

OFFICE MEMORANDUM

DATE: April 20, 2004

TO: Aberra Zerabruk, Acting Chief Counsel, LEGAF

FROM: Hans-Werner Wabnitz, Senior Counsel, LEGAF

EXTENSION: 8-1583

SUBJECT: **BTO op travel April 2004 to Mauritania**
IDF TF 051455-Mau : support to the justice sector and promote commerce
TF 051328-MAU – Norwegian Grant TFT – grassroots law making
Proposed Jap Grant for women lawyer associations (JSDF)

Pursuant to my SMO sent April 4, 2004, (attached) I visited Mauritania (Nouakchott and Aioun Al Atrouss) between April 6 and April 17, 2004 to support implementation of:

- (1) the IDF TF 051455-Mau in support of selected tasks in the legal sector;
- (2) the TF 051328-MAU TFT aiming at observing and fostering traditional natural resource use rights in a specific area in the province Hodh El Gharbi (Aioun); and
- (3) liaison with women lawyer associations in Nouakchott and Aioun in view of the preparation of the JSDF.

(1) IDF TF 051455-Mau in support of selected tasks in the legal sector.

The ongoing activities have been reviewed with government, the budget consolidated and the likelihood of achieving the objectives until the Closing Date September 30, 2004 discussed. As a result the components B, D and E concerning institutional strengthening of the *Journal Officiel*, the *Chambre de Commerce* and the *Comité national de concertation Etat – secteur privé*, respectively, have been cancelled. The action plans and budgets prepared by these entities were not realistic and detailed, and their overall programming either not credible or not forthcoming at all.

A number of new activities have been included, among which the most important the continuation of inputting laws pertaining to the civil and commercial sector and regulatory decrees. A second contract was warranted in view of the successful pilot of the GLIN (see www.glin.mr) and the importance of the availability of these texts to the public, for the first time in Mauritanian history. This is expected to boost confidence into the legal system. It was decided that the effects and the impact would outshine the initially planned activities under the components cancelled.

A new Matrix and budget was established (*Chronogramme actualisé*), a number of <non-objections>delivered and a draft aide-memoir left with the *Coordinatrice*. The new Budget is attached, the finalized aide-memoir will be submitted through the Country Office and archived.

(2) TF 051328-MAU TFT “Technology Fosters Tradition” – grassroots law making in a farmer/herder Sahelian region.

This Norwegian funded Initiative aims at observing and fostering traditional natural resource use rights in a specific area in the province Hodh El Gharbi (Aioun) (see the electronic archive at : <http://www.cbnrm.net/web/tft/>).

The Norwegian Lead Consultant of Supras Consult, Lars Soeftestad, was introduced to the Ministry of Rural Development and the Environment (MDRE, its *Secrétaire Général* and the *Délégué* in Aioun), the management of the World Bank financed project “ Community Based Rural Development” (CBRD, approved by the Board on April 20, 2004, in Nouakchott and in Aioun), GTZ staff in Nouakchott (*Projet Synergy CBD/CDD*) and in Aioun (GIRNEM) and the representative of the administration in Aioun, the *Wali*.

Documentation concerning this research project was solicited and received from all parties met.

The area of interest for the Initiative (“target area”) was identified following a joint on-site inspection with the Norwegian and local consultants. This trip confirmed earlier impressions of the TTL (who had visited the area twice before) and results of discussions had earlier with national and expatriate experts. The target area is defined by the natural resources contained by a space limited by the *Tamourt Chlim* to the east and the *Gâat Sâouana* to the west. The overall area comprises appr. 2.500 sqkm. The research will address everybody claiming use rights to the resources in this area, irrespective where they <normally> live. Therefore it may well be that most people concerned by TFT might live outside the area (herders, fishers). The approach is functional, not geographic / sedentary. (A list of detailed criteria and a note justifying the selection have been archived)

A number of contracts were negotiated with local consultants and two were signed; accommodation was contracted in Aioun to serve as living quarters for expatriate consultants, meeting space and office, and other logistical matters were solved or initiated.

An action plan until December 2004 was agreed upon with the Lead Consultant, and a Fiduciary Agreement concluded, as he will manage some TFT funds for the Initiative – payments to local consultants, for instance, transport and other miscellaneous expenses.

The Initiative closes April 30, 2004, and the Lead Consultant will furnish by September 2004 an action plan covering the remaining time until closing. It is understood that he and the partners of the Initiative will try to solicit and obtain further funding to enable attaining the ultimate objectives desired, namely a five year observation of actual adherence of the population to the rights they claimed to have; local use-right conventions; best practice guidance to the sustainable resource use; reform proposals for national laws pertaining to resource use and the establishment of a rural rights registry based on the use-right conventions, which ought to be simple, accepted and sustainable, managed by local leaders.

The success of the Initiative depends on the open and professional cooperation of the World Bank and GTZ projects active in the target area which have

been included in the Grant Agreement (signed Sept. 30, 2002) as “partners”. GTZ has provided its part for the fiscal year 2003/04 through the generous provision of logistical support, intellectual guidance and advice through its *Synergy* and *GIRNEM* staff and the provision of transport to and from Aioun and on-site. A “Memorandum of Understanding” pertaining to the cooperation between the World Bank and GTZ and TFT has been signed by GTZ and submitted to the World Bank country Office.

All notes and contracts (the latter in original form) are being archived in LIC.

The search for, and the preparation of hand-over notes to a TTL successor are being pursued. A liaison person in LEGAF is being identified.

(3) liaison with women lawyer associations in Nouakchott and Aioun in view of the preparation of the JSDF.

A Japanese seed fund has been used to identify and appraise the next generation of support activities to Women lawyer associations in Nouakchott and in Aioun in 2003.

Unfortunately, the tasks described above under (1) and (2) did not leave time to meet with any representative of these associations.

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Attachment: SMO and Matrix IDF

ATTACHMENT : SMO

From Monday, April 5, through Sunday, April 18, 2004, I shall lead a team to support the execution of activities aimed at assisting the legal sector in Mauritania. The objectives comprise:

1. Support to the execution of the implementation of activities funded under the IDF TF051455-MAU "Legal Reform and Private Sector Capacity Building". The activities are carried out by the Ministry of Justice, Direction *Administration Judiciaire et Affaires Civiles*, Madame Miriam Mint Khlil, Directrice and Coordinator. Together with the experts of the resident office of the Bank I shall review the status of execution, consolidate the budget and agree with the Ministry of Justice on an action plan for the next six months. A TFSTAR report will be filed upon my return, and an Aide-Memoir outlining the status of the activities will be left with the Ministry of Justice. The Grant has been countersigned and become effective Sept. 30, 2002 and closes at "a date three years from the date of countersignature of this Letter Agreement by the Recipient (the Closing Date)" (Annex I Paragraph 4.3.(b)), which is September 30, 2005.

A successor task manager beyond the date of my retirement, May 31, 2004, has not been identified yet. The staff at the Resident Mission, while qualified, is burdened with other work not enabling them to shoulder this responsibility according to the Country Manager. The Alternate Lawyer for Mauritania is equally fully occupied with his tasks assigned and has declined.

2. Launching the on-site activities under the Norwegian TF 051328-MAU "TFT" - Technology Fosters Tradition the objective of which is to record local traditional use rights in a settler/herder environment in the east of Mauritania. I shall meet the lead consultant Lars Soeftestad in Nouakchott and discuss the work plan for the next six months. We shall recruit two local consultants. We shall define the target area with the consensus of the partners to this Initiative, GTZ and Bank, and their staff having worked in the target area and their respective Mauritanian counterparts. We shall finalize the contractual framework for consultant Gregory Lazarev and his team to begin work on use-right identification.

An agreement with a successor task manager beyond the date of my retirement May 31, 2004, has not been reached yet. I shall attempt to finalize this important issue during my visit to the country through the setting out of the logistical tasks envisaged and the assistance to getting them done. A TF ESSD report for the period ending June 30, 2004 will be completed as draft upon return. The Grant has been countersigned and become effective Sept. 30, 2002 and closes on April 30, 2005 "or such later date as the Bank may establish by notice to the Recipient (the Closing Date)" (Annex I Paragraph 4.).

3. Briefing various Women Lawyer Associations (in Nouakchott and Aioun), candidates for support under a Japanese Grant (JSDF) for grassroots legal training, women empowerment and legal assistance to the disempowered, about the status of work on a Grant application following the appraisal under a seed-fund (P080370) which closed September 30, 2003. The colleague Karen Hudes has agreed to carry on this work, the Africa Region has set aside the necessary budget support, but the official assignment through LEGAF is still outstanding.

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Hans-Werner Wabnitz

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