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|---------------------------------|---|
| Country/ entity | Mali Azawad |
| Region | Africa (excl MENA) Africa (excl MENA) |
| Agreement name | Accord cadre de mise en œuvre de l'engagement solennel du 1er Avril 2012 |
| Date | 6 Apr 2012 |
| Agreement status | Multiparty signed/agreed |
| Interim arrangement | Yes |
| Agreement/ conflict level | Intrastate/intrastate conflict (Tuareg Wars (1962 -)) |
| Stage | Framework/substantive - partial |
| Conflict nature | Government/territory |
| Peace process | Mali-Azawad Inter-Azawad peace process |
| Parties | (Signed) For the mediator of the CEDEAO and the delegation, The Minister of Foreign Affairs and Regional Cooperation of Burkina Faso Yipèné Djibrill BASSOLE (Signed) For the Comité National de Redressement de la Démocratie et de la Restauration de l'Etat (CNRDRE) Capitaine Amadou Haya SANOGO |
| Third parties | (Signed) Witness: The Minister of African Integration of the Cote d'Ivoire Adama BICTOGO (Signed) Witness: The Deputy Minister to the Minister of Foreign Affairs of the Federal Republic of Nigeria Dr Mohammed NOURIDDEEN |
| Description | This agreement is about the details of political transition after the impeachment of the president. |

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|--|---|
| Agreement document | ML_120401_Accord cadre de mise en oeuvre de l'engagement solennel du 1er avril 2012_EN.doc.pdf Download PDF |
| Agreement document (original language) | ML_120406_Accord Cadre de Mise en œuvre de l'engagement solennel du 1er Avril 2012_FR.pdf Download PDF |

Groups

| | |
|------------------------------|----------------------|
| Children/youth | No specific mention. |
| Disabled persons | No specific mention. |
| Elderly/age | No specific mention. |
| Migrant workers | No specific mention. |
| Racial/ethnic/national group | No specific mention. |
| Religious groups | No specific mention. |
| Indigenous people | No specific mention. |
| Other groups | No specific mention. |
| Refugees/displaced persons | No specific mention. |

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/ secession No specific mention.

Accession/
unification No specific mention.

Border
delimitation No specific mention.

Cross-
border
provision No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→Temporary new institutions

Page 2, Chapter 1: Implementation of the provisions of article 36 of the Constitution, Article 4:

The President of the National Assembly shall be invested by the Constitutional Court as interim President of the Republic, and tasked with organising the presidential election within 40 days (as specified in the) Constitution.

Page 2, Chapter II: Establishment of transition organs, Article 5:

Given the exceptional circumstances affecting the country due to the institutional crisis and the armed rebellion in the North which have seriously affected the normal functioning of the Republican institutions, and the impossibility of organising elections within forty days as stipulated by the Constitution, it proves essential to organise a political transition leading to free, democratic and transparent elections throughout the national territory.

Page 2-3, Chapter II: Establishment of transition organs, Article 6:

In the circumstances evoked in article 5 above, the signatory parties to the present agreement agree to establish the organs of transition described below, tasked with leading the transition process until the presidential election, with a duly revised electoral register accepted by all.

a – A transitional Prime Minister, Head of Government, with full powers and a remit to lead the transition, manage the crisis in the north of Mali, and organise free, transparent and democratic elections in accordance with a roadmap, shall be appointed;

b – A transitional Government of National Unity, made up of consensual individuals and charged with implementing the roadmap, shall be formed;

c – The Government of National Unity shall work to arrange humanitarian aid;

d – The signatory parties together with all the concerned parties shall arrange a roadmap for the transition including:

- The time period and timetable for the transition;
- The operational tasks to be carried out by the different transitional organs to ensure a peaceful transition;
- The organisational methods for the elections enabling a definitive normalisation of the situation;
- Revision of the electoral register.

The role and position of CNRDRE members during the transition process shall be defined.

Page 3, Chapter III: Adoption of accompanying legislation, Article 7:

Given the exceptional circumstances in the country due to the war and in order to enable elections in proper conditions throughout the national territory, to reinforce social cohesion and national unity, a certain number of legislative texts accompanying the process of transition shall be voted in the National Assembly:

... c – A law on extension of the mandate of deputies until the end of the transition;

Elections

Page 1, Untitled preamble:

Considering that the return to constitutional normality requires compliance with the provisions of the Constitution of February 25, 1992, including article 36 on appointing an interim President of the Republic where there is a vacancy or impeachment.

Recalling that article 36 provides that, “Where the President of the Republic is temporarily prevented from fulfilling his functions, his powers are temporarily exercised by the Prime Minister.

Where there is a vacancy for the Presidency of the Republic for whatever reason or because of an absolute and definitive impeachment confirmed by the Constitutional Court convened by the President of the National Assembly and the Prime Minister, the functions of the President of the Republic shall be exercised by the President of the National Assembly.

A new President shall be elected for a new period of five years.

Election of the new President shall take place at the earliest twenty one days and no later than forty days after official confirmation of the vacancy or a definitive impeachment.

Where there is any impeachment or vacancy, articles 38, 41, 42 and 50 of the present Constitution may not be applied.”

The CEDEAO Mediator and the National Committee for the Recovery of Democracy and the Restoration of the State (la Comité National de Redressement de la Démocratie et de la Restauration de l’État, CNRDRE) have agreed to adopt the present framework agreement on the formal implementation of the formal engagement of April 1, 2012, whose contents are detailed below.

Page 2, Chapter 1: Implementation of the provisions of article 36 of the Constitution, Article 4:

The President of the National Assembly shall be invested by the Constitutional Court as interim President of the Republic, and tasked with organising the presidential election within 40 days (as specified in the Constitution.

Page 2, Chapter II: Establishment of transition organs, Article 5:

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b – A transitional Government of National Unity, made up of consensual individuals and charged with implementing the roadmap, shall be formed;

c – The Government of National Unity shall work to arrange humanitarian aid;

d – The signatory parties together with all the concerned parties shall arrange

Electoral
commission No specific mention.

Political
parties
reform No specific mention.

Civil society Page 2-3, Chapter II: Establishment of transition organs, Article 6:
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present agreement agree to establish the organs of transition described
below, tasked with leading the transition process until the presidential
election, with a duly revised electoral register accepted by all.
[...]
c – The Government of National Unity shall work to arrange humanitarian aid;
[...]

Page 3, Chapter III: Adoption of accompanying legislation, Article 10:
With regard to the very serious humanitarian situation, the current Chair of
CEDEAO shall make funds for humanitarian aid available to Mali, and shall
request appropriate humanitarian aid from Mali's technical and financial
partners and the international community.

Traditional/
religious
leaders No specific mention.

Public
administration No specific mention.

Constitution Governance→Constitution→Constitution affirmation/renewal

Page 1, Untitled preamble:

Considering that the return to constitutional normality requires compliance with the provisions of the Constitution of February 25, 1992, including article 36 on appointing an interim President of the Republic where there is a vacancy or impeachment.

Recalling that article 36 provides that, “Where the President of the Republic is temporarily prevented from fulfilling his functions, his powers are temporarily exercised by the Prime Minister.

Where there is a vacancy for the Presidency of the Republic for whatever reason or because of an absolute and definitive impeachment confirmed by the Constitutional Court convened by the President of the National Assembly and the Prime Minister, the functions of the President of the Republic shall be exercised by the President of the National Assembly.

A new President shall be elected for a new period of five years.

Election of the new President shall take place at the earliest twenty one days and no later than forty days after official confirmation of the vacancy or a definitive impeachment.

Where there is any impeachment or vacancy, articles 38, 41, 42 and 50 of the present Constitution may not be applied.”

The CEDEAO Mediator and the National Committee for the Recovery of Democracy and the Restoration of the State (la Comité National de Redressement de la Démocratie et de la Restauration de l’État, CNRDRE) have agreed to adopt the present framework agreement on the formal implementation of the formal engagement of April 1, 2012, whose contents are detailed below.

Page 2, Chapter 1: Implementation of the provisions of article 36 of the Constitution, Article 2:

The Chair of CNRDRE in accordance with his formal declaration of April 1, 2012, shall launch the process of implementing article 36 of the Constitution of February 25, 1992.

Page 2, Chapter 1: Implementation of the provisions of article 36 of the Constitution, Article 3:

In accordance with the provisions of bullet 2 of article 36 of the Constitution, the President of the National Assembly and the Prime Minister shall inform the Constitutional Court of this resignation, to attest to this vacancy in power. With reference to the provisions in bullet 2 of article 36 of the Constitution, the Constitutional Court, shall confirm the presidential vacancy.

Page 2, Chapter 1: Implementation of the provisions of article 36 of the Constitution, Article 4:

The President of the National Assembly shall be invested by the Constitutional Court as interim President of the Republic, and tasked with organising the presidential election within 40 days (as specified in the) Constitution.

Page 2, Chapter II: Establishment of transition organs, Article 5:

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Power sharing

| | |
|---------------------------|----------------------|
| Political power sharing | No specific mention. |
| Territorial power sharing | No specific mention. |
| Economic power sharing | No specific mention. |
| Military power sharing | No specific mention. |

Human rights and equality

| | |
|----------------------------|----------------------|
| Human rights/RoL general | No specific mention. |
| Bill of rights/similar | No specific mention. |
| Treaty incorporation | No specific mention. |
| Civil and political rights | No specific mention. |
| Socio-economic rights | No specific mention. |

Rights related issues

| | |
|-------------------------|---|
| Citizenship | No specific mention. |
| Democracy | <p>Page 2, Chapter II: Establishment of transition organs, Article 5: Given the exceptional circumstances affecting the country due to the institutional crisis and the armed rebellion in the North which have seriously affected the normal functioning of the Republican institutions, and the impossibility of organising elections within forty days as stipulated by the Constitution, it proves essential to organise a political transition leading to free, democratic and transparent elections throughout the national territory.</p> <p>Page 2-3, Chapter II: Establishment of transition organs, Article 6: In the circumstances evoked in article 5 above, the signatory parties to the present agreement agree to establish the organs of transition described below, tasked with leading the transition process until the presidential election, with a duly revised electoral register accepted by all.</p> <p>a – A transitional Prime Minister, Head of Government, with full powers and a remit to lead the transition, manage the crisis in the north of Mali, and organise free, transparent and democratic elections in accordance with a roadmap, shall be appointed; [...]</p> |
| Detention procedures | No specific mention. |
| Media and communication | No specific mention. |
| Mobility/ access | <p>Page 2-3, Chapter II: Establishment of transition organs, Article 6: In the circumstances evoked in article 5 above, the signatory parties to the present agreement agree to establish the organs of transition described below, tasked with leading the transition process until the presidential election, with a duly revised electoral register accepted by all. [...]</p> <p>c – The Government of National Unity shall work to arrange humanitarian aid; [...]</p> <p>Page 3, Chapter III: Adoption of accompanying legislation, Article 10: With regard to the very serious humanitarian situation, the current Chair of CEDEAO shall make funds for humanitarian aid available to Mali, and shall request appropriate humanitarian aid from Mali's technical and financial partners and the international community.</p> |
| Protection measures | No specific mention. |

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 3, Chapter III: Adoption of accompanying legislation, Article 8:
The National Committee for the Recovery of Democracy and the Restoration of the State (la Comité National de Redressement de la Démocratie et de la Restauration de l'État, CNRDRE) shall implement the present agreement under the auspices of the CEDEAO Mediator with the support of the international community.

Page 3, Chapter III: Adoption of accompanying legislation, Article 10:
With regard to the very serious humanitarian situation, the current Chair of CEDEAO shall make funds for humanitarian aid available to Mali, and shall request appropriate humanitarian aid from Mali's technical and financial partners and the international community.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/
nomadism
rights No specific mention.

Cultural
heritage No specific mention.

Environment No specific mention.

Water or
riparian
rights or
access No specific mention.

Security sector

Security
Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed
forces Page 3, Chapter III: Adoption of accompanying legislation, Article 7:
Given the exceptional circumstances in the country due to the war and in
order to enable elections in proper conditions throughout the national
territory, to reinforce social cohesion and national unity, a certain number of
legislative texts accompanying the process of transition shall be voted in the
National Assembly:
[...]
d – A law on military direction and programming, for the organisational and
equipment needs of the Army.
e – A law creating a Military Committee for monitoring the reform of the
defence and security forces.

DDR No specific mention.

Intelligence
services No specific mention.

Parastatal/
rebel and
opposition
group
forces

No specific mention.

Withdrawal
of foreign
forces

No specific mention.

Corruption

No specific mention.

Crime/
organised
crime

No specific mention.

Drugs

No specific mention.

Terrorism

No specific mention.

Transitional justice

Transitional
justice
general

No specific mention.

Amnesty/
pardon

Transitional justice→Amnesty/pardon→Amnesty/pardon proper
Page 3, Chapter III: Adoption of accompanying legislation, Article 7:
Given the exceptional circumstances in the country due to the war and in
order to enable elections in proper conditions throughout the national
territory, to reinforce social cohesion and national unity, a certain number of
legislative texts accompanying the process of transition shall be voted in the
National Assembly:
a - A general amnesty law for the benefit of CNRDRE members and their
associates;
[...]

Courts

No specific mention.

| | |
|------------------|---|
| Mechanism | No specific mention. |
| Prisoner release | No specific mention. |
| Vetting | No specific mention. |
| Victims | <p>Page 3, Chapter III: Adoption of accompanying legislation, Article 7: Given the exceptional circumstances in the country due to the war and in order to enable elections in proper conditions throughout the national territory, to reinforce social cohesion and national unity, a certain number of legislative texts accompanying the process of transition shall be voted in the National Assembly: [...] b – A law on compensation of war victims, and of the insurrectional movement of March 22, 2012; [...]</p> |
| Missing persons | No specific mention. |
| Reparations | <p>Transitional justice→Reparations→Material reparations Page 3, Chapter III: Adoption of accompanying legislation, Article 7: Given the exceptional circumstances in the country due to the war and in order to enable elections in proper conditions throughout the national territory, to reinforce social cohesion and national unity, a certain number of legislative texts accompanying the process of transition shall be voted in the National Assembly: [...] b – A law on compensation of war victims, and of the insurrectional movement of March 22, 2012; [...]</p> |
| Reconciliation | <p>Page 3, Chapter III: Adoption of accompanying legislation, Article 7: Given the exceptional circumstances in the country due to the war and in order to enable elections in proper conditions throughout the national territory, to reinforce social cohesion and national unity, a certain number of legislative texts accompanying the process of transition shall be voted in the National Assembly: [...]</p> |

Implementation

UN
signatory No specific mention.

Other international
signatory Page 4, For the mediator of the CEDEAO and the delegation,
The Minister of Foreign Affairs and Regional Cooperation of Burkina Faso
Yipène Djibrill BASSOLE

Referendum
for
agreement No specific mention.

International
mission/
force/similar No specific mention.

Enforcement
mechanism No specific mention.

Related
cases No specific mention.

Source UN Peacemaker:

<http://peacemaker.un.org/>
