

No. 9329

**FRANCE
and
MAURITANIA**

Convention on social security. Signed at Paris, on 22 July 1965

Protocol on the system of social insurance applicable to students. Signed at Paris, on 22 July 1965

Protocol on the granting to Mauritanian nationals of the old age allowance for employees provided under French law. Signed at Paris, on 22 July 1965

Protocol on the continued application to French or Mauritanian nationals covered by social insurance, in cases where the said nationals remove to Mauritania, of certain advantages accruing under the sickness insurance scheme. Signed at Paris, on 22 July 1965

Official text : French.

Registered by France on 2 December 1968.

[TRANSLATION — TRADUCTION]

No. 9329. CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF MAURITANIA. SIGNED AT PARIS, ON 22 JULY 1965

The Government of the French Republic and
The Government of the Islamic Republic of Mauritania,
Being resolved to co-operate in the social field,

Affirming the principle that the nationals of one State should receive under the social security legislation of the other equal treatment with the nationals of the latter,

Desiring to enable their nationals to keep the rights which they have acquired under the legislation of one State,

Have decided to conclude a general Convention to co-ordinate the application to French and Mauritanian nationals of French and Mauritanian legislation on social security and, to this end, have agreed as follows:

TITLE I

GENERAL PRINCIPLES

Article 1

1. French and Mauritanian employed persons or persons treated as such shall be subject to the social security legislation specified in article 2 below and applying in Mauritania and in France respectively, and they and their dependants shall, subject to the reservations set out in article 2, enjoy the benefits thereof under the same conditions as the nationals of each State.

2. The territories to which the provisions of this Convention shall apply are :

— in relation to France : metropolitan France and the Overseas Departments;

¹ Came into force on 1 February 1967, i.e., the first day of the third month following the date of the last of the notifications by which the Contracting Parties informed each other of the fulfillment of the constitutional procedures required to that effect, in accordance with article 35.

— in relation to the Islamic Republic of Mauritania : the territory of the Islamic Republic of Mauritania.

Article 2

1. The provisions of this Convention shall apply :

1. *In relation to France*, to

- (a) The legislation relating to the organization of the social security schemes;
- (b) The social insurance legislation applicable to persons employed in non-agricultural employment;
- (c) The social insurance legislation applicable to persons employed and persons treated as employed in agricultural employment;
- (d) The legislation on the prevention of, and compensation for, industrial accidents and occupational diseases;
- (e) The legislation relating to family allowances, with the exception of the maternity allowance;
- (f) Special social security schemes, in so far as they deal with the insurance or benefits covered by the legislation specified in the foregoing paragraphs, and, in particular, the scheme of social security in the mining industry.

2. *In relation to Mauritania*, to

- the legislation relating to family allowances;
- the legislation on compensation for industrial accidents and occupational diseases;
- the legislation on old-age, invalidity and survivor's pensions.

2. This Convention shall not apply to schemes for seafarers, which shall be the subject of a special agreement.

3. This Convention shall also apply to all laws or regulations by which the legislation specified in paragraph 1 of this article has been or may be amended or supplemented.

Provided that this Convention shall not apply :

- (a) To laws or regulations covering a new branch of social security unless the Contracting Parties have concluded an agreement to that effect;
- (b) To laws or regulations extending existing schemes to new categories of beneficiaries unless the Government of the Party amending its legislation raises no objection and notifies the Government of the other Party to that effect within a period of three months from the date of the official publication of the said laws or regulations.

Article 3

1. All employed persons or persons treated as such under the laws applicable in each of the Contracting States who are employed in the territory of one of the States shall be subject to the laws in force at their place of employment.

2. The principle laid down in paragraph 1 of this article shall apply subject to the following exceptions :

(a) An unemployed person who is employed by an enterprise on a regular basis in the territory of one of the Contracting Parties and is sent by that enterprise to the territory of the other Party for the purpose of carrying out a specific assignment for the enterprise shall remain subject to the legislation of the first-mentioned Party on the same basis as if he were still employed in its territory, provided that the estimated duration of his assignment, inclusive of leave, does not exceed three years.

(b) A person other than a government official who is seconded by one of the Contracting Parties for service with the other under a technical assistance contract shall, without prejudice to the social security provisions of technical co-operation agreements, be subject to the social security legislation of the first-mentioned State.

3. The competent administrative authorities of the Contracting Parties may by agreement provide for exceptions to the rules given in paragraph 1 of this article. They may also agree that the exceptions provided for in paragraph 2 shall not apply in particular cases.

Article 4

1. The provisions of article 3, paragraph 1, shall apply to all employed persons and persons treated as such, regardless of nationality, who are employed in French or Mauritanian diplomatic or consular missions or are in the personal employ of officers of such missions.

Provided that

(a) Diplomatic and consular officers *de carrière* and officers on the staff of chancelleries shall be excepted from the operation of this article;

(b) Employed persons and persons treated as such who are nationals of the country represented by the diplomatic or consular mission and who are not permanently established in the country in which they are employed may opt between the application of the legislation of their place of employment and that of the legislation of their country of origin.

2. Persons employed in the service of a government department of one of the Contracting Parties who are subject to the legislation of that Party and are sent to the territory of the other Party shall continue to be subject to the legislation of the sending State.

TITLE II

SPECIAL PROVISIONS

Chapter 1

INVALIDITY INSURANCE

Article 5

1. In the case of employed persons or persons treated as such who remove from the country to the other, the insurance periods completed under the scheme in force in the first country and any periods recognized as equivalent shall, provided that they do not overlap with insurance periods or equivalent periods completed under the scheme of the other country, be aggregated both for determining the right to invalidity insurance benefits in cash or in kind and for the maintenance or recovery of this right.

2. Cash benefits from invalidity insurance shall be awarded in accordance with the legislation which applied to the person concerned at the time of the interruption of employment followed by invalidity, or of the accident followed by invalidity, and the cost of such benefits shall be defrayed by the institution which is competent under that legislation.

Article 6

1. If, after suspension of an invalidity pension, the insured person recovers his right to the pension, the institution which originally granted the pension shall be responsible for resuming payment thereof.

2. If, after suspension of the pension, the insured person again becomes an invalid, his right to an invalidity pension shall be determined in accordance with the provisions of article 5 above.

Article 7

An invalidity pension shall be converted where appropriate into an old age pension under the conditions of the legislation by virtue of which it was granted. Where necessary, the provisions of chapter 2 of this title shall apply for the purpose of determining the benefits due under the legislation of each country.

If the total benefits to which an insured person is entitled under the old age insurance schemes of the two countries amount to less than the invalidity pension, a differential shall be paid from the scheme under which the invalidity pension was awarded.

Chapter 2

OLD AGE INSURANCE

Article 8

French or Mauritanian employed persons who can show proof of completing:
—on the one hand, periods of compulsory or voluntary insurance under French old age insurance schemes established pursuant to laws and regulations relating to employed persons or persons treated as such;
—and, on the other hand, periods in Mauritania which are recognized as valid by the National Social Insurance Fund (*Caisse Nationale de Prévoyance Sociale*):

may request that such periods be aggregated, in so far as they do not overlap, for the purpose of determining their right to old age benefits under each of the two schemes.

Article 9

Where an insured person avails himself of the option provided in the preceding article and if the aggregated periods meet the minimum requirements both of French and of Mauritanian legislation, the benefits to which he shall be entitled shall be determined separately under each of the two schemes, as if he had completed the aggregated periods under both. Each of the two schemes shall be required to pay the insured person a portion of the old age benefit calculated on a *pro rata* basis according to the length of the periods completed under each scheme as reckoned in accordance with its own rules.

Article 10

If the periods of insurance completed under one of the two schemes, as reckoned in accordance with its own rules, amount in all to less than one year, no benefit shall be payable under that scheme. The periods completed shall, however, be taken into account for the purpose of establishing rights by aggregation in regard to the other scheme.

Article 11

Where, even after the insurance periods have been aggregated, an insured person does not simultaneously satisfy the conditions imposed by both schemes,

his right to receive an old age pension under each scheme shall be established as and when he satisfies the said conditions.

Article 12

The provisions of this Convention relating to old age pensions shall apply, where appropriate, to the rights of spouses and surviving children. If, in consequence of his personal status, an insured person had more than one wife, the benefit due to the surviving spouse shall be apportioned equally and definitively between his wives.

Article 13

Persons whose rights were established prior to this Convention may apply for their reassessment.

Such reassessment shall be carried out in accordance with the rules laid down in this Chapter and shall have effect as from the date of the entry into force of the Convention, provided that applications are submitted within two years from that date. However, where the benefit previously awarded was in the form of a lump sum, no reassessment shall be made.

Article 14

A supplementary arrangement shall establish, as necessary, the procedures for the application of this Chapter and for the submission and assessment of applications for old age benefits.

Chapter 3

INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 15

1. No provisions in the legislation of one Contracting Party in respect of industrial accidents and occupational diseases which limit the rights of aliens or disqualify them by reason of their place of residence shall apply to the nationals of the other Contracting Party.

2. The increases or supplementary allowances awarded in addition to industrial accident pensions under the legislation applying in each Contracting State shall continue to be paid to persons covered by the preceding paragraph who transfer their residence from one State to the other.

Article 16

1. Any employed person or person treated as such who sustains an industrial accident or contracts an occupational disease in France or Mauritania and transfers his residence to the territory of the other State shall receive, at the expense of the institution with which he is insured, the benefits in kind provided by the institution of his new place of residence.

2. Such persons shall, before transferring their residence, obtain the authorization of the institution with which they are insured, which shall take due account of the reasons for the transfer.

3. Benefits in kind awarded under paragraph 1 shall be provided by the institution of the new place of residence in accordance with the provisions of the legislation applied by that institution as regards the scale of such benefits and the manner of providing them; the duration of such benefits shall, however, be that prescribed by the legislation of the State in which the person concerned is insured.

4. In the case specified in paragraph 1 of this article, the provision of prosthesis, of large appliances and of other major benefits in kind shall be subject, except in cases of absolute urgency, to authorization by the insuring institution.

5. The cost of benefits in kind provided in the case specified in paragraph 1 of this article shall be repaid by the insuring institution to the institutions which provided them, in accordance with procedures to be laid down in an administrative arrangement.

6. The provisions of paragraphs 1, 3 and 5 above shall not apply to persons in France who have sustained an industrial accident in agriculture and transfer their residence to Mauritania. In such cases, benefits in kind shall be provided directly by the responsible employer or by the insurer acting for him.

Article 17

In the case of a transfer of residence as referred to in article 16 above, cash benefits shall be provided by the insuring institution in accordance with the legislation applicable to it and with procedures to be laid down in an administrative arrangement.

Article 18

For the purpose of assessing the degree of disability resulting from an industrial accident or an occupational disease from the standpoint of French or Mauritanian legislation, industrial accidents previously sustained and occupational diseases previously contracted under the legislation of the other Party

shall be taken into account as though they had been sustained or contracted under the legislation of the first Party.

Article 19

If, in consequence of his personal status, a person who sustains an industrial accident followed by death had more than one wife, the pension payable to the surviving spouse shall be apportioned equally and definitively between his wives.

Article 20

Occupational disease benefits payable under the legislation of both Contracting Parties shall be provided only under the legislation of the Party in whose territory the occupation capable of producing such an occupational disease was last carried on, and only if the person concerned fulfils the requirements laid down by that legislation.

Article 21

Where, in the case of a deterioration in the state of an occupational disease, an employed person who has received or is receiving compensation for an occupational disease under the legislation of one of the Contracting Parties claims a benefit under the legislation of the other Party in respect of a like occupational disease, the following rules shall apply :

- (a) If the employed person has not carried on in the territory of the latter State an occupation capable of producing or aggravating the occupational disease in question, the insuring institution of the first State shall continue to be responsible for the benefit payable under its own legislation, taking the said deterioration into account;
- (b) If the employed person has carried on such an occupation in the territory of the latter State, the insuring institution of the first State shall continue to be responsible for providing the benefit payable under its own legislation, no account being taken of the said deterioration; the insuring institution of the other State shall pay the employed person an additional benefit the amount of which shall be fixed in accordance with the legislation of that other State and shall be equal to the difference between the amount of benefit payable after the said deterioration and that which would have been payable if the disease, before the deterioration, had been contracted in its territory.

Chapter 4

FAMILY ALLOWANCES

Article 22

Where the legislation of either Party makes the acquisition of entitlement to family allowances conditional upon the completion of periods of employment, activity in a trade or similar activity, the competent institution of that Party shall, where necessary, take into account all the periods completed in the territory of both States.

Article 23

1. Employed persons or persons treated as such, of French or Mauritanian nationality, employed in the territory of either State may claim the allowances provided for in this article for their children resident in the territory of the other State if they fulfil the occupational requirements laid down in the legislation applicable in their place of employment.

2. The allowances provided for in this article shall be paid on the basis of periods of employment or periods treated as such.

3. The children eligible to receive the allowances provided for in this article shall be the dependent children of the employed person concerned, provided that they also have the status of legitimate children, recognized natural children or adopted children of the employed person or of his spouse.

4. The allowances shall be paid by the institution of the country of residence of the children, at the rates and in accordance with the procedures provided for by the legislation applicable in that country.

5. The institution with which the employed person is insured shall pay to the central institution of his country of residence a contribution computed in accordance with a scale determined by agreement between the competent authorities of the two Parties. The said scale shall be subject to revision, in the light of changes in the family allowance rates in the two countries. Such revision may not take place more than once a year.

6. Entitlement to the benefits provided for in the present article shall expire at the end of a six-year period from the date on which the employed person enters the territory of his new country of employment. Derogations from this requirement may be permitted in additional clauses to this Convention.

Article 24

The conditions for the application of article 23, including determination of the procedures for the payment of the contribution provided for in paragraph 5, shall be regulated by an administrative arrangement.

Article 25

Children of the employed persons referred to in article 3, paragraph 2, of this Convention, who accompany the employed persons during their temporary employment in the other country, shall receive the family allowances provided for by the legislation of the country of origin.

TITLE III

MISCELLANEOUS PROVISIONS

Article 26

In each of the Contracting States, the Ministers responsible, each within the limits of his competence, for the application of the schemes enumerated in article 2 shall be deemed to be the competent administrative authorities for the purposes of this Convention.

Article 27

The competent authorities :

- (1) Shall make such administrative arrangements as may be required for the application of this Convention;
- (2) Shall communicate to each other information regarding any measure taken by them for the application of the Convention;
- (3) Shall communicate to each other, as soon as possible, information regarding any changes made under their national legislation which affect the application of the Convention.

Article 28

1. The competent authorities and the social security institutions of the two Contracting Parties shall furnish assistance to one another with regard to any matter relating to the application of this Convention and of the social security legislation of the other Party as if the matter were one affecting the application of their own social security legislation.

2. The competent authorities shall, in particular, agree upon the arrangements for medical and administrative supervision and expert services required for the application of this Convention and of the social security legislation of the two Parties.

Article 29

1. Any exemption from registration fees, court fees, stamp duties and consular fees provided for by the legislation of one Contracting Party in respect

of documents required to be produced to the authorities or social security institutions of that Party shall be extended to similar documents required to be produced for the purposes of this Convention to the authorities or social security institutions of the other Party.

2. Legalization by consular authorities shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

Article 30

Appeals which should have been presented within a prescribed time-limit to an authority or institution competent to accept appeals in matters of social security in one of the Contracting States shall be admissible if they are presented within the same time-limit to a corresponding authority or institution of the other State. In such cases, the latter authority or institution shall without delay transmit the appeal to the competent authority or institution.

If the authority or institution to which the appeal has been presented does not know which is the competent authority or institution, the appeal may be transmitted through the authorities specified in article 26 above.

Article 31

Transfers of sums corresponding to the total amount of payments made in connexion with social security or social insurance transactions, either in application of this Convention or in application of the national legislation of one of the Contracting Parties, including payments made under voluntary insurance and supplementary retirement schemes, shall not be subject to restrictions of any kind.

Article 32

Nothing in this Convention shall in any way invalidate the rules laid down in the schemes referred to in article 2 for the participation of insured persons in the elections connected with the functioning of social security.

Article 33

Any formalities which may be prescribed by the laws or regulations of one of the Contracting Parties for the payment outside its territory of benefits provided by the competent institutions of that Party shall also apply, in the same manner as to nationals, to persons awarded such benefits under this Convention.

Article 34

1. All difficulties in connexion with the application of this Convention shall be resolved by agreement between the administrative authorities referred to in article 26.

2. Where it is impossible to reach a solution by this means, the dispute shall be settled by arbitration in accordance with a procedure to be arranged by the two Governments.

Article 35

The Government of each Contracting Party shall notify the other of the completion of the constitutional formalities required, in so far as it is concerned, for the entry into force of this Convention. This Convention shall enter into force on the first day of the third month following the date of the last such notification.

Article 36

This Convention shall remain in force for a period of one year from the date of its entry into force. Thereafter it shall continue in force from year to year unless it is denounced in writing three months before the expiry of any such yearly period.

In the event of the denunciation of this Convention any right acquired in accordance with its provisions shall be maintained, notwithstanding any restrictive provision made in the schemes concerned for cases where an insured person is resident abroad.

DONE at Paris on 22 July 1965 in duplicate.

For the Government
of the French Republic :

Gilbert DE CHAMBRUN

For the Government
of the Islamic Republic
of Mauritania

Abdallahi OULD DADDAH

PROTOCOL¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF MAURITANIA ON THE SYSTEM OF SOCIAL INSURANCE APPLICABLE TO STUDENTS. SIGNED AT PARIS, ON 22 JULY 1965

The Government of the French Republic and

The Government of the Islamic Republic of Mauritania,

Desiring to co-operate in the cultural field and to provide social protection for the nationals of each State who are pursuing their studies in the territory of the other,

Have decided to adopt the following measures :

Article 1

The French scheme of social insurance for students as laid down in the Social Security Code, Title 1, Book VI, shall apply to Mauritanian students studying in France who do not have social insurance coverage or entitlement in France, under the same conditions as it applies to French students.

Article 2

The two Governments undertake to ensure equal treatment, in respect of social security, for Mauritanian and French students in the territory of each of the two States.

Article 3

The Government of each Contracting Party shall notify the other of the completion of the constitutional formalities required, in so far as it is concerned, for the entry into force of this Protocol. This Protocol shall enter into force on the first day of the third month following the date of the last such notification.

Article 4

This Protocol shall remain in force for a period of one year from the date of its entry into force. Thereafter it shall continue in force from year to year unless it is denounced in writing three months before the expiry of any such yearly period.

¹ Came into force on 1 February 1967, i.e., the first day of the third month following the date of the last of the notifications by which the Contracting Parties informed each other of the fulfillment of the constitutional procedures required to that effect, in accordance with article 3.

In the event of the denunciation of this Protocol any right acquired in accordance with its provisions shall be maintained, notwithstanding any restrictive provisions made in the schemes concerned for cases where an insured person is resident abroad.

DONE at Paris on 22 July 1965 in duplicate.

For the Government
of the French Republic :

Gilbert DE CHAMBRUN

For the Government
of the Islamic Republic
of Mauritania :

Abdallahi OULD DADDAH

PROTOCOL¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF MAURITANIA ON THE GRANTING TO MAURITANIAN NATIONALS OF THE OLD AGE ALLOWANCE FOR EMPLOYEES PROVIDED UNDER FRENCH LAW. SIGNED AT PARIS, ON 22 JULY 1965

The Government of the French Republic and
The Government of the Islamic Republic of Mauritania,

Considering that under French social security legislation the old age allowance for employees is, on account of its non-contributory character, reserved for French nationals,

Considering that it is desirable for employed persons of each Party to receive in the territory of the other the same treatment as the nationals of that Party with regard to social security,

Agree to apply the following provisions :

Article 1

The old age allowance for employees shall be granted to Mauritanian employees resident in France, under the same conditions as it is granted to French employees, on the date on which the allowance is payable.

Article 2

The Government of each Contracting Party shall notify the other of the completion of the constitutional formalities required, in so far as it is concerned, for the entry into force of this Protocol. This Protocol shall enter into force on the first day of the third month following the date of the last such notification.

Article 3

This Protocol shall remain in force for a period of one year from the date of its entry into force. Thereafter it shall continue in force from year to year unless it is denounced in writing three months before the expiry of any such yearly period.

¹ Came into force on 1 February 1967, i.e., the first day of the third month following the date of the last of the notifications by which the Contracting Parties informed each other of the fulfilment of the constitutional procedures required to that effect, in accordance with article 2.

In the event of the denunciation of this Protocol any right acquired in accordance with its provisions shall be maintained, notwithstanding any restrictive provisions made in the schemes concerned for cases where an insured person is resident abroad.

DONE at Paris on 22 July 1965 in duplicate.

For the Government
of the French Republic :

Gilbert DE CHAMBRUN

For the Government
of the Islamic Republic
of Mauritania :

Abdallahi OULD DADDAH

PROTOCOL¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF MAURITANIA ON THE CONTINUED APPLICATION TO FRENCH OR MAURITANIAN NATIONALS COVERED BY SOCIAL INSURANCE, IN CASES WHERE THE SAID NATIONALS REMOVE TO MAURITANIA, OF CERTAIN ADVANTAGES ACCRUING UNDER THE SICKNESS INSURANCE SCHEME. SIGNED AT PARIS, ON 22 JULY 1965

The Government of the French Republic and

The Government of the Islamic Republic of Mauritania,

Have decided, until such time as a sickness insurance scheme is established by law in Mauritania, to adopt the following provisions relating to French or Mauritanian nationals covered by the French sickness insurance scheme who remove to Mauritania under certain conditions :

Article 1

A French or Mauritanian employed person working in France and awarded benefits in kind shall retain such benefits for a period not exceeding six months if he transfers his residence to the territory of Mauritania, provided that prior to the transfer the employed person has obtained the authorization of the institution with which he is insured, which shall take due account of the reason for the transfer.

Article 2

During the six month period mentioned in article 1, the French insuring institution may, on the basis of a favourable opinion by its medical supervisors, pay part of the cost of medical services rendered in Mauritania to an employed person who has been authorized to transfer his residence under the conditions specified in article 1 above.

These provisions shall apply to the employed person only, to the exclusion of the members of his family.

¹ Came into force on 1 February 1967, i.e., the first day of the third month following the date of the last of the notifications by which the Contracting Parties informed each other of the fulfilment of the constitutional procedures required to that effect, in accordance with article 5.

Article 3

An administrative arrangement shall specify, *inter alia* :

- (a) The nature of the benefits payable;
- (b) The limitations and conditions to which provision of the benefits is subject and, in particular, the list of benefits subject to prior authorization;
- (c) The rates for reimbursement by French institutions. Reimbursement may be made either in the form of a lump sum, or it may be calculated on the basis of a Mauritanian scale of maximum allowances, less a deductible representing the costs to be paid by the insured person, the amount of the deductible to be determined in accordance with the legislation applied by the debtor institution;
- (d) The arrangements for the medical and administrative supervision of patients, to be undertaken in Mauritania on behalf of the insuring institution;
- (e) The institutions responsible for the provision of benefits in Mauritania and, if necessary, the French and Mauritanian liaison agencies;
- (f) The procedures for inter-institutional financial settlements.

Article 4

If legislation relating to sickness insurance is enacted in Mauritania, the provisions of this Protocol shall cease to have effect, and a new agreement on sickness insurance shall be concluded between the two Parties.

Article 5

The Government of each Contracting Party shall notify the other of the completion of the constitutional formalities required, in so far as it is concerned, for the entry into force of this Protocol. This Protocol shall enter into force on the first day of the third month following the date of the last such notification.

Article 6

This Protocol shall remain in force for a period of one year from the date of its entry into force. Thereafter it shall continue in force from year to year unless it is denounced in writing three months before the expiry of any such yearly period.

In the event of the denunciation of this Protocol any right acquired in accordance with its provisions shall be maintained, notwithstanding any restrictive provisions made in the schemes concerned for cases where an insured person is resident abroad.

DONE at Paris on 22 July 1965 in duplicate.

For the Government
of the French Republic :

Gilbert DE CHAMBRUN

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of the Islamic Republic
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