratie, la liberté et l'égalité (RNDLE) – 1 ;
- Alliance progressiste populaire (APP) – 1 ;
- Union des forces du progrès (UFP) – 1 ;
- Union pour la démocratie et le progrès (UDP) – 1 ;
- HATEM (ancien Cavaliers du changement) – 1 ;
- Front populaire (FP) – 1 ;
- Rassemblement pour la démocratie et l'unité (RDU) – 1 .

c) Senatorial elections

41. The senatorial elections were held on 21 January 2007. There were 56 seats in contestation, three of which were reserved for Mauritians residing abroad. The elections were held in two rounds. 53 Senators were first elected, followed by 3 others to be chosen by a college of Senators. The former party in power won 39 seats, and the former opposition, 13 seats.

d) Presidential election

42. The presidential elections took place in two rounds; the first, on 11 March, and the second, on 25 March 2007. Following a last minute withdrawal, 19 out of the 20 candidates ran for the high office.

43. The results of the first round were as follows:

- Number of candidates – 19;
- Number of registered voters – 1,134,774;
- Number actually voting – 795,083;
- Spoiled ballot papers – 50,708;
- Blank votes – 3,309;
- Number of recorded votes – 714,066;
- Turnout – 70.07%.

44. The two candidates who topped the list in the first round and contested the second round were: Sidi Mohamed Ould Cheik Abdellahi, who obtained 183,743 votes i.e. 24.79% of the ballot cast, and Ahmed Ould Daddah, who had a total of 153,242 votes, i.e. 20.68%.

45. Sidi Ould Cheik Abdellahi was a former Minister in the 1970s, under Mokhtar Ould Daddah, father of the independence, before taking part in the first government of

former president Taya in 1985. Thereafter, he worked in Niger for the Arab Economic and Social Development Fund based in Kuwait. He had the support of, among others, former Ministers of the Taya regime and three former Prime Ministers, as well as the majority of the members of the National Assembly and the Senate. He was also supported by the PRDR, the former ruling party, the RDU and the UDP, two parties that belonged to the former presidential majority as well as Zeine Ould Zeïdane and Messaoud Ould Boulkheir of the APP - this party being a member of the Coalition of the Forces for Democratic Change (CFUD) which brings together the parties opposed to the Taya regime - who, in the first round, obtained 15.27% and 9.80% of the votes, respectively.

46. Ahmed Ould Daddah was also a former Minister under Mokhtar Ould Daddah, his half brother, and former Governor of the Central Bank of Mauritania (BCM). He was the veteran among the candidates for the presidential election. He stood for presidential elections for the first time in 1992, the year in which multi-party elections were held for the first time and later boycotted the 1998 election. A historic opposition figure, he was supported by the RFD, of which he is the Chairman, and by most of the parties of the CFCD. He also had the support of Ibrahima Sarr, who arrived at the 5th position, during the first round of the presidential election, with 7,94% of the vote cast, and of Saleh Ould Hanenna, who arrived at the 6th position, with 7,65% of the vote cast.

47. The results of the second round were thus as follows:

- Number of registered voters :1,132,176;
- Number actually voting : 764,045;
- Spoiled ballot papers : 30,848, i.e. 40.47%;
- Blank votes: 26,494, i.e. 3.47%;
- Recorded votes : 706,703;
- Turnout : 68.48%.

48. Sidi Mohamed Ould Cheik Abdellahi was elected with 373,519 votes, i.e. 52.85% of the votes cast. Ahmed Ould Daddah, for his part, obtained 333,184 votes, i.e. 47.15%, with 40,335 votes separating the two candidates.

IV. SUPPORT MEASURES BY THE AU

a) Political support

49. In light of the results of the visit by the AU ministerial delegation to Nouakchott, on 9 August 2005, and on the basis of the encouraging initiatives taken by the new authorities, the 37th meeting of Council held on 8 September 2005 mandated me to pursue the ongoing efforts, and requested me, in collaboration with the current Chairperson of the AU and the Chair of Council, to take all the necessary support measures in order to facilitate the rapid return to constitutional order in Mauritania, as soon as possible.

50. In pursuance of this mandate, the AU established regular contact with the Mauritanian authorities, through political and technical missions. The first mission was undertaken by the Commissioner for Peace and Security from 1 to 3 October 2005, at the head of a delegation made up, in addition to officials of the Commission, the representatives of Nigeria and South Africa, representing the Current Chairperson of the AU and the Chairperson of Peace and Security Council for the month of September 2005, respectively. The purpose of the mission was to reiterate the AU's message as articulated by the decision of Council, exchange views on the programme which the authorities intended to implement during the transition and to explore the ways and means of providing assistance in various fields.

51. During the working sessions with the political authorities and all the Mauritanian stakeholders, the AU delegation laid stress on the need to shorten the duration of the transition, while emphasizing that the period should not be too short to carry out the key tasks and not too long to create unnecessary complications. It also stressed the need for a wider consultation with the possibility of establishing a permanent consultation mechanism that would serve as internal support measures; the need to take a number of calming measures and to reassure the population that the humanitarian backlog would be taken into consideration in the new dispensation that would emerge at the end of the transition, it being understood that, on this specific point, the position of the authorities was to refer it to the institutions to emerge from the elections. The meeting also discussed the leadership role that the AU was to play and, in this regard, the appointment in the coming days of a Special Envoy to monitor the situation and, finally, the advocacy role that the AU was to play vis-à-vis the donors in terms of electoral assistance to Mauritania.

52. Similarly, the AU delegation expressed appreciation at the progress made in the preparatory stages towards the holding of the National Consultation Days laid down by the inter-ministerial Committees. In conclusion, the mission confirmed what the AU ministerial delegation had already noted, namely, the existence of a consensus favorable for change, as well as the determination of the Mauritanian authorities to honour the commitments made. It however emphasized that the transition remained fragile and that differences could arise both over the format of the National Consultation that the authorities planned to organize and on its objectives. It therefore called on the international community, particularly the AU, to continue to show presence and to assist the Mauritanian parties to reach consensus on the different issues regarding the transition.

53. Subsequently I appointed Ambassador Vijay Singh Makhan, former Assistant Secretary-General/interim Commissioner of the OAU/AU, as my Special Envoy for Mauritania. Immediately after his appointment, Ambassador Makhan went to Mauritania and monitored the progress of the National Consultation Days. On that occasion, I issued a communiqué in which I welcomed the launch of that major event. I reiterated my encouragement to the Mauritanian authorities and urged all the active forces of Mauritania to show a sense of responsibility so that, within the framework of a wide

consensus, they could do everything possible to ensure the success of these consultations. On the sidelines of the consultations, the Special Envoy met the political authorities and all the other Mauritanian stakeholders. Since then, the Special Envoy, who has undertaken various missions to Mauritania, has been deeply involved in all stages of the transition.

54. The reduction in the duration of the transition and the validation of the recommendations of the Consultation were an encouraging development which I also welcomed.

55. In addition, Council at its 57th meeting, held on 21 June 2006, welcomed the positive developments that had taken place in Mauritania since September 2005 with a view to a return to constitutional legality, as well as the measures taken by the Mauritanian authorities. In this regard, it noted with satisfaction the validation by the Mauritanian authorities of the recommendations emerging from the National Consultation Days, particularly the decision to reduce from 24 to 19 months the duration of the transition, the establishment of the INEC, the effective conduct of the electoral census to facilitate the holding of the elections, as well as the adoption of measures on individual and collective freedoms and the promotion of democratic values and principles. Council encouraged the people of Mauritania to participate massively in the constitutional referendum, as well as in the other elections to be held under the electoral calendar, and called on the parties concerned to refrain from any action likely to undermine the ongoing process. Council also appealed to Member States, international partners and the international community at large to continue to provide the necessary, technical, logistical and financial assistance, to enable the Mauritanian authorities and all the stakeholders to see the process of a return to constitutional order in Mauritania through to completion. In addition, Council encouraged me to continue to support the process of a return to constitutional legality.

b) Technical support

56. In an effort to help move forward the transition support measures and upon the recommendation of my Special Envoy, I dispatched an electoral expert to Mauritania, in the person of Mr. I. Abdool Rahman, Electoral Commissioner of Mauritius. Mr. Rahman's mission, which took place from 17 to 20 January 2006, was to assist the INEC in the evaluation, in consultation with the appropriate authorities, of the preparatory stages to the constitutional referendum and the presidential election.

57. Moreover, in response to a request by the Mauritanian authorities for assistance in terms of financing for the political parties and women's participation in the electoral process and in the elective offices, I decided to dispatch to Mauritania Messrs I. Abdool Rahman and Y. Aboobakar, Electoral Commissioner and Chairman of the Election Oversight Commission of Mauritius, respectively. The two experts stayed in Nouakchott from 4 to 9 June 2006.

c) Mobilization of financial support

58. During his visit to Mauritania from 12 to 17 December 2005, my Special Envoy noted the concern of the Mauritanian authorities over the inadequacy of financing and the effects which that situation could have on the electoral timetable. The Mauritanian authorities thus appealed to the AU to help Mauritania mobilize the international partners. Indeed, despite the financial support from some bilateral and multilateral partners of Mauritania, in the sum of US \$20,463,717, corresponding to the total budget of the electoral process, US \$7,192,864 was still needed to cover the constraints relating to the deadlines adopted by the Mauritanian authorities. In this respect, I instructed my Special Envoy, in consultation with the United Nations, to take the necessary steps to assist the Mauritanian authorities in preparing a round table conference. In effect, the Mauritanian government, with the support of the AU, organized a Donors' Round Table for financing the electoral process, in Nouakchott, on 25 April 2006.

59. AU Member States and partners, as well as the bi-lateral and multi-lateral partners of Mauritania, were invited to this round table. Present were: Senegal, represented by its Minister of State and Minister for Foreign Affairs, The Gambia, represented by its Minister of Territorial Administration, Gabon, represented by the Permanent Secretary of the Ministry of Foreign Affairs, a delegation from the Sahrawi Arab Democratic Republic (SADR), as well as Libya, Egypt, Algeria and Tunisia, represented by their respective Ambassadors in Nouakchott. As for the partners, the United States, Germany, France, Japan and Spain took part in the meeting. Also in attendance were the United Nations/UNDP, OIF, LAS and the EU, who participated on behalf of the multi-lateral partners.

60. The round table helped to raise US \$3,300,000; a little more than half the total amount was left to be mobilized to finance the electoral process. I deplored the very low participation of Member States. As a follow up to the round table, I sent letters to some partners to formally request their support for Mauritania to enable the Mauritanian authorities see the electoral process through to completion under the best possible conditions.

d) Observation of the elections

61. Following the request of the Mauritanian authorities for an AU observer mission to be sent to the different elections to be held under the electoral process, I exceptionally authorized the dispatch of a small observer team for the constitutional referendum of 25 June 2006. This was due to the special character of the consultation which was a crisis exit referendum, designed to mark the start of a process leading to a return to constitutional legality in Mauritania.

62. Regarding the municipal cum parliamentary elections, I sent my Special Envoy to monitor the conduct of the first election, which was to determine the political strength of the competing parties. At the same time, I authorized the dispatch of a mission

composed of fifteen observers who were deployed in the country as well as in the nine districts of Nouakchott.

63. For the presidential election, in addition to my Special Envoy, I authorized the dispatch to Mauritania of an observer mission led by Honourable Benjamin Bounkoulou, former Minister of Foreign Affairs and current Vice-President of the Senate of the Republic of Congo, together with 13 observers. Deployed within the country and in the nine districts of Nouakchott, the AU observers monitored the progress of the electoral campaign, the preparation of the different stages of the process and the conduct of the elections. In its statement issued at the end the two rounds, the mission noted the climate of mutual respect, friendliness and civic responsibility that prevailed during the conduct of the electoral campaign, the availability of the election materials and the good understanding of the procedures by the electoral officials. It highlighted the calm, transparency and fairness that characterized the conduct of the elections, as well as the high turnout, particularly of the female population. In conclusion, after noting with satisfaction that the voting and vote counting had generally taken place in calm, peace and serenity and after congratulating the people of Mauritania, who, with their strong mobilization, had, once more, demonstrated their commitment to democracy and the successful outcome of the transition, the AU mission observed that the 11 and 25 March 2007 election was free, fair, democratic and transparent.

64. At the same time, in a joint communiqué, the AU, OIF, LAS and the OIC observer missions also arrived at the same conclusion, In their statements, they expressed satisfaction at the atmosphere of serenity and responsibility in which the consultation had been held and noted the good organization and proper and transparent conduct of the election. The four missions also welcomed the improvements in the conditions of voting, particularly with regard to the electoral process and the training of the heads and other officials of polling stations.

V. OBSERVATIONS

65. With the holding of the different elections provided for under the electoral calendar, the process of return to constitutional order has been brought to a successful conclusion. The smooth holding of the different elections, particularly the presidential election, constitutes a significant breakthrough in the deepening of the democratization process and the development of a democratic culture in Mauritania. It is worth mentioning, in particular, that, far from any display of triumphalism, the victorious candidate of the presidential election called upon his fellow countrymen to unite. For his part, the losing candidate, in an exemplary gesture, congratulated the winner. The Mauritanian people have, once more, shown wisdom, maturity and a sense of responsibility that deserves recognition and respect.

66. It is incumbent upon the elected president to translate his message of unity into reality. This implies not only integrating those who supported him but also taking into consideration the ardent desire for change to improve life as expressed by the majority of Mauritians. At the same time, it is necessary to pay tribute to the president and the

members of CMJD, as well as the Prime Minister and members of the outgoing Government, who honored the commitments made to the Mauritanian people, the AU and the international community in general.

68. Once established, the democratic institutions should strive to consolidate and deepen democracy and the rule of law and the promotion of socio-economic development, as well as the resolution of problems relating to the humanitarian backlog and the legacy of slavery, in order to enhance national unity and cohesion. On its part, the AU should continue to support Mauritania, by making use of all the existing accompaniment and assistance mechanisms to contribute to the consolidation of the gains inherited from the transition.

69. In light of the foregoing, and given the return to constitutional legality in the country, I recommend that the suspension imposed by Council against Mauritania on 4 August 2005, at its 36th meeting, be lifted.