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# Managing elections under COVID-19 pandemic conditions: the case of Mali

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# Managing elections under COVID-19 pandemic conditions: the case of Mali

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Robert Gerenge

## 1. Introduction

Mali was the second country to hold elections during the novel coronavirus disease (COVID-19) pandemic on the continent of Africa, Guinea having held parliamentary elections and a constitutional referendum on 22 March 2020. In a two-round electoral system, the first and second round (runoff) legislative elections were held in Mali on 29 March and 19 April 2020.

This paper highlights some of the salient technical and operational pathways pursued in Mali in organizing the 2020 legislative elections in the unprecedented context of the COVID-19 pandemic. It explores some of the policies and measures on public health and safety put in place to reduce the spread of COVID-19. The paper also highlights some of the emergent challenges encountered in the management of the polls including safeguarding electoral integrity, some of which predated the first COVID-19 cases reported in the country.

The Malian case demonstrates that the deeper-seated contextual challenges in a country may be compounded by pandemic conditions rather than relegated to secondary importance. Mali's protracted post-electoral crisis after the legislative elections, culminating in a military coup d'état on 18 August 2020 (Al Jazeera 2020; CNN 2020), adduce to political and institutional cleavages which remain unresolved despite holding the polls. This paper draws some key lessons with a view to enhancing understanding of how to manage democratic, peaceful and credible elections in the context of public health emergencies on the continent of Africa and beyond.

## 2. Background

Mali, a former French colony which gained its independence on 20 June 1960, is located in the Sahel region of West Africa. Mali is the eighth-largest country in Africa at approximately 1.24 million km<sup>2</sup> in area, and has an estimated total population of just over 19.5 million (CIA 2020).

The electoral system in Mali is a relic of the French colonial model, with two rounds for both the President and the National Assembly (Assemblée Nationale) contests. According to the Constitution of 1992 (Republic of Mali 1992), the President and the Members of

Parliament (MPs) are elected by absolute majority vote through a two-round system to serve a five-year term, through universal suffrage. For the presidential elections, the two leading candidates are subjected to a second round should none of the contesting candidates garner 50 per cent +1 votes during the first round. The Constitution stipulates that the term of President is renewable only once (article 30 of the 1992 Constitution). The National Assembly comprises 147 MPs who are elected by absolute majority vote (50 per cent +1) in single-member constituencies, for five-year renewable terms (article 54 and 61 of the 1992 Constitution). Should no candidate garner a majority in a given constituency during the first round, a runoff between the two candidates with the most votes is held.

Mali uses a mixed model of election management involving a variety of organizations. The Ministry of Territorial Administration and Decentralization (MATD) has the material and technical mandate to organize elections and announce provisional results. The National Independent Electoral Commission (CENI) is responsible for supervising and monitoring the management of elections. The General Delegation for Elections is responsible for managing the voters, register and issues of political party funding. According to General Delegation for Elections, 7,663,464 voters were registered for the 2020 legislative elections, of whom 3,803,932 were female (49.6 per cent) and 3,859,532 male (50.4 per cent). There were also a total of 547 lists of candidates making up a total of 1,417 candidates in 55 multi-member constituencies, according to MATD.

Since the coup d'état in 2012, Mali has traversed an arduous road to state reconstruction. In response to the multiple challenges facing the country, there have been concerted efforts aimed at supporting political and electoral processes as well as stabilization, including robust focus on fighting against terrorism. Among the international agencies involved have been; the African Union Mission for the Sahel (MISAHHEL); the G-5 Sahel, a multilateral force deployed in 2017 with UN Security Council approval (see United Nations 2017); the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA); and the Economic Community of West African States (ECOWAS).

The 2020 legislative polls were the second cycle of elections following the coup d'état in 2012 in Mali. The country was initially scheduled to conduct its legislative elections in the course of 2018, soon after the two rounds of presidential elections, which were held on 26 June 2018 and 19 August 2018 respectively. However, due to a political stalemate emerging from the highly contested presidential elections, as well as persistent security challenges posed by terrorist activities and inter-communal violence, they were twice postponed. Mali's Constitution required elections to be held on 29 March 2020 as the tenure of MPs could not be further extended beyond the stipulated transitional period. Furthermore, the necessity of holding legislative elections was also impelled by growing political pressure from various electoral stakeholders who questioned the legitimacy of the tenure of the MPs in office whose term ended in December 2018 (ECOWAS/ECONEC 2020).

With regard to the global outbreak of the public health pandemic, it should be recalled that the first cases of COVID-19 were reported on 25 March 2020 in Mali, a few days before the polls (BBC 2020). On 28 March 2020, the eve of the first round, the Ministry of Health noted nine cases in Bamako, the capital city, and its environs (WHO March 2020). There were 190 cases registered in the capital and the regions on 18 April 2020, the eve of the second round of legislative elections, therefore showing an exponential spread of COVID-19 in the country (WHO April 2020). It should be underscored, however, that there is no evidence of cases directly attributable to the conduct of elections and there are numerous intervening factors that account for the spread of COVID-19.

### 3. Lead-time, political imperatives and the legal context

Holding the 2020 legislative elections under pandemic conditions presented dilemmas on political, legal, security and operational fronts for Mali. Going by standard practice on electoral preparedness globally, Mali did not have sufficient lead-time to adequately prepare. The World Health Organization (WHO) declared COVID-19 a Public Health Emergency of International Concern on 30 January 2020 (WHO January 2020). On 11 March 2020, Director-General Tedros Adhanom Ghebreyesus declared COVID-19 a ‘global pandemic’ (WHO March 2020). The first cases were reported in Mali two weeks later on 25 March 2020, only four days before the legislative elections on 29 March. This ominous predicament exacerbated pre-existing challenges to electoral preparedness including insecurity in regions such as Gao, Kidal, Monte and Tombouctou, orchestrated by Jihadists, as well as inter-communal violence (see International Crisis Group 2019).

At the same time, a further postponement of legislative elections would have presented a risk of falling into a deeper constitutional and political quagmire. It should be recalled that the first extension of the National Assembly’s term was up to 1 June 2019, and the second extension was up to 2 May 2020 (BBC 2019). The limited consensus across the political spectrum on the conduct of the legislative polls aggravated the political cleavages which remained entrenched following the violently contested 2018 presidential elections (Posthumus 2018).

Besides, it is also worth noting that the ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (supplementary protocol on Democracy and Good Governance, article 2.1) states that: ‘No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors’ (ECOWAS 2001). Although the Protocol did not foresee the unintended exigencies posed by pandemics on the conduct of elections, it forms part of Mali’s legal obligations as an ECOWAS member state.

The lead-time constraints also account for the lack of adaptations to the existing legal framework for elections to systematically accommodate health and safety measures in response to the new public health risks. The Constitution of 1992 and electoral law promulgated on 23 April 2018 (see Republic of Mali 2018) constituted the framework that guided the conduct of the 2020 legislative elections. Health and safety measures taken in response to COVID-19 were therefore established in an ad hoc manner as there was no specific guide for polling procedures (which were nevertheless jointly developed and disseminated by the MATD and the Ministry of Health).

### 4. COVID-19 risk mitigation measures

The Government of Mali instituted emergency public health measures to curb the spread of COVID-19 which included curfews, social distancing, suspension of non-essential services, and a ban on meetings of more than 50 persons, among others (BBC 2020). These measures also impacted on various aspects of the legislative elections as a public, participatory process. The banning of meetings of more than 50 persons, in particular, affected campaigning activities and was criticized by a number of candidates. This measure was not generally respected by parties and candidates (Diallo 2020).

In an attempt to adequately prepare for the polls under the challenging conditions posed by COVID-19 the MATD, working closely with the Ministry of Health, partnered with business leaders who provided masks, sanitizers and hand-washing facilities in support of the elections (CENI 2020). Other partners included the European Union, United Nations

Development Programme and USAID, among others. Through these partnerships, the MATD was able to acquire and supply free masks to voters.

In addition, further partnerships were forged with local youth volunteers who were deployed to support the distribution of free masks and education of voters on how to observe strict hygiene through hand-washing at polling stations (CENI 2020). Prior to polling, and within the constricted timelines before the polls, local community information centres were set up which embarked on awareness-raising about voting procedures under COVID-19 conditions (CENI 2020). The MATD, working closely with the Ministry of Health, also used video clips, radio and TV (in French and local languages) to increase awareness about COVID-19 and voting (CENI 2020).

The training of MATD polling officials incorporated health and safety content (CENI 2020). During the polling process, polling officials undertook several measures to mitigate COVID-19 infection risks while ensuring that voters were able to exercise their right to vote. To this end, sanitary kits comprising masks, hand-washing facilities and hand sanitizing gel were distributed for both voters and polling staff and a physical distance rule of one metre was put in place in the voting queues at polling stations (COCEM 2020a).

Despite the above mitigation efforts, there were some inadequacies and these varied between the first and second round of the legislative elections. According to the preliminary statements issued by the Coalition for Citizen Observation in Mali (COCEM, which observed both rounds of elections), challenges noted during the first round of polls included: a lack of adherence to the one metre physical distance rule between queuing voters (in 44 per cent of stations visited); polling personnel lacking masks (in at least 47 per cent of polling stations observed); and 27 per cent of stations lacking gloves (COCEM 2020a).

There was some improvement in the risk mitigation measures taken during the second round of the legislative elections, which demonstrated the MATD's conscious effort to enhance its effectiveness by drawing from experiences in the first round. For example, non-compliance with the one metre physical distancing rule now fell to 27 per cent of stations that COCEM visited, while the proportion of stations where polling personnel wore masks had increased to 75 per cent (COCEM 2020b).

Some problems resulted from the behaviour of voters themselves and were witnessed during both the first and second round. For instance, usage of the same pens for signing the voter register elicited fears of contamination (as did the distribution of sensitive material such as uncollected voting cards to some voters at polling stations) (Diallo 2020). In addition, in certain regions such as Kayes, Koulikoro, Sikasso, Ségou and the district of Bamako, some voters refused to dip their fingers in indelible ink as per the procedures, due to the fear of COVID-19 infection (COCEM 2020b). As earlier stated, Mali was only the second country in Africa to hold elections during the pandemic. As such, the electoral management body (EMB) was not well-placed to fully grasp and address all the operational issues—voters' perceptions among them—posed by COVID-19. Darnolf et al. (2020) note that indelible ink contains several different chemicals, including biocides and 40 - 45 per cent alcohol. However, given that there is no evidence yet that the biocides in indelible ink will kill the coronavirus, they advise that voters clean their hands before dipping their fingers in the ink bottle or having the ink applied to them as, in fact, voters in Mali were required to do (sanitizing their hands at the entrance of polling stations (COCEM 2020a)).

In the post-electoral phase, the Constitutional Court managed petitions concerning the results of the legislative elections. The Constitutional Court controversially overturned provisional results from a number of constituencies in favour of the incumbent, President Ibrahim Boubacar Keita's ruling political party, Rally for Mali (Rassemblement Pour le Mali, RPM) (France24 2020). The declaration of final results by the Court gave President Keita's party a majority of seats in the National Assembly (Constitutional Court, Ruling No. 2020-04/CC-EL of 30 April 2020). Consequently, demonstrations were organized by

opposition political parties contesting the results which were violent and coalesced with other prevailing political, security and economic grievances. These evolved and crystalized into an unyielding anti-Keita coalition called 5 June Movement—Rally of Patriotic Forces (Mouvement du 5 juin—Rassemblement des Forces Patriotiques, M5-RFP) (France24 2020). Subsequently, President Keita dissolved the Constitutional Court due to the controversy that its management of the electoral disputes had generated (France24 2020).

## 5. Turnout

As noted in Table 1, the turnout for both the first and second rounds was generally low. This may be attributed to factors of which COVID-19 may only serve as an adjunct variable. Security concerns clearly impacted on participation; polling reportedly did not take place in numerous localities in the Gao, Kidal, Mopti and Tombouctou regions. COCEM (2020a) reported incidences where MATD polling personnel were taken hostage and voting materials were destroyed in some of these localities.

Table 1. Turnout for Mali's 2020 legislative elections

Regions	First round turnout (%)	Second round turnout (%)
Kayes	38.85	40.61
Koulikoro	35.65	34.48
Sikasso	37.52	38.42
Segou	40.15	38.43
Mopti	36.00	42.91
Tombouctou	51.18	61.27
Gao	66.04	63.65
Kidal*	85.86	
Bamako	12.85	13.17
<b>Total</b>	<b>35.58</b>	<b>35.25</b>

\*Seats in the constituencies of Kidal were won with absolute majorities in the first round.

Sources: Constitutional Court, Proclamation N°2020-03/CC-EL of 9 April 2020 on Final Results of First Round of Legislative Elections of 29 March 2020, <[http://www.courconstitutionnelle.ml/wp-content/uploads/2020/04/divers\\_2020-arret-03-annexe.pdf](http://www.courconstitutionnelle.ml/wp-content/uploads/2020/04/divers_2020-arret-03-annexe.pdf)>, accessed 7 September 2020; Constitutional Court, Ruling N°2020-04/CC-EL of 30 April 2020 on Final Results of Second Round of Legislative Elections of 19 April 2020, <[http://www.courconstitutionnelle.ml/wp-content/uploads/2020/04/divers\\_2020-arret-04.pdf](http://www.courconstitutionnelle.ml/wp-content/uploads/2020/04/divers_2020-arret-04.pdf)>, accessed 25 August 2020.

In addition, political dynamics emerging from the contested presidential election outcome in 2018 appear to have perpetuated disaffection among the electorate. It is worth recalling that voter turnout was also generally low for the legislative elections in 2013, the first transitional elections to follow the coup d'état. According the results announced by the Constitutional Court, the turnout in the first round (24 November 2013) was 38.6 per cent and in the second round (15 December 2013) it was 37.32 per cent (Constitutional Court 2018). Taking the long view, then, the relatively low 2020 turnout can be seen as continuity in voter disaffection which extends beyond the dynamics posed by the public health pandemic.



## 6. Conclusions and lessons

Mali did not have sufficient time to adequately prepare for the 2020 legislative elections under the context presented by the COVID-19 global public health emergency. In light of the highly constricted lead-time, adaptation of technical and operational preparations can be seen as a qualified success and progress was notably improved upon during the second round. Despite a slight increase of COVID-19 cases between the first and second round period of the legislative polls, there is no evidence of cases directly attributable to the conduct of elections and there are numerous intervening factors that account for the spread of COVID-19.

Mali is the first country to have experienced a military coup following elections during the COVID-19 pandemic. While the holding of the 2020 legislative elections did not enjoy a broad-based consensus across the Malian political spectrum, constitutional limitations placed the country under the compulsion to elect new MPs in order to safeguard the legitimacy of the National Assembly. The country serves as an illustrative case where the dilemmas of holding elections under pandemic conditions are more intricate than the immediate public health risks. Successful elections under COVID-19 conditions which are peaceful, democratic and credible, depend not only on the technical and operational safety measures of election management but also—and ultimately—on political consensus around the electoral process.

### Lessons learned

- Prior to elections held under COVID-19 risks, and in order to safeguard electoral integrity and peaceful acceptance of outcomes, a high premium should be placed on consensus-building regarding salient political issues and enhancing security.
- From the technical and operational standpoint, the inclusion of sanitary materials in the polling station kits such as masks for polling personnel as well as establishment of physical distancing measures can serve as useful public health preventive measures against the spread of infectious diseases such as COVID-19.
- In addition, strict sanitary measures should be fostered during issuance of voter cards including in cases where uncollected voter cards are issued to concerned voters at their respective stations on polling day.
- Because sharing of non-sensitive election materials (such as pens and indelible ink) can elicit fears of infection among voters it is crucial that further scientific research be carried out to accurately establish the level of risk and that electorates are educated accordingly.
- In the face of limited lead-time, cooperation between ministries (in this case the MATD and the Ministry of Health) as well as partnerships with the private sector, voluntary sector and international agencies helped to put public health safety measures and supply of sanitary materials in place. However, the type of private sector partnerships should be established with due care. As in any country context, public opinion will be wary about the potential for undue influence of private sector organizations in the electoral process.
- The partnership forged between the MATD and youth organizations in voter education (on hygiene at polling stations) and the distribution of free masks complemented the EMB's own efforts. It demonstrates how the 'demographic

dividend' of young populations on the continent of Africa can be capitalized upon by EMBs and, in this case, during public health emergencies.

- The banning of meetings of more than 50 persons had implications for the capacity of political parties and candidates to campaign and to freely exercise their civic and political rights. Most political parties and candidates did not have adequate resources to switch to online campaigning. Limited Internet penetration and the digital divide remain persistent problems in Mali as in most African countries, and they have electoral consequences.

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**Robert Gerenge** is the Principal Advisor to electoral management bodies at the African Union (AU) Commission where he oversees technical assistance to AU member states. He has over 15 years’ international experience with exposure to at least 50 political and electoral processes in Africa, Europe and South America, including in conflict and post-conflict transitions. Robert has published on electoral violence, preventive diplomacy, post-civil war state-building and political settlements in Africa. He holds an MA in Public Policy from the University of York and an MSc in Conflict Analysis and Resolution from George Mason University. The views expressed herein aim at furtherance of experience sharing and learning on elections during the COVID-19 pandemic and do not represent the official position of the African Union Commission.

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