

MAURITANIA

Follow-up State Reporting - Action by State Party

CERD A/54/18 (1999)

Annex XI

Comments of the Government of Mauritania on the concluding observations* adopted by the Committee on the Elimination of Racial Discrimination on the initial to fifth periodic reports of Mauritania.

The Committee's concluding observations are unbalanced since they are based mainly on allegations made by the Rapporteur, Mr. Rōgis de Gouttes, despite the clear, frank and complete answers provided by the Mauritanian delegation at the 1341st meeting, held on 6 August 1999.

However, the Rapporteur only reproduced allegations drawn from the report of the State Department of the United States and other even more questionable sources. These allegations have never been supported by any documented proof, which the Mauritanian authorities would have examined and dealt with promptly.

Mauritania is, however, an obvious target for all those who cannot conceive of a multicultural and multi-ethnic society in Africa without any ethnic antagonism, even when, as in this case, such antagonism has never been part of the history of the country.

The delegation has amply proved this in the replies it provided, which cited specific concrete facts and examples, and this did not prevent the Committee from commending, in paragraph 323, the efforts made by the State to protect "the most vulnerable ethnic groups".

Those who know Mauritania even a little know that there are no "vulnerable ethnic groups" but rather vulnerable strata in all the communities (Arab, Pular, Soninke and Wolof). These communities, both Arab and non-Arab, had the same social stratification in the traditional economy and their sociological evolution has been identical: they now consist of affluent strata, middle-class strata and underprivileged strata.

In paragraph 329, the Committee notes that "some groups of the population, especially the black communities, are still suffering from various forms of exclusion and discrimination, especially where access to public services and employment is concerned".

Such practices have quite simply never existed in Mauritanian society so that one cannot now speak of their persistence.

* See paragraph 321-336 of the present report.

Pre-colonial Mauritanian society was composed of tribes, kingdoms, emirates and villages which each controlled a relatively precise area and which had relations with each other, although those relations were never of a dominating or discriminatory character.

The colonial Power established an administration which was imposed on all these entities and which could not be suspected of having perpetuated relations "of exclusion and discrimination" against the black communities since, on the one hand, such relations never existed and, on the other, these communities benefitted the most from certain advantages resulting from the colonial system.

The modern Mauritanian State has, itself, been working on consolidating the bases of national cohesion and unity and, today, the democratization of public life guarantees to each individual his fundamental rights of representation and representativeness thanks to universal suffrage and model management of institutions and of social space.

The Constitution of 20 July 1991 proclaimed such rights and established an appropriate institutional framework: a State subject to the rule of law.

In this State subject to the rule of law there are some 20 political parties, more than 500 non-governmental associations, three trade-union confederations and approximately 20 independent newspapers.

The judicial authorities, the Mediator of the Republic and the office of the Commissioner for Human Rights, have been working on poverty alleviation and on introducing offers of various forms of recourse for citizens in the event of abuse of authority.

The allegation taken up by the Committee which speaks of "exclusion ... where access to public services and employment is concerned" would be a serious one if it did not demonstrate a total lack of knowledge of the reality in Mauritania:

Contrary to a dualistic vision □ the Arabs on one side and the non-Arabic-speaking communities on the other - centuries-old links of a complementary nature and a great deal of interbreeding have united the various Mauritanian communities and these links have been solidified by a common religion and the struggle for a common destiny.

Throughout history, alliances have been forged between clans and camps representative of all these communities to fight similar coalitions. Moreover, skin pigmentation has never constituted a criterion of any kind in Mauritanian society since families descended from ancient noble Arab groups are black while significant fringes of the Peule community have a pale skin.

There are no areas or regions or even districts in Mauritania inhabited by only one community and it would be ridiculous to claim that the school or clinic in a village, encampment or district gives priority to children or people belonging to a given community.

The intensive efforts made by the Mauritanian Government to alleviate poverty and the measures it has taken in areas such as education, literacy, health, employment, housing and the advancement of women are carried out openly and in close collaboration with the competent agencies and

organizations of the United Nations system.

The Committee should have based its comments on the reports of those agencies and organizations instead of relaying unfounded and unjust allegations.

In the same paragraph, the Committee notes that "in some parts of the country, vestiges of practice of slavery and involuntary servitude could still persist":

Admittedly, the Committee took the precaution of putting this phrase in the conditional, but the delegation had dwelt at such length on this question that it had thought it had removed any misunderstanding on the subject.

The Committee should simply note that there are no areas in Mauritania in which the rule of law does not prevail where such an abominable practice as slavery could persist and even flourish with impunity.

Mauritania belongs to a geographical area where slavery was effectively practised in the forms described by the delegation in its oral reply on 6 August. This phenomenon has not, however, left any stronger marks in Mauritania than elsewhere and it is unfair to single out Mauritanian society for the simple reason that it is biracial. All the more so in that the mission of enquiry of the Sub-commission on Prevention of Racial Discrimination and Protection of Minorities carried out in 1984 - on the initiative of the Mauritanian Government - proved, first, that this phenomenon had never been of a racial character in Mauritanian society because it had been practiced in all sections of society and, second, that it had disappeared as an institution.

The vestiges which former high Mauritanian dignitaries freely trade on because they are no longer involved in affairs are simply the expression of a set of relationships, the product of an aggregate of factors, which include loyalty, alliances, kinship, neighbourliness or a modern type of salary relationship. Such relationships are not characteristic of Mauritanian society; they are - on the other hand - frequent in other countries.

In Mauritania, as in any other country, there is no more effective way of eradicating the vestiges of the former social configuration than the dissemination of education, in particular through universal schooling. Mauritania is on the point of achieving this as is shown by its high rate of school attendance (over 87 per cent).

The goals of the national poverty alleviation programme submitted by the delegation- in particular, those of meeting the basic social needs and promoting employment and revenue-generating activities - the reinforcement of the rule of law and the national strategy for the promotion of human rights are all directed towards accelerating social progress and the emancipation of the most underprivileged strata of society.

In paragraph 333, the Committee encourages the Mauritanian State to intensify its efforts to promote the various national languages:

Mauritania plays a pioneer role in this field, despite the fact that these languages are spoken by a

majority of people in other countries of the subregion.

The Mauritanian Government will, however, pursue its efforts in that direction in accordance with the constitutional provisions which recognize the cultural rights of non-Arabic-speaking minorities.

This decision attests to a genuine political will to preserve and consolidate national unity on a firm foundation, based on the preservation of the rights of all, in justice and equity.

The Committee's conclusions have not reflected all these efforts, nor these tangible facts.

They do not even reflect the debate which followed the submission of the report and give the impression that the fruitful dialogue and productive discussion of 5 and 6 August (para. 322) have not been duly taken into account and that the Committee has based itself solely on the report of Mr. de Gouttes.

Despite this, Mauritania remains fully committed to the International Convention on the Elimination of All Forms of Racial Discrimination and remains determined to consolidate still further the rule of law and to promote economic and social progress for all its citizens, without distinction as to origin, race, sex or social status.

CERD A/59/18 (2004)

Annex VI

Comments of States Parties on the Decisions and Concluding Observations Adopted by the Committee

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Sixth and seventh periodic reports of Mauritania

The following comments were sent on 7 September 2004 by the Permanent Representative of Mauritania to the United Nations Office at Geneva concerning the concluding observations adopted by the Committee following the consideration of the sixth and seventh periodic reports submitted by the State party:¹

□The Mauritanian Government is surprised by the divergence between the fruitful interactive dialogue between its delegation at the 1652nd and 1653rd meetings, held on 6 and 9 August 2004, and the concluding observations adopted by the Committee. The statement made in public by the Rapporteur at the end of the 1653rd meeting regarding the conclusions presented, in a balanced manner, the positive aspects acknowledged by the members of the Committee who took the floor, and the concerns raised. However, these balanced conclusions are not reflected in the concluding observations adopted by the Committee.

□The inquisitorial questionnaire transmitted to the Government on 22 July, 11 days before the opening of the session, by the Rapporteur appointed in March, heralded the approach envisaged. Nevertheless, the Government chose to reply, in a spirit of cooperation and openness welcomed by the Rapporteur. The questionnaire was essentially based on the question of slavery resolved by the Commission on Human Rights almost 20 years ago, as recalled by the Rapporteur in her introduction (1652nd meeting).

□The questions raised concerned only the fate of the descendants of former Arab slaves, as if slavery had been restricted to Arabs and not a phenomenon that, at various times, affected all the components of the Mauritanian people, and, in a broader sense, the entire Sudano-Sahelian region.

□Mauritania is the cradle of great civilizations whose influence transcends its current borders; slavery was practised, throughout the region, and has not left greater stigma than elsewhere. There are no longer any □slavery-like practices□ in Mauritania, and the so-called question of slavery concerns only a handful of people for whom it is a business. But neither these individuals nor anyone else can cite the slightest evidence to corroborate the allegations on which the Committee has based its concluding observations.

□All Mauritians are of course linked to their early origins and each is in effect a descendant of warriors, wise men, story tellers, blacksmiths, or slaves. These social categories existed, with differences of detail, in the four components of the Mauritanian people:

Arab community: nobles (*Le□arab* and *Zouaya*), blacksmiths (*Lem□almin*), story tellers,

(*Igawen*), slaves (*Le-abid*);

Pulaar community: nobles (*Toroobe* and *Sebbe*), blacksmiths (*Waylube*), story tellers, (*Awlube*) and slaves (*Maccube*);

Soninke community: nobles (*Tunba Lemme* and *Modini*), blacksmiths (*Toggo*), story tellers, (*Jaari* and *Gasaru*) and slaves (*Junkuro* and *Komo*);

Wolof community: nobles (*Geer* or *Garmi*), blacksmiths (*Tegg*), story tellers (*Gewel*) and slaves (*Jaam*).

□ This information is not exhaustive since there are other social categories, but, in general, these four communities were divided, in principle, into three main groups: freemen, professionals and slaves. However, today that no longer has any relevance to the rights and duties of any Mauritanian citizen, and no one can cite evidence claiming to be a victim of discrimination owing to the fact that he belongs to some former category or other. Citizens are treated without any discrimination at school, in health care, in the civil service and in other political, economic, social and cultural sectors.

□ Accordingly, nothing is further from the truth than the □ reports □ of discrimination □ based on descent □ relayed by the Committee. It is certainly true that some individuals who descended from former feudal strata still consider themselves more noble than others and may, for example, refuse marriage on this basis. However, such attitudes cannot be considered □ slavery-like practices □, and if, in general, the situation in societies with a similar or even more advanced level of economic and social development is considered, the role played today in political life, in government and in the private sector by Mauritanian citizens who are descendants of former slaves provides a model of integration and social advancement. In view of all these factual elements, the recommendations addressed to the State party at the end of paragraph 342 are redundant.

□ This is also true of paragraph 343, since the Mauritanian Government has no intention of reopening past divisions or making the slightest distinction between citizens below the poverty line. Special measures were taken in the 1980s following recommendations by the expert from the Sub-Commission on Prevention of Discrimination and Protection of Minorities. These measures were cited in document E/CN.4/Sub.2/1987/23 and were recalled in the written replies to the Rapporteur □ s questions.

□ Mauritania is the first sub-Saharan African country to have adopted an integrated poverty reduction strategy, the objectives of which were expounded on in the report. The Government will continue to make every effort to attain the ambitious targets set for 2015.

□ With regard to the reference in paragraph 338 to civil society, last July the Economic and Social Council selected Mauritania as a model in this regard. Hundreds of national and non-national non-governmental organizations operate without hindrance in all areas of activity. The Lutheran World Federation is responsible for implementation of the component on the promotion of human rights and the strengthening of civil society capacities under the national good governance programme. The organizations referred to by the Committee have not been recognized simply

because they are constituted on a restricted basis. Article 2 (e) enjoins States parties to promote integration and "to discourage anything which tends to strengthen racial division".

"Order No. 091/024 of 25 July 1991, referred to in paragraph 340, is in accordance with article 4 of the Convention. It prohibits any political party from "identifying itself with a race, an ethnic group, a region, a tribe, (one sex) or a brotherhood". This provision is of particular importance in young democracies and, at a time when several countries are devastated by civil war, the Mauritanian State will always ensure its strict but fair implementation.

"Paragraph 341 catalogues Mauritanian citizens and creates a new category ("black Moors"). This fragmented view of Mauritanian society is reflected in paragraph 336, which questions the Arab origin of the majority of the Mauritanian people by replacing it with an ambiguous concept ("Arabic-speaking group"). It is the responsibility of the Government, on the contrary, to strengthen national cohesion and to consolidate national unity. And, as indicated in the reply to question 8, Mauritians gain access to administrative posts on the basis of professional criteria and to political posts pursuant to free and transparent elections.

"Those who have any familiarity with the history of Mauritania will know that education was available first in the southern regions which are home to the Pulaar, Soninke and Wolof national minorities. Early on Arabs rejected the colonial school system and sent, under duress, only those children from the lowest social strata. This irrefutable historical fact contributed to the advancement of national minorities and formerly disadvantaged strata.

"With regard to the "castes" (observations, para. 342), the social system that prevailed in pre-colonial black African societies was characterized by a strict hierarchy, but one that was progressively eroded under the influence of a range of factors, including education, destruction of the traditional economy, and the emergence of a new production system. The Arab community in Mauritania is the only one in the Arab world to have adopted this social stratification, as the result of its interbreeding and overlapping with black African communities. This "caste system" is cited to support the allegation that "slavery-like practices" persist, and to revert to the question of Order No. 81-234 of 9 November 1981 abolishing slavery, and to the fact that it was not followed by implementing decrees. Reply No. 13 provides the necessary clarification of this "concern". The order in question was not strictly necessary in legal terms but was intended to mark the acceptance by practitioners of Muslim law of the abolition of slavery previously enacted under positive law. At the time all these basic legal texts were reviewed and adapted to Islamic law. Act No. 2003-025 of 17 July 2003 on suppression of trafficking in persons and the Labour Code (arts. 5 and 435) completed the criminal legislation penalizing forced labour and slavery-like practices. Accordingly, the law is clear, and the courts have always rigorously implemented it, including in matters relating to inheritance (reply No. 17). In fact, article 15 of the Constitution clearly guarantees this right and there are no cases where people "appropriate the property of "former slaves when they die". The African Commission on Human and Peoples' Rights has just dismissed allegations by non-governmental organizations on which the Committee based its conclusions in the case put forward by these organizations for some years (Bah Ould Rabah/Mauritania case).

"Replies to questions Nos. 8, 9, 10, 11, 12, 13, 15, 16, 17 and 27 in the questionnaire largely cover the allegations of "slavery-like practices", which appear as a leitmotif in both the

questionnaire and the concluding observations. This being so, and contrary to the assurances given by the Rapporteur in his introduction (1652nd meeting) to the effect that neither the Rapporteur nor the Committee questioned the conclusions of the fact-finding mission conducted in 1984 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the concluding observations repeat baseless allegations and thus seek to cast doubt on those conclusions. However the mission did not confine itself to reading and repeating allegations that reached Geneva. The mission travelled to Mauritania, where it freely conducted its enquiries (E/CN.4/Sub.2/1984/23).

□ With regard to the question of □ Mauritanian refugees □ (para. 344) the written reply by the Government is clear: today no Mauritanian can be described as a refugee under the relevant conventions. The Government notes that this issue was raised during consideration of its initial report in 1999, but the Committee did not reflect this in its concluding observations.

□ The □ concerns □ raised in paragraphs 346 and 347 relate to areas in which Mauritania is playing a leading role. In fact UNFPA and UNICEF consider its experience a model in implementing the recommendations of the International Conference on Population and Development in efforts to combat female genital mutilation.

□ With regard to the Pulaar, Soninke and Wolof languages, the countries in West Africa where these are the majority languages have not made any more progress than Mauritania. The changes made in 1999 in the context of education reform have allowed lessons to be drawn from 20 years □ experience, and the Government has in fact responded to the □ expectations □ of the population groups concerned, contrary to the allegation in paragraph 348.

□ Paragraph 349 leaves no doubt as to the fallacious nature of the sources on which the Committee has based its concerns, and offers proof that these are nothing more than a set of wild allegations. In fact the Committee recommends that the State party maintain a language which is not spoken in Mauritania, with a □ community concerned □ that simply does not exist.

□ All these considerations lead the Mauritanian Government to question the methodology followed by the Committee in considering its report:

A public debate, open, fruitful and frank, during which members, in particular the Rapporteur, praised the efforts and progress made by the State party;

A private meeting following which conclusions based on fallacious allegations are adopted; Certain □ concerns □, such as the question of inheritance, were not even raised in the discussions;

Other □ concerns □, including the question of □ refugees □, were raised by one member only.

□ The Committee should first be consistent by taking account of its earlier concluding observations, and, where the situation in a State party has on the whole, improved each review is supposed to note the progress made. In the case of Mauritania this logic has not prevailed, since, despite the progress made over the past five years in the legal, political, economic, and social spheres, progress summarized in the delegation □s introduction, certain conclusions adopted

contradict those adopted in 1999, whereas others refer to "concerns" going back 10 years but not commented on at the time of the Committee's consideration of the previous report. The Rapporteur acknowledged this progress in his introduction, stressing the favourable developments "in a context of consolidated stability and appreciable economic and social progress". This judgement is far from being reflected in the concluding observations, which are more of an indictment than general suggestions and recommendations based on consideration of the report and information received from the State party. The Committee must, rather, adopt a constructive approach and monitor progress in societies, and may not on each occasion revert to questions debated at length in the past and resolved, either by the Committee or by other competent mechanisms. It must also adopt conclusions that reflect its public deliberations, and the contribution and analysis of all its members, not the personal views of one member. These conditions are essential to the establishment of a climate of confidence in dialogue with any State party. The final remarks made on 9 August by the Rapporteur on the conclusion of the Committee's consideration of the report of Mauritania had left the Government with the impression that such a climate existed with regard to its situation. This statement faithfully reflected the Committee's public deliberations. But the concluding observations were different, giving the impression that there were two parallel and totally disconnected processes involved. The Mauritanian Government deeply regrets this development and expresses its concern at this divergence. However, that does not in any way undermine its commitment to the International Convention on the Elimination of All Forms of Racial Discrimination. The principles of non-discrimination and equality constitute the basis of Islam, the religion of the Mauritanian people, and are enshrined in the Constitution and basic legal instruments of Mauritania. They also constitute the basis for the Government's commitment vis-à-vis its people on behalf of all its citizens, without distinction as to origin, race, sex or social status.

Notes

1/ See paragraphs 328-357 of the present report. The comments refer to the unedited version of the concluding observations.