

THE REFORM OF INSTITUTIONS IN SENEGAL AND MALI

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This report focuses on recent institutional reforms in Senegal and Mali as part of a three year research project by the Sahel Research Group, funded by a grant from the Minerva Initiative. Since the early 1990, Sahelian states have been undergoing a process of institutional reform in order to manage the multitude of pressures confronting them, and hence to maintain stability and ensure social order.

In Senegal, the reform of institutions is one of the key commitments that the current president, Macky Sall, made during the 2012 presidential campaign. After his election, President Sall suppressed the Senate and set up a National Commission for Institutional Reform (NCRI) which was tasked with proposing reforms aiming to improve the operation of state institutions, to consolidate democracy, to deepen the rule of law, and to modernize the political system. Having concluded its work, the NCRI recommends the adoption of a new constitution. The proposed draft constitution divides political elites. The most controversial issues include the incompatibility of the status of President of the Republic and that of leader of a political party, the restriction of the age of presidential candidates to 70 years, and the limitation of the term of the Head of State to five years, renewable only once.

Another major reform concerns the adoption of a new electoral code for local elections. This followed an administrative reform known as “*Act 3 de la décentralisation*” that have deeply altered the organization of the territorial and local administration. Indeed, Law 2013-10 of 28 December 2013 establishing the General Code for local authorities suppressed the region, the communal district, and the rural community. These were replaced by two types of constituencies: the department and the commune. Consequently, the electoral code had to be adjusted to the new territorial organization before the 29



June 2014 local elections. Despite disparities, members of the parliament overwhelmingly voted the draft electoral law (Law. 2014-18 of 15 April 2014) on April 2014, repealing and replacing the previous law (Law 2012-01 of January 3, 2012 regarding the electoral code).

Like Senegal, Mali has been undergoing a series of institutional reform since the late 1990. After the breakdown of the authoritarian regime in 1991, a National Conference was held, primarily designed to build consensus over new institutions. In addition to the design of a consensual constitution approved in a referendum on 12 January 1992, new electoral rules were set up. This move turned the country away from the dictatorial legacy of the past regime and marked the transition to democracy. While minor revisions of the constitution and electoral regulations intervened at more regular intervals during the Konaré regime (1992-2002), major institutional reforms were envisioned during Amadou Toumani Touré's rule (2002-2012). However, the 2012 military coup interrupted the process. Indeed, during Touré's second term, the regime grew increasingly unpopular with claims of corruption and ineffectiveness. On March 22, 2012 – following the Tuareg rebellion connected to Islamists affiliated with Al-Qaeda in the Islamic Maghreb

(AQIM) that took over northern Mali – elements of the Malian military, unhappy with the Touré government's handling of the insurgency began a protest that turned into a military coup. The persistent crisis and international mediation that followed was marked in addition by debates on a series of institutional reforms, including the electoral system. Elections for a new government were held in July 2013, under rules largely agreed to in the exceptional circumstances, but which are followed by new debates on reforming the system. Today, a general consensus exist over the maintenance of the 1992 constitution. However, a number of political and institutional reforms were intended. These include (1) conferring a legal status to the main leader of the opposition; (2) reforming the territorial administration and improving the electoral system for local elections in order to improve the national representation of minority groups (particularly from northern Mali). The National Assembly have voted the laws regarding these reforms, but they have yet to be promulgated by the president, Ibrahima Boubacar Keita.

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