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EUROPEAN COMMISSION

Brussels, 7.12.2009  
COM(2009)670 final

Proposal for a

**COUNCIL DECISION**

**repealing Decision 2009/472/EC of 6 April 2009 and concerning the follow-up to the consultation procedure with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Partnership Agreement**

## **EXPLANATORY MEMORANDUM**

Considering the coup which occurred in Mauritania on 6 August 2008 a particularly serious and manifest violation of the essential elements listed in Article 9 of the ACP-EC Partnership Agreement, the European Union decided, on 15 September 2008, to open consultations with the Islamic Republic of Mauritania under Article 96 of the Agreement.

A meeting was held for the purposes of these consultations in Paris on 20 October 2008. At this meeting and in the months that followed, the European Union saw no satisfactory proposals from the Mauritanian side and decided to conclude the consultation procedures while remaining committed, alongside the international Community, to finding a solution to the crisis.

In the Council Decision of 6 April 2009 concerning the conclusion of consultations with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Partnership Agreement<sup>1</sup>, the European Union set out a road map for the gradual resumption of cooperation (appropriate measures) on the basis of the signature and implementation of a consensual solution to end the crisis, including transparent, representative and credible presidential elections.

This consensual solution for a return to constitutional rule took shape with the signing, on 4 June 2009, of the Dakar Agreement between the Mauritanian political forces involved in the conflict. In accordance with the appropriate measures adopted, this triggered the first phase in the resumption of cooperation. A second phase in the resumption of cooperation was agreed following the implementation of most of the steps laid down by the Dakar Agreement and the holding of presidential elections on 18 July 2009. As scheduled by the above Decision, the Presidency of the European Union and the Commission sent a joint follow-up mission to Mauritania from 5 to 7 October 2009 in order to report on the situation for the purposes of assessing the scope for a total resumption of cooperation and the follow-up to the Council Decision.

The mission findings are consistent with the opinion of the international community and indicate that Mauritania has carried out a complete return to constitutional order permitting the total resumption of cooperation as stipulated by the Decision of 6 April.

In line with the evaluation made by the International Contact Group on Mauritania, there is, however, a need for follow-up on the chapter of the Dakar Agreement concerning an inclusive national dialogue after the presidential elections. This chapter was one of the confidence-building measures approved by the parties that permitted the conclusion of the Dakar Agreement. This dialogue, which is aimed at strengthening the country's stability, has yet to start and could require encouragement from the international community. Indeed, some of the issues mentioned as root causes of the coup of 6 August 2008 clearly have not been addressed, in particular the rebalancing of power, the institutional reforms, the role of the armed forces and the strengthening of democracy and good governance.

In conclusion, any follow-up action to the Council Decision of 6 April 2009 should include the launching of an in-depth EU-Mauritania political dialogue aimed at strengthening the stability of the country, promoting progress in good governance and supporting the implementation of an inclusive national dialogue in accordance with Chapter 4.VII of the

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<sup>1</sup> Decision 2009/472/EC, published in OJ L 156 of 19 June 2009.

Dakar Agreement. This enhanced political dialogue will be held in accordance with Article 8 of the ACP-EC Partnership Agreement.

In the light of the above, the Commission proposes that the Council repeal Council Decision 2009/472/EC of 6 April 2009 and adopt the attached decision under Article 96 of the ACP-EC Partnership Agreement in its place.

Proposal for a

## COUNCIL DECISION

### **repealing Decision 2009/472/EC of 6 April 2009 and concerning the follow-up to the consultation procedure with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Partnership Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, as revised in Luxembourg on 25 June 2005 (hereinafter referred to as the ACP-EC Agreement), and in particular Article 96 thereof,

Having regard to the Internal Agreement between the representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement<sup>2</sup>, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Islamic Republic of Mauritania has implemented the consensual solution for ending the crisis as defined by the appropriate measures put in place by Decision 2009/472/EC of 6 April 2009 concerning the conclusion of the consultation procedure with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Agreement<sup>3</sup>.
- (2) The Islamic Republic of Mauritania has returned to constitutional rule.
- (3) In order to ensure the stability of the country and to prevent new violations of the essential elements referred to in Article 9 of the ACP-EC Agreement, it is necessary to promote an inclusive national dialogue and therefore to restart cooperation.
- (4) Decision 2009/472/EC should therefore be repealed, and political dialogue with the Islamic Republic of Mauritania should be resumed with a view to reinforcing democracy, preventing unconstitutional changes of government, reforming the institutions and the role of the armed forces, good political and economic governance, reinforcing the rule of law and human rights and restoring the balance of institutions and power,

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<sup>2</sup> OJ L 317, 15.12.2000, p. 376.

<sup>3</sup> OJ L 156, 19.6.2009, p. 26.

HAS DECIDED AS FOLLOWS:

*Article 1*

Council Decision 2009/472/EC of 6 April 2009 concerning the conclusion of consultations with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Partnership Agreement is hereby repealed.

*Article 2*

Political dialogue with the Islamic Republic of Mauritania under Article 8 of the ACP-EC Agreement will be conducted in the form set out in the letter annexed to this Decision.

*Article 3*

This Decision shall enter into force on the day of its adoption.

It shall be valid for 24 months from the date of its adoption by the Council. If necessary, it may be re-examined on the basis of European Union follow-up missions.

*Article 4*

This Decision shall be published in the Official Journal of the European Union.

Done at Brussels, [...]

*For the Council  
The President*

## ANNEX

### **Draft letter**

Sir,

It is with great satisfaction that we note Mauritania's return to constitutional rule following the implementation of most of the measures envisaged by the Dakar Agreement, culminating in your appointment as Head of State. It is therefore our pleasure to confirm to you the full resumption of cooperation between the EU and the Islamic Republic of Mauritania.

We note that, in accordance with Article 4-VII of the Dakar Agreement, the different political forces which signed the Agreement have committed themselves to continuing and stepping up an inclusive national dialogue in order to consolidate national reconciliation and democracy. As stated by the members of the International Contact Group at their last meeting on 10 September 2009, it is desirable that this dialogue should take place. It is already encouraging to see the readiness of the various parties to take part in the dialogue. It seems clear that certain underlying issues cited among the root causes of the coup of 6 August 2008 have yet to be resolved. The topics for dialogue referred to in the Dakar Agreement include reinforcing democracy, preventing unconstitutional changes of government, reforming the institutions and the role of the armed forces, good political and economic governance, reinforcing the rule of law and human rights and restoring the balance of institutions and power. The security threats that have emerged in Mauritania suggest that fighting terrorism and organised crime could also be a subject for dialogue.

The European Union attaches great importance to all issues relating to the stability of your country, including those mentioned above. As these are subjects of common interest and given the scale of Community cooperation in Mauritania in the area of governance, we propose that the political dialogue between Mauritania and the Union, as provided for in Article 8 of the Cotonou Agreement, be strengthened and put on a regular and structured footing. The practical arrangements and terms of reference for this dialogue will have to be established by mutual agreement between your Government and the heads of the European Union's diplomatic missions to the Islamic Republic of Mauritania.

One of the objectives of this dialogue will be to promote the inclusive national dialogue mentioned above. We believe that the preconditions and difficulties that have beset the launching of this dialogue could be resolved if the various Mauritanian parties were to focus their discussions on the future and set aside demands and disputes relating to the recent past.

To conclude, the Union will support Mauritania's efforts to overcome the socio-economic and political difficulties that it is experiencing owing to the long-running political crisis connected with the coup of August 2008, the global economic crisis and the new security and terrorist threats.

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

Done at Brussels,

For the European Commission

For the Council of the European Union