

# **GOVERNMENT GAZETTE**

**OF**

**THE REPUBLIC OF MALI**

**DECREE 2020-0072/PT-RM OF 1 OCTOBER 2020  
ENACTING THE TRANSITION CHARTER**

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2020 ENACTING THE TRANSITION CHARTER**

**THE TRANSITIONAL PRESIDENT AND  
HEAD OF STATE**

In light of the Constitution,

and in light of the conclusions of the national consultation held on 10, 11 and 12 September 2020,

**DECLARES THE FOLLOWING:**

**Article 1:** Enactment of the Transition Charter adopted on 12 September 2020 by the country's ruling powers.

**Article 2:** This decree, to which the Transition Charter is annexed, shall be registered and published in the Government Gazette.

**Bamako, 1 October 2020**

**Transitional President and Head of State,  
Bah N'Daw**

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**ANNEX TO DECREE 2020-0072/PT-RM OF  
1 OCTOBER 2020 ENACTING THE  
TRANSITION CHARTER**

**TRANSITION CHARTER**

**SECTION I: PREAMBLE**

We, the ruling powers of the nation represented by the National Committee for the Salvation of the People (CNSP), the Movement of June 5-Rally of Patriotic Forces of Mali (M5-RFP), political parties and groups, civil society organizations, organizations of Malians living abroad, signatory movements of the Agreement for Peace and Reconciliation in Mali resulting from the Algiers process, and the Inclusiveness Movements;

Motivated by a national drive to rebuild the State, preserve republican principles and renew democracy and citizenship;

Based on the Constitution of 25 February 1992 and Basic Act No. 001/CNSP of 24 August 2020;

Taking into account the Agreement for Peace and Reconciliation in Mali, resulting from the Algiers process;

Considering the patriotic nature of the events of 18 August 2020 which led to the free and voluntary resignation of the President of the Republic Mr. Ibrahim Boubacar Keita, preceded by the dissolution of the National Assembly and the resignation of the Government;

Considering the increase in deadly conflicts in the central and northern regions of the country, with thousands of deaths, hundreds of villages destroyed, thousands of displaced persons and refugees, and the ultimate sacrifice of our armed forces who were ill-equipped and delivered to the enemy;

Considering the heavy toll paid by the daughters and sons of Mali who were victims of the violence and acts of repression that made martyrs of peaceful demonstrators in July 2020;

Recognizing the imperative need to place public action within a constitutional and legal framework, with the consent and mobilization of the Malian people and the support of the international community;

Considering our commitment to the democratic values and principles enshrined in the African Union's African Charter on Democracy, Elections and Governance of 30 January 2007 and in the Economic Community of West African States (ECOWAS) Protocol on Democracy and Good Governance A/SP1/12/01 of 21 December 2001;

Considering the urgency and the need to provide Mali with transition bodies in order to fill the constitutional and institutional vacuum in the conduct of public affairs;

Recognizing the need for a social truce to enable the transitional authorities to lay the foundations for rebuilding the State;

Adopt this Transition Charter, which supplements the Constitution of 25 February 1992 and of which this preamble is an integral part.

## **SECTION II: TRANSITION VALUES, PRINCIPLES AND MISSIONS**

### **CHAPTER I: VALUES AND PRINCIPLES**

**Article 1:** In addition to the values affirmed in the preamble to the Constitution of 25 February 1992, this Charter enshrines the following values and principles for conducting the Transition:

- patriotism, integrity, probity and dignity
- virtue, responsibility and accountability
- discipline, civicism and citizenship
- fraternity, tolerance and inclusion
- neutrality, transparency, justice and impartiality
- dialogue and the spirit of consensus
- the spirit of solidarity, forgiveness and reconciliation.

### **CHAPTER II: MISSIONS**

**Article 2:** The missions of the Transition as enshrined in this Charter include the following:

- restoration and strengthening of security throughout the national territory
- reformation of the State and creation of basic conditions for its reconstruction
- promotion of good governance
- redesign of the education system
- adoption of a social stability pact
- launch of process for political, institutional, electoral and administrative reform
- organization of general elections
- implementation of the Agreement for Peace and Reconciliation in Mali, resulting from the Algiers process.

## **SECTION III: TRANSITION BODIES**

**Article 3:** The Transition bodies are the following:

- the Transitional President
- the National Transitional Council
- the Transitional Government.

## **CHAPTER I: TRANSITIONAL PRESIDENT**

**Article 4:** The Transitional President serves as Head of State. The President ensures that the Constitution and Transition Charter are respected.

The President is chosen by a nomination committee set up by the National Committee for the Salvation of the People.

**Article 5:** The powers and prerogatives of the Transitional President are defined in this Charter and the Constitution of 25 February 1992.

**Article 6:** The mandate of the Transitional President ends after inauguration of the President following the presidential election.

**Article 7:** The Transitional President is assisted by a Vice-President, who shall be appointed under the same conditions.

The Vice-President is responsible for defence and security.

**Article 8:** Any candidate for Transitional President and Transitional Vice-President must meet the following requirements:

- be a civilian or military person
- be of Malian national origin
- be at least 35 years of age and no more than 75 years of age
- possess integrity, good character and impartiality
- be a well-known public figure
- be physically and mentally capable
- have no criminal convictions
- be recognized for commitment to the defence of national interests.

**Article 9:** The Transitional President and Transitional Vice-President are not eligible for election in the presidential and legislative elections that will be held to mark the end of the Transition.

This provision is not subject to revision.

**Article 10:** The Transitional President and Transitional Vice-President shall take office no more than seven days after their appointment.

Before taking up their duties, they shall make the following oath to the Supreme Court:

*“I swear before God and the people of Mali to faithfully preserve the republican regime, to respect and ensure respect for the Constitution, the Transition Charter and the Law, to perform my duties in the best interests of the people, preserve democratic achievements, and ensure national unity, the independence of the homeland and the integrity of the national territory. I solemnly and honourably pledge to do my utmost to achieve African unity.”*

Within 48 hours following the inauguration ceremony, the President of the Supreme Court shall publicly receive written declarations of assets for the Transitional President and Transitional Vice-President. This declaration shall be updated annually.

Within a maximum period of one month before the end of the Transition, the Court shall receive a second written declaration. This shall be published in the Government Gazette together with any supporting documents in the event of an increase in assets.

This declaration obligation shall also apply to all members of the Transition bodies established by this Charter, upon entering and leaving office.

## CHAPTER II: TRANSITIONAL GOVERNMENT

**Article 11:** The Transitional Government is headed by a Prime Minister appointed by the Transitional President.

It shall exercise the prerogatives defined by this Charter and the Constitution of 25 February 1992.

The Transitional Government shall consist of no more than 25 members.

**Article 12:** The Prime Minister and other members of the Government must meet the following requirements:

- be of Malian national origin
- be physically and mentally capable
- have no criminal convictions
- have the required skills

- be recognized for patriotic commitment
- be of good character.

Members of the Transitional Government shall not be eligible for election in the presidential and legislative elections that will be held to mark the end of the Transition.

## CHAPTER III: NATIONAL TRANSITIONAL COUNCIL

**Article 13:** The National Transitional Council is the legislative body of the Transition.

It shall be composed of 121 members, divided between the Defence and Security Forces, representatives of the Movement of June 5-Rally of Patriotic Forces (M5-RFP), political parties and groups, civil society organizations, trade unions, free and autonomous trade unions, human rights organizations, professional organizations, Malians living abroad, the signatory movements of the Agreement for Peace and Reconciliation in Mali resulting from the Algiers process, the Inclusiveness Movements, groups of women, young people and people living with disabilities, religious denominations, traditional and customary authorities, consular chambers, and umbrella organizations for the press, arts and culture.

An act sets the allocation breakdown between the components of the National Transitional Council.

The National Transitional Council shall exercise the prerogatives defined by this Charter and the Constitution of 25 February 1992.

**Article 14:** The National Transitional Council shall be chaired by a civilian or military person elected from among its members.

Presidency of the National Transitional Council is incompatible with the exercise of any other mandate or responsibility during the Transition.

**Article 15:** The National Transitional Council shall adopt its rules of procedure at its inaugural session.

The National Transitional Council shall adopt the transition road map action plan presented by the Prime Minister.

**Article 16:** The National Transitional Council shall oversee guidance, inspection, monitoring and evaluation of the transition road map.

#### **CHAPTER IV: OTHER PROVISIONS**

**Article 17:** Women's access to elected and appointed positions may be promoted by special measures prescribed by law.

The composition of the various Transition bodies shall be gender-sensitive.

**Article 18:** In cases of suspected terrorism and threats to national security, police custody may last up to 168 hours, after which a decision by a magistrate of the judiciary is required.

**Article 19:** The administrative and financial managers or Quaestors of the Institutions of the Republic are appointed by decree issued by the Council of Ministers.

**Article 20:** The State shall recognize traditional mechanisms for the settlement of disputes based on the customs and traditions of the various communities, under conditions defined by law.

#### **SECTION IV: REVISION OF THE TRANSITION CHARTER**

**Article 21:** The initiative for revision of this Charter shall rest concurrently with the Transitional President and one third of the members of the National Transitional Council.

The draft or proposed revision shall be adopted by a majority of four fifths of the members of the National Transitional Council.

The Transitional President shall enact the revision act.

#### **SECTION V: TRANSITIONAL AND FINAL PROVISIONS**

**Article 22:** The duration of the Transition is set at 18 months from the date of inauguration of the Transitional President.

**Article 23:** The members of the National Committee for the Salvation of the People and all those who participated in events from 18 August 2020 up to the inauguration of the Transitional President, shall enjoy immunity. As such, they may not be prosecuted or arrested for acts committed during these events. An amnesty law shall be passed to this effect.

**Article 24:** This Charter shall enter into force as soon as it is adopted by the country's ruling powers.

**Article 25:** In the event of a conflict between the Transition Charter and the Constitution of 25 February 1992, the provisions of this Charter shall apply.

The Constitutional Court shall rule in the event of dispute.

**Article 26:** Until such time as the transition bodies are established, the National Committee for the Salvation of the People (CNSP) shall take the measures necessary for the functioning of public authorities, the life of the nation, the protection of citizens and the safeguarding of freedoms.

**Bamako, 12 September 2020**

**The President of the National Committee for the Salvation of the People,  
Colonel Assimi Goita**