

FRAMEWORK AGREEMENT FOR IMPLEMENTATION OF THE FORMAL ENGAGEMENT OF APRIL 1, 2012

BETWEEN

The CEDEAO Mediator on one hand,

And

The National Committee for the Recovery of Democracy and Restoration of the State on the other,

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

Chapter 1: Implementation of the provisions of article 36 of the Constitution

Article 1

The President of the Republic shall officially resign from his functions.

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.

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.

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.

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.

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 CNDRE members during the transition process shall be defined.

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 CNDRE members and their associates;
- b - A law on compensation of war victims, and of the insurrectional movement of March 22, 2012;
- c - A law on extension of the mandate of deputies until the end of the transition;
- 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.

Chapter IV: Commitments of the signatory parties

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, CNDRE) shall implement the present agreement under the auspices of the CEDEAO Mediator with the support of the international community.

Article 9

Upon signature of the present agreement, the current Chair of CEDEAO shall take the necessary measures to lift the sanctions imposed on Mali following the summit of March 29, 2012.

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.

Done at Bamako, April 6, 2012

Signatures