

Briefing on the situation in Mali

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Tomorrow (17 September) the African Union (AU) Peace and Security Council (PSC) is scheduled to hold a briefing on the situation in Mali. The meeting is expected to take place through VTC.

As per the terms of the communiqué of the 941st session of the PSC, the Council is scheduled to receive update from the AU Commission Chairperson on the evaluation of the situation in Mali. This is to be presented by the Commissioner for Peace and Security, Smail Chergui. The AU High Representative for Mali and the Sahel and the Head of MISAHÉL, former Burundian President Pierre Buyoya is also expected to brief the Council. It is also anticipated that the PSC will hear from the current Chairperson of ECOWAS on its engagements with the Malian stakeholders for the restoration of constitutional order in Mali.

After continued popular protest for several months organized under the umbrella alliance of opposition groups and CSOs known as the June 5 Movement-Rally of Patriotic Forces (M5-RFP), on 18 August mutinying soldiers detained Ibrahim Boubacar Keita and Prime Minister Boubou Cisse. The same day the President announced his resignation and the dissolution of his government and the National Assembly.

Following these developments, which the PSC deemed as an unconstitutional change of government, the Council held an emergency meeting on 19 August and decided to immediately suspended Mali from participating in all AU activities until the restoration of constitutional order in the country.

On 20 August ECOWAS Heads of State and Government held an

extraordinary session through videoconference on the situation in Mali. They called for the immediate restoration of the constitutional order and the immediate reinstatement of President Keita. In a pursuit of this objective, a delegation led by the ECOWAS mediator former President Goodluck Jonathan was dispatched to Mali. The delegation met President Keita, with the Constitutional Court as well as with the National Committee for the Salvation of the People (CNSP) to discuss the steps for the restoration of the constitutional order in the country. Few days after ECOWAS's mission CNSP announced the release of President Keita.

On 28 August, in a follow up extraordinary summit, ECOWAS Heads of State and Government recalibrated their 20 August decision on reinstatement of President Keita and took note of his resignation. The ECOWAS summit called for speedy establishment of a civilian transitional authority with appointment of a civilian transition president and civilian prime minister. It decided that the political transition should not exceed 12 months and the civilian transitional administration should be established based on consultations with the Constitutional Court, political parties, CSOs and other members of the public.

The Malian protest group known as the M5-RFP met with the military junta that ousted President Keita and expressed its intention to work with CNSP. After delays of the initial plan for the meeting between the M5-RFP and the CNSP, the meeting was finally held at the Kati military base outside of Bamako. The two held another meeting on 4 September. The CNSP also held consultations with political parties on 31 August at the Ministry of Defence and Veterans. Although the CNSP announced a plan to travel to northern Mali for meeting with key political forces, it was reportedly cancelled due to bad weather conditions.

After the various meetings held with various stakeholders including the M5-RFP, political parties and CSOs, on 6

September the CNSP announced that a national consultation will be held for an agreement on the transitional roadmap. The national consultation on the transition in Mali took place on 10-12 September. Convened in Mali's capital Bamako, the national consultation brought together 500 participants from various sectors of the public including the M5-RFP, CSOs, political parties, and journalists. Among the international observers present at the opening of the consultation was the AU High Representative for Mali and the Sahel, Buyoya.

In his briefing, some of the areas in respect of which Buyoya may provide details include the national consultation and the transitional charter. In this respect, issues of particular interest for tomorrow's session also include the composition of the national consultation and the degree to which it reflects the diversity of social and political interests in Mali, the conduct of the consultation and the implications of the strong objection that the M5-RFP expressed against the transitional charter.

Despite the apparent national character of the participants of the national consultation, armed groups that are active in Northern Mali, including the Coordination for the Movement of Azawad, who signed the 2015 peace agreement, did not participate. Sidi Brahim Ould Sidatt, the leader of the Azawad group, is reported to have said 'we have two choices ...either we enter the transition process and have made a new constitution of Mali together in which we reorganize ourselves or we wait after the transition and we continue negotiations with the government that will be put in place.'

At the start of the consultation the leader of the CNSP colonel Assimi Goïta stated that the consultation was an opportunity for the nation's vital forces to discuss the concerns of the moment and the future, underscoring the need to diagnose the evils which undermine efforts of democratization and adopt urgent measures. During the consultation, the participants considered and proposed inputs

for a transitional charter that was drafted by an expert committee. At the end of the two days of national consultations, participants adopted a transitional charter, which faced opposition, among others by the M5-RFP.

The transitional charter establishes the office of the president, the vice president, a transitional government with a prime minister and maximum of 25 ministers. It also defines their responsibilities with the vice president for example assigned to be in charge of defence, security and the reorganization of the state. The Charter also establishes a transitional national council, which will serve as a legislative assembly. The membership of legislative body is envisaged to be made up of 121 members from the defense and security forces and all sectors in the country.

According to the spokesperson who presented the report on the consultation, under the Charter the interim president can be a civilian or a military and will preside over a transitional period of 18 months before elections are held. It is also envisaged that the interim president will be selected by a council chosen by the military junta. This is indicative of the enormous influence and pressure that the junta exerted on the national consultation and in shaping the contents of the transitional charter.

Indicating the lack of consensus on the transitional charter finalized during the national consultation and the political disagreement on the transitional process, the M5-RFP, the influential coalition which led the mass protest that created the conditions for the downfall of President Keita, stated that it 'distances itself from the resulting document.' The M5-RFP said the document did not take into account what it said was a majority vote for civilian interim. It deemed the document as an attempt by military leaders to 'grab and confiscate power.'

It is clear that the situation in Mali has descended into

further political uncertainties. The factors that account for this include the apparent determination of the juntas to exercise firm control over the transition, the opposition that the M-RFP raised to the transitional charter and the non-participation of key northern actors in the national consultation. Unless urgent measures are taken to address this situation, there is risk of deepening uncertainty on the governance of the country. If the opposition to the transitional charter escalates into political contestation over the transition with return of protesters to the streets, it can plunge Mali into further instability, aggravating the prevailing insecurity in the country.

ECOWAS's 57th ordinary session of Heads of State and Government held on 7 September adopted a decision that the Malian forces has to appoint a transitional civilian president and prime Minister by no later than 15 September or face further sanctions. It is to be recalled that ECOWAS has already imposed sanctions on Mali including closure of its borders with its neighbours.

When ECOWAS convened a consultative meeting in Accra, Ghana under the Chairperson of the ECOWAS Authority, President Nana Addo Akufo-Addo on 15 September, the deadline that ECOWAS set for the appointment of a civilian led transitional government has not been met. The AU was represented in the ECOWAS meeting through the AU High Representative for Mali and the Sahel, Buyoya, who, in his intervention is also expected to provide updates on the Accra meeting. Apart from underscoring the urgency of establishing a responsible government in Mali at the start of the meeting, President Akufo-Addo, who told reporters that 'we have not reached agreement with the military junta', insisted that 'we need a civilian leadership of the transition and we have also made it clear that the minute that leadership is put in place, the sanctions would be lifted.' ECOWAS had decided that the transition has to be led by civilian president and prime minister throughout the entire period of the transition. Upon the establishment of the

civilian transition ECOWAS pledged to accompany Mali in the effort toward the reestablishment of constitutional order in conformity with the applicable protocols of ECOWAS. It is however agreed that the duration of the transition period would be for 18 months as stipulated in the transitional charter rather than the 12 months set by ECOWAS.

The situation presents a major challenge to both the ECOWAS and the AU norms banning military coups. With its deadline unmet, the military junta bent on assuming leading role during the transition and the civilian opposition to the transitional charter, the applicable norms are sure to necessitate further sanctions on the military junta if it persists with its wish to preside over the transitional process. It is to be recalled that in 2012 ECOWAS imposed economic, financial and diplomatic sanctions after the junta that usurped power by coup failed to meet a 72-hour deadline set by the regional body. Similarly, rejecting what it called, 'all delaying tactics of the perpetrators of the coup d'état', the PSC at its 316th session decided, 'in view of the refusal of the military junta to respond immediately and in good faith to the requests of the AU and ECOWAS, to impose, with immediate effect, individual measures, including travel ban and asset freeze, against the leader and members of the junta, as well as against all individuals and entities contributing, in one way or another, to the maintenance of the unconstitutional status quo and impeding AU and ECOWAS efforts.'

The expected outcome of the meeting is a communique. The PSC is expected to express its concern about the lack of progress towards the establishment of a transitional civilian authority and the restoration of constitutional order and the adverse impacts of this delay on the peace process in Mali and the effort to stabilize the country. The PSC may reiterate its strong rejection of the interference of the military in political affairs contrary to the 2000 Lomé Declaration on Unconstitutional Changes of Governments and the African

Charter on Democracy, Elections and Governance and condemn the intransigence of the military junta and the delays for transferring power to a civilian transitional authority. Expressing its support for the efforts of ECOWAS, the PSC may also endorse the decision of the ECOWAS from its 15 September meeting in Accra on the necessity of transferring power to a civilian transitional authority paving the way for the restoration of constitutional order, which needs to be in accordance with the African Charter on Democracy, Elections and Governance. The PSC may also take further measures for adding pressure on the junta to facilitate, within the framework of ECOWAS decision and the rules of the various applicable AU norms, the speedy designation of the civilian authorities that will preside over the transitional period.