

Republic of Mali: Mapping of Legal and Policy Arrangements for Disaster Risk Management, including Public Health Emergencies and International Disaster Assistance

The below information seeks to map the Disaster Risk Management (DRM) Legal and Policy Frameworks, including for Public Health Emergencies (PHEs) and international disaster assistance in the Republic of Mali as provided in law, policy and agreements.

The questions below comprise of a combination of the questions from the IFRC’s:

- [Checklist on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance](#);
- the [Checklist on Law and Disaster Risk Reduction](#);
- the [Checklist on Law and Disaster Preparedness and Response](#);
- [Pilot Guidance on the role of Law in PHEs](#); and
- ongoing research on the role of law in disaster recovery.

This document is the result of a desktop review of information either publicly available or shared by the Mali Red Cross. This document was prepared by Candela Navarro Casquete, under the supervision of Jeanique Serradinho and Stella Ngugi. The information is up to date as at 31 March 2022.

Note: In general, it is difficult to locate and determine the currency of Malian laws and policies online, and therefore this mapping may be incomplete. While every effort was taken to ensure that the information contained herein is as accurate as possible, gaps or discrepancies may remain. IFRC Disaster Law would be grateful for any feedback or corrections relating to the contents of this document.

1. Institutional Roles and Responsibilities

DRM Specific Legislation

Is the approach of the relevant DRM law well-tailored to your country’s natural hazards risk profile and disaster risk governance capacity, and are principles and priorities that guide your country’s approach to preparedness and response; risk reduction and recovery set out?

[GFDRR Disaster Risk Profile: Mali 2019](#)

The Republic of Mali is exposed to recurring risk of droughts and floods, with the highest impacts occurring in the southern region.¹ Drought is the greatest hazard due to Mali's climate and uneven distribution of water resources.² On average, 400 000 people are affected by drought every year, but this number can be substantially higher in dry years. Flooding, on the other hand, poses a threat to lowland, highland, and urban areas, with 500 000 people affected by floods each year, on average.³ A much smaller number of people are at risk from landslides. Future changes in Mali's population and economy, coupled with changes in climate-related hazards, are expected to increase the impacts of droughts and floods.⁴

In 2015, the CADRI Partnership conducted a capacity assessment in Mali, as requested by the General Directorate of Civil Protection (DGPC).⁵ This study concluded that historically, all the legal texts concerning natural phenomena focus on emergency preparedness and response.⁶ However, in more recent years, the Government of Mali has widened and developed its national disaster risk management (DRM) framework, adopting numerous new laws which set out specific institutional arrangements for DRM, including DRR. However, there is no specific legislative framework for DRR in Mali in force.⁷

Prior to 2015, the legal texts related to DRM laid the foundations of the main structures such as the DGPC and its branches, as well as the planning tools for this response.⁸ The DGPC was created in 1998 through Order n° n°98-026/P-RM, modified by Law n° 06 – 004. The organization and attributions of the DGPC were recently updated through Decree n°2021-0234/PT-RM.⁹ On the other hand, the Statutes of Civil Protection Officers, established by Law n° 05/069 of 2005, provide in terms of article 19 that civil protection officials contribute particularly to the protection of people, property and the environment, ensuring compliance with safety laws and regulations by carrying out prevention, forecasting and rescue missions.¹⁰ To this end, they have a duty to intervene on their own initiative to bring relief, aid and assistance to any person in danger.¹¹

Although a dedicated DRR law has not yet been elaborated in Mali, Decree n° 2016-0346/P-RM approved the document of the National Strategy for DRR (SNRRC) in the country. However, it has not been possible to locate the SNRRC for further review.

[National Capacity Assessment Report for DRR, Emergency Preparedness and Response 2015 \(Draft\)](#)

[Law n° 05/069, Statutes of Civil Protection Officers](#)

[Decree n° 2016-0346/P-RM](#)

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- 1 GFDRR Disaster Risk Profile: Mali (2019), page 5.
 - 2 GFDRR Disaster Risk Profile: Mali (2019), page 5.
 - 3 GFDRR Disaster Risk Profile: Mali (2019), page 5.
 - 4 GFDRR Disaster Risk Profile: Mali (2019), page 5.
 - 5 Draft National Capacity Assessment Report for DRR, Emergency Preparedness and Response 2015 (CADRI Mali), page 5.
 - 6 CADRI Mali 2015, page 26.
 - 7 CADRI Mali, page 26.
 - 8 CADRI Mali 2015, page 26.
 - 9 Unfortunately this documents could not be located online for the purposes of this review.
 - 10 Law n° 05/069, Statutes of Civil Protection Officers, article 19.
 - 11 Law n° 05/069, article 19.

In terms of coordination, Decree n° 2015-0889/P-RM determines the operationalization of the Emergency Organization Plan (ORSEC plan) in Mali. The ORSEC Plan is a regulatory document allowing the coordination of relief under a single authority.¹² Article 2 establishes that the ORSEC plan is activated in situations of major crises or disasters endangering human lives and causing considerable material losses on vital socio-economic infrastructure in general.¹³ These include the following:

- natural calamities such as floods, droughts, locust invasions, avian invasions, epidemics, violent winds, bush fires or epizootics;
- fires;
- technological accidents explosions;
- biological and nuclear risks;
- accidents in mines;
- community conflicts;
- dam breaks;
- transport accidents;
- crowd movements, panics, riots, social conflicts and war;
- terrorist attacks;
- attack on the monuments and buildings integrated into the national and international heritage; and
- any event revealing a notion of collective and/or evolving risk for people, property, and the environment.¹⁴

Furthermore, Order n° 2019-1245/MSPC-SG created rescue centers and civil protection rescue stations. As per article 2, the rescue centers and stations have the mission of ensuring, on a permanent basis, in the localities where they are located, rescue and assistance to victims of accidents, fires, drowning and other calamities.¹⁵ The personnel of the centers and rescue stations is provided by the DGPC.¹⁶

[Decree n° 2015-0889/P-RM](#)

[Order n° 2019-1245/MSPC-SG](#)

¹² Decree n° 2015-0889/P-RM, article 1.

¹³ Decree n° 2015-0889/P-RM, article 2.

¹⁴ Decree n° 2015-0889/P-RM, article 2.

¹⁵ Order n° 2019-1245/MSPC-SG, article 2.

¹⁶ Order n° 2019-1245/MSPC-SG, article 3.

<p>The National Contingency Plan (PNC) 2021 appears to be the most recent operational framework for DRM, covering the period of 2022 to 2026, with the overall objective to contribute to the food and nutritional security of vulnerable populations and target groups affected by humanitarian risk factors through harmonized actions of food assistance and protection of their livelihoods.¹⁷ More specifically, the operational framework of the PNC comprises three strategic objectives, which include:</p> <ol style="list-style-type: none"> 1) Strategic Objective (SO1): Provide adequate assistance and protection to people affected by crises and disasters by strengthening instruments for the prevention and management of natural disasters and food and nutrition crises; 2) Strategic Objective (SO2): Restore and put in place appropriate mechanisms to mobilize the resources necessary to meet immediate, medium and long-term needs in order to mitigate the effects of food and nutrition crises on vulnerable populations and livestock; and 3) Strategic Objective (SO3): Guarantee adequate security measures for actors and beneficiaries.¹⁸ <p>In addition, Mali is a member State of the Economic Community of West African States (ECOWAS). The ECOWAS Policy for Disaster Risk Reduction 2006 (the ECOWAS Policy for DRR), which aims to reduce vulnerability and build resilience of communities, provides in section 1.3, that one of its objectives is to provide an inter-governmental framework for collaboration and partnership for ECOWAS Member States in Disaster Risk Management.¹⁹ The Policy also calls to attention the need for sub-regional information sharing on disasters.²⁰ Furthermore, section 2.2.5 highlights the major challenge of enhancing the capacity for sub-regional emergency response and contingency planning.²¹ Under section 4.5 (Principles of the Policy), the importance of awareness of the need to utilize existing DRM capabilities, including ECOWAS supporting international capacities and efforts in disaster risk reduction and management and the promotion of partnerships between ECOWAS and the international community, are recognized.²²</p>	<p>National Contingency Plan 2021</p> <p>ECOWAS Policy for Disaster Risk Reduction 2006</p>
<p>Are links to relevant sectoral legislation set out?</p> <p>From the documents reviewed, DRM-related laws in Mali do not appear to set out links to relevant sectoral legislation.</p>	
<p>Are links with relevant climate change law/policies and institutions established?</p>	<p>National Contingency Plan 2021</p>

¹⁷ National Contingency Plan (PNC) 2021, page 50.

¹⁸ PNC 2021, page 50.

¹⁹ ECOWAS Policy for Disaster Risk Reduction 2006, section 1.3.

²⁰ ECOWAS Policy for DRR 2006, page 16.

²¹ ECOWAS Policy for DRR 2006, section 2.2.5.

²² ECOWAS Policy for DRR 2006, section 4.5.

<p>Climate change is identified as a cross-cutting issue addressed under the framework of the PNC, highlighting that the response to floods and droughts is to be coordinated efforts between the Government and the relevant ministries.²³ More specifically, the Ministry of the Environment and its decentralized services, in particular the members of the National Committee for the Fight against Climate Change (CNCC).²⁴</p>	
<p>What constitutes a “disaster” under the DRM Law?</p> <p>The PNC defines the term ‘disaster’, as the result of perils that occur in a context of vulnerability, such that the economic and social organization of vulnerable communities is affected to the point of compromising their survival. A disaster is essentially a phenomenon, which interrupts the functioning of community organizations and practices.²⁵ The term ‘hazard’ is defined as a particular event that is likely to occur where its potential dimension distinguishes it from catastrophes and disasters that have actually occurred. The different categories of hazards are natural, economic, technological, health and political.²⁶ A</p> <p>How does the definition sit with international standards?</p> <p>In terms of international standards drawn from the United Nations Office for Disaster Risk Reduction (UNDRR), “disaster” is defined as “a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts”.²⁷ Therefore, the definition of “disaster” provided in the Malian DRM framework sits in line with international standards in terms of damage and disruption of the functioning of a community.</p> <p>Who is mandated on different types of hazards – tech/oil spills?</p> <p>The PNC provides a framework for response to four types of hazards, including floods, droughts, locust invasions, and epidemics.²⁸ It also identifies who is mandated on each type of hazard in terms of reduction of vulnerability, organization of relief operations and ensuring the necessary logistics.²⁹ In the case of floods and droughts, the coordination is to be between the Government through the Food Security Commission (its food crisis prevention and management department) and the Ministry of the Environment and its</p>	<p>National Contingency Plan 2021</p>

²³ PNC 2021, page 82-83.

²⁴ PNC 2021, page 82-83.

²⁵ PNC 2021, page 10.

²⁶ PNC 2021, page 10.

²⁷ UNDRR Terminology, [online glossary] Available in: <https://www.undrr.org/terminology>

²⁸ PNC 2021, section 7.3.

²⁹ PNC 2021, section 7.3.

<p>decentralized services, in particular the members of the CNCC / National Commission for the Prevention, Supervision and Monitoring of the Fight against flooding.³⁰</p> <p>In the case of locust invasions, the coordination at the national level is led by the Government through the National Locust Control Committee, while at the sectoral level it is delegated to the Ministry of Agriculture with the Plant Protection Office (OPV).³¹</p> <p>The PNC does not appear to outline who is mandated on tech/oil spills and other human-made disasters. Hazards of an epidemiological nature will be presented in further detail below (Section 6 on Public Health Emergencies).</p> <p>Is there flexibility in the definition to allow to adapt changing circumstances / different hazards (ie technological/ oil spill)</p> <p>The definition of “hazard” provided above allows for adaptability to changing circumstances and different types of hazards as it includes natural phenomena but also human-made hazards.</p>	
Roles and responsibilities	
<p>Do your laws establish clear roles and responsibilities for all aspects of DRM from national to local level?</p> <p>Decree n° 2015-0889/P-RM provides that the ORSEC plan is to be elaborated by the Minister in charge of Civil Protection and approved by the Council of Ministers.³² It is adopted and implemented at the municipal, local, regional, and national level.³³ At all levels, the ORSEC plan is based on the following structures: a Fixed Command Post, an Operations Command Post or Advanced Post, an Information and Public Relations Unit, and the Operational Groups.³⁴</p> <p>The Fixed Command Post appears to be the central body of the ORSEC plan, responsible for ensuring the necessary links with the Operations Command Post; centralizing information on the situation and monitoring its development; receiving requests for additional resources made by operational services; using the information collected and the instructions received; and organizing the changing of the teams engaged and their supply.³⁵</p>	<p>Decree n° 2015-0889/P-RM</p>

³⁰ PNC 2021, page 82-83.

³¹ PNC 2021, page 83.

³² Decree n° 2015-0889/P-RM, article 34.

³³ Decree n° 2015-0889/P-RM, article 16.

³⁴ Decree n° 2015-0889/P-RM, article 4.

³⁵ Decree n° 2015-0889/P-RM, article 5.

The Operations Command Post is installed near the scene of the incident and must ensure rapid, constant and efficient liaison with the Fixed Command Post and the operational groups.³⁶ Essentially, its missions consist of leading relief operations; collecting, centralizing and using information; disseminating information to higher level; requesting and sending to the scene the reinforcements deemed necessary.³⁷

The Information and Public Relations Unit is located as close as possible to the administrative authority, and responsible for informing the population, families and the press. It is made up of the communication officer and staff of the administrative authority.³⁸

The Operational Groups comprise the main operational bodies, placed under the authority of a manager appointed by the competent administrative authority.³⁹ It is made up of:

- the Rescue and Rescue Service, responsible for carrying out rescue operations, ensuring the care, evacuation and search of victims, and providing protection against the risk of an accident;⁴⁰
- the Police and Intelligence Service, responsible for coordinating the actions of the security forces within the framework the maintenance of order, the regulation of traffic, the preservation of property, the execution of requisitions and judicial investigations, the identification and evacuation of bodies, the referral of survivors to reception centres, the fight against theft, looting and speculation or any other offenses in the disaster area;⁴¹
- the Health and Medical Care Service, responsible for installing, if necessary, near the disaster sites, health posts, giving first medical aid and to carry out medical transport, providing psychological and psychosocial care for victims, and ensuring public health overall;⁴²
- the Liaison and Transmissions Service, whose mission is to ensure the transmission of messages, both within the disaster area, between the various services involved, and with the various command posts and higher levels;⁴³

³⁶ Decree n° 2015-0889/P-RM, article 6.

³⁷ Decree n° 2015-0889/P-RM, article 6.

³⁸ Decree n° 2015-0889/P-RM, article 7.

³⁹ Decree n° 2015-0889/P-RM, article 8.

⁴⁰ Decree n° 2015-0889/P-RM, article 9.

⁴¹ Decree n° 2015-0889/P-RM, article 10.

⁴² Decree n° 2015-0889/P-RM, article 11.

⁴³ Decree n° 2015-0889/P-RM, article 12.

- the Transport and Works Department, responsible for the provision and coordination of the necessary means of transport and civil engineering to provide for the special needs of other ORSEC services, ensuring the evacuation of populations from threatened areas, among other things;⁴⁴ and
- the Reception, Accommodation and Mutual Aid Service; mainly responsible for identifying reception and accommodation centres, ensuring the reception, orientation and accommodation of disaster victims, and ensuring the distribution of basic necessities.⁴⁵

In addition, the Council of Ministers adopted, in 2016, Decree n° 2016-0974/P-RM, establishing the creation, organization, attributions and operating modalities of the National Platform for Disaster Risk Reduction (PNRRC) in Mali. The PNRRC is set out as a national multi-sector analysis and advisory organization for the implementation of all prevention, preparation, mitigation and response actions in the event of disasters.⁴⁶ As such, it is responsible for:

- ensuring the implementation of the SNRRC;
- supporting the sustainable integration of the disaster risk prevention and reduction dimension in good governance policies, strategies, development plans, and poverty reduction programs;
- validating all national programs and projects in the field of disaster risk prevention and reduction;
- promoting collaboration between all the structures intervening in the field of disaster risks;
- facilitating the mobilization of the resources necessary for risk reduction programs and projects and for post-disaster reconstruction; and
- formulating useful recommendations, suggestions and advice on all matters relating to the proper functioning of the Platform.⁴⁷

In line with the ORSEC plan system, the PNRRC is composed by different bodies which operate at the national, regional, local and municipal levels.⁴⁸ These bodies will be presented in further detail below.

[Decree n° 2016-0974/P-RM](#)

⁴⁴ Decree n° 2015-0889/P-RM, article 13.

⁴⁵ Decree n° 2015-0889/P-RM, article 14.

⁴⁶ Decree n° 2016-0974/P-RM, article 1.

⁴⁷ Decree n° 2016-0974/P-RM, article 2.

⁴⁸ Decree n° 2016-0974/P-RM, article 3.

Is there a national inter-ministerial/multi-sectoral committee established and does it meet frequently enough to be effective? How does this committee function in preparedness, response, DRR and recovery?

At the national level, the PNRR is represented by the Interministerial Committee for DRR.⁴⁹ This committee was established through Decree n° 2016-0974/P-RM. The Interministerial DRR Committee is chaired by the Prime Minister, the Minister in charge of Civil Protection serves as the Permanent Secretary, and is composed by the following members:

[Decree n° 2016-0974/P-RM](#)

- the Minister in charge of Territorial Administration;
- the Minister responsible for Defence;
- the Minister in charge of Mines;
- the Minister in charge of Humanitarian Action;
- the Minister in charge of Justice;
- the Minister in charge of Decentralization;
- the Minister in charge of Finance;
- the Minister in charge of Agriculture;
- the Minister in charge of Livestock and Fisheries;
- the Minister in charge of National Education;
- the Minister in charge of Scientific Research;
- the Minister in charge of Equipment;
- the Minister in charge of Town Planning;
- the Minister in charge of Industry;
- the Minister in charge of Health;
- the Minister in charge of Energy and Water;
- the Minister responsible for the Environment;
- the Minister in charge of Spatial Planning;
- the Minister in charge of Family Promotion;
- the Minister in charge of Transport;
- the Minister in charge of Vocational Training; and

⁴⁹ Decree n° 2016-0974/P-RM, article 4.

<ul style="list-style-type: none"> the Food Safety Commissioner.⁵⁰ <p>As the highest decision-making body of the PNRR, the Interministerial DRR Committee is mainly responsible for ensuring the mobilization of resources for the implementation of the activities of the Platform; approving the annual programs and activity reports of the Platform; promoting the integration of the issue of disaster risk prevention and reduction in policies, strategies and plans at the national level; ensuring the monitoring and evaluation of the activities of the Platform; and formulating recommendations or suggestions and advice on all matters relating to the proper functioning of the Platform.⁵¹ It meets at least once a year and as needed when convened by its Chairman, who may also call on any other skills deemed necessary.⁵²</p> <p>Furthermore, in Decree n° 2017-0789/PM-RM establishes the composition and operation procedures of an Interministerial Committee for Crisis and Disaster Management. The Interministerial Committee for Crisis and Disaster Management includes representation of most relevant ministries outlined above⁵³ and meets when convened by its President or at the request of a sectoral ministry in the event of a crisis or disaster going beyond its sole area of intervention. The committee may call upon any person or structure whose contribution may be useful to it.⁵⁴</p>	<p>Decree n° 2017-0789/PM-RM</p>
<p>Does the national committee include membership from key agencies outside government (humanitarian, development, private, scientific etc)?</p> <p>As stated above, the Interministerial Committees includes representation from all relevant ministries and, although it does not appear to include permanent membership from key agencies outside government, the Chairman may appeal the engagement of other entities, if necessary.⁵⁵</p>	<p>Decree n° 2016-0974/P-RM</p>
<p>Does the law establish linkages between scientific, meteorological and hydrological institutions and disaster management agencies and how does this link with local community early warning systems?</p> <p>Although the national Interministerial DRR Committee of the PNRR includes representation of the Minister in charge of Scientific Research,⁵⁶ there do not appear to be linkages with other scientific, meteorological and hydrological institutions.</p>	<p>Decree n° 2016-0974/P-RM</p>

⁵⁰ Decree n° 2016-0974/P-RM, article 6.

⁵¹ Decree n° 2016-0974/P-RM, article 7.

⁵² Decree n° 2016-0974/P-RM, article 8.

⁵³ Decree n° 2017-0789/PM-RM, article 2.

⁵⁴ Decree n° 2017-0789/PM-RM, article 4.

⁵⁵ Decree n° 2016-0974/P-RM, article 8. Decree n° 2017-0789/PM-RM, article 2.

⁵⁶ Decree n° 2016-0974/P-RM, article 6.

<p>The PNC highlights that, as part of emergency preparedness and response, Crisis Watch Committees or Crisis Committees are set up at regional and local level. They bring together, under the coordination of the main authority of the level, all the actors involved, including experts in early warning systems (EWS), meteorology and hydrology, among others.⁵⁷</p>	<p>National Contingency Plan 2021</p>
<p>Has a national focal point agency for DRM with sufficient institutional authority to exercise effective leadership been assigned?</p> <p>From the documents available for review, it is not clear which entity is the national focal point for DRM in Mali, whether it is the Interministerial DRR Committee, the Interministerial Committee for Crisis and Disaster Management, or the DGPC.</p> <p>However, the Interministerial Committee for Crisis and Disaster Management appears to be the body with most DRM-specific attributions with a focus on coordination activities.⁵⁸ More specifically, it is responsible for:</p> <ul style="list-style-type: none"> • organizing and coordinating the interministerial management of crises and disasters; • declaring a state of municipal, local, regional or national crisis or disaster; • providing human, material, health and food resources; • validating the various requisitions and approving the services provided; • programming and validating interministerial simulation exercises; • producing the intervention report in the event of a crisis or disaster; • analysing relevant information of a security, social and economic nature, including reactions and positions taken at the international level having repercussions on the national situation; and • soliciting national and international support.⁵⁹ <p>The Minister for Civil Protection coordinates the various ministries that may be involved in crisis and disaster management within the interministerial centre.⁶⁰</p>	<p>Decree n° 2017-0789/PM-RM</p>
<p>Apply the same questions above to subnational committees (inter-ministerial and cross sectorial committees, including membership outside government).</p>	

⁵⁷ PNC 2021, page 60.

⁵⁸ Decree n° 2017-0789/PM-RM, article 3.

⁵⁹ Decree n° 2017-0789/PM-RM, article 3.

⁶⁰ Decree n° 2017-0789/PM-RM, article 6.

<p>As stated above, the DRR Committees forming the PNRRC are established at all levels. At the regional level, the PNRRC is represented by a Regional DRR Committee. The Regional DRR Committee is responsible for, among others, ensuring the mobilization of resources for the implementation of the activities of the Regional DRR Committee; approving the programs and annual activity reports of the Regional DRR Committee; promoting the integration of the issue of disaster risk prevention and reduction in policies, strategies and plans at the regional level.⁶¹ It meets at least twice a year and as needed when convened by its Chairman,⁶² and it includes representation from each non-governmental organization (NGO) operating in the field, aside from representatives from the Ministry of Civil Protection, the military, national police and national guard corps and the Gendarmerie.⁶³</p> <p>At the local and municipal levels, the Local DRR Committee and the Municipal DRR Committee are responsible for carrying out the same activities as the regional and the national DRR Committees at their own levels of authority.⁶⁴ The Local DRR Committee meets at least three times a year and as needed when convened by its Chairman,⁶⁵ while the Municipal DRR Committee meets at least four times a year and as needed when convened by its Chairman.⁶⁶ Both the Local and the Municipal DRR Committees are composed by the same representatives as those of the Regional DRR Committee, including one representative per NGO operating in the field, and a representative of the Technical and Financial Partners (TFP).⁶⁷</p> <p>All of the above may call upon, if necessary, any other skills deemed necessary.⁶⁸</p> <p>In addition, Decree n° 2015-0889/P-RM provides that the ORSEC plan is to be adopted and implemented at the municipal, local, regional, and national level.⁶⁹ At all levels, the ORSEC plan is based on the following structures: a Fixed Command Post, an Operations Command Post or Advanced Post, an Information and Public Relations Unit, and the Operational Groups.⁷⁰</p>	<p>Decree n° 2016-0974/P-RM</p>
<p>How do such committees coordinate with other committees/processes, both in terms of horizontal coordination (across different committees at the same level), and vertical coordination (across committees at different levels of government)?</p>	

61 Decree n° 2016-0974/P-RM, article 10.
62 Decree n° 2016-0974/P-RM, article 11.
63 Decree n° 2016-0974/P-RM, article 13.
64 Decree n° 2016-0974/P-RM, articles 15 and 20.
65 Decree n° 2016-0974/P-RM, article 16.
66 Decree n° 2016-0974/P-RM, article 21.
67 Decree n° 2016-0974/P-RM, articles 13, 18 and 23.
68 Decree n° 2016-0974/P-RM, articles 18 and 23.
69 Decree n° 2015-0889/P-RM, article 16.
70 Decree n° 2015-0889/P-RM, article 4.

<p>The coordination processes established among the DRR committees appear to be classic vertical coordination. The Interministerial DRR Committee ensures the monitoring and evaluation of the overall activities of the PNRRC.⁷¹ The Regional DRR Committee coordinates the activities of local and municipal committees, and regularly reports its activities to the President of the PNRRC.⁷² The Local DRR Committee coordinates the activities of the Municipal DRR Committee and reports to the President of the Regional DRR Committee.⁷³ And lastly, the Municipal DRR Committee only reports its activities to the Local DRR Committee.⁷⁴</p>	<p>Decree n° 2016-0974/P-RM</p>
<p>Are national /subnational institutions consistently assigned clear responsibilities and authorities to carry out their mandate?</p> <p>The extent to which specific roles and responsibilities of DRM institutions at the national and sub-national levels have already been outlined above.</p>	
<p>Are roles and responsibilities between civilian and military actors for disaster response clearly articulated in law/regulation/policy?</p> <p>As stated above, the National Police corps, the National Guard, and the Gendarmerie form one of the key operational groups in the implementation of the ORSEC plan. More specifically, the Police and Intelligence Service are responsible for coordinating the actions of the security forces within the framework the maintenance of order, regulating traffic, contributing to the preservation of property, the execution of requisitions and judicial investigations, the identification and evacuation of bodies, the referral of survivors to reception centres, the fight against theft, looting and speculation or any other offenses in the disaster area.⁷⁵</p> <p>Furthermore, the health care and medical services group may require the human and material resources of civilians and the military. The main responsibilities of this operational group include the Health and Medical Care Service, responsible for installing, if necessary, near the disaster sites, health posts, giving first medical aid and to carry out medical transport, providing psychological and psychosocial care for victims, and ensuring public health overall.⁷⁶ However, the documents available for review do not appear to clearly articulate the roles and responsibilities of civilian actors in disaster response.</p>	<p>Decree n° 2015-0889/P-RM</p>

⁷¹ Decree n° 2016-0974/P-RM, article 7.
⁷² Decree n° 2016-0974/P-RM, article 10.
⁷³ Decree n° 2016-0974/P-RM, article 15.
⁷⁴ Decree n° 2016-0974/P-RM, article 20.
⁷⁵ Decree n° 2015-0889/P-RM, article 10.
⁷⁶ Decree n° 2015-0889/P-RM, article 11.

Funding	
How does the law allocate funding distribution between risk reduction, preparedness and response?	
<p>The DRM-related laws reviewed for the purpose of this mapping do not appear to clearly set out funding mechanisms for DRM. However, it is highlighted in the PNC that its national nature does not in any way mean a national centralization of the resources necessary for its implementation.⁷⁷ On the contrary, each level of responsibility in the implementation of the PNC is also responsible for the mobilization of the resources necessary for the execution of the commitments and activities, in particular those relating to the preparation and implementation of response plans aimed at to support affected populations.⁷⁸ Nevertheless, the different levels (national, regional, local/decentralised) must interact with each other to ensure first of all a consequent mobilization of the necessary financial resources and then guarantee a coherent and united allocation of these resources with regard to the priorities identified in the PNC. This implies major efforts at transparency, essential to overcome any competition for access to financial resources.⁷⁹</p>	National Contingency Plan 2021
Does the legislation establish mechanisms to ensure that dedicated funding would be available in the event of a disaster?	
<p>According to the information provided in the PNA regarding the institutional capacities in Mali, the Ministry of Economy and Finances has a Contingency Fund.⁸⁰ However, limited information could be located relating to this Contingency Fund. From the documents reviewed, laws and policies in Mali do not appear to establish mechanisms to ensure dedicated DRM funding.</p>	National Contingency Plan 2021
Are financial reserves and/or insurance coverage in place?	
<p>Limited information could be located online relating to financial reserves for DRM. From the documents reviewed, laws and policies in Mali do not appear to contain provisions that establish financial reserves and insurance coverage mechanisms.</p>	
Does the law set mechanisms for funding for early action based on forecasts (not impact)?	
<p>As stated above, there is little information on funding for DRR/DRM and early action specifically and, from the documents reviewed, the law does not appear to establish specific mechanisms for such funding.</p>	

⁷⁷ PNC 2021, page 90.

⁷⁸ PNC 2021, page 90.

⁷⁹ PNC 2021, page 90.

⁸⁰ PNC 2021, page 26.

<p>Are adequate resources for DRR allocated, through mechanisms such as development plans earmarking percentages in annual budgets; dedicated budget lines?</p> <p>Decree n° 2015-0889/P-RM provides in article 39 that the financing of the ORSEC Plan simulation exercises is provided by the national budget or any other source.⁸¹ As per article 40, a joint order of the Ministers in charge of Finance and Civil Protection determines the financing methods provided for this purpose.⁸² The operationalization of the PNRR is also provided by the national budget as established in Decree n° 2016-0974/P-RM.⁸³</p>	<p>Decree n° 2015-0889/P-RM</p> <p>Decree n° 2016-0974/P-RM</p>
<p>Are resources allocated to enable sub-national authorities and civil society/communities to fulfil their responsibilities?</p> <p>Aside from what has been set out above, there are no provisions setting out fund allocation for sub-national authorities and civil society/communities.</p>	
<p>Is disaster insurance and/or risk finance mechanisms available?</p> <p>No information could be located on this topic in from the documents reviewed online.</p>	
<p>Are funding mechanisms for recovery mandated?</p> <p>From the documents reviewed, laws and policies do not appear to specify whether funding mechanisms for recovery are mandated in Mali.</p>	
<p>2. Disaster Risk Reduction</p>	
<p>Do your country's relevant sectoral laws include provisions to reduce existing risks and prevent the creation of new risks?</p> <p>Various sectoral laws and policies which contain provisions related to DRR have been found. These documents include mainly environmental management laws, urban planning and infrastructure laws, and national adaptation plans. Some sectoral laws will be presented in further detail below.</p>	

⁸¹ Decree n° 2015-0889/P-RM, article 39.

⁸² Decree n° 2015-0889/P-RM, article 40.

⁸³ Decree n° 2016-0974/P-RM, article 25.

<p>Are there provisions related to DRR in the DRM Law?</p> <p>The PNRRC was specifically established under the framework of supporting the sustainable integration of DRR in good governance policies, strategies, development plans, and poverty reduction programs; developing national programmes in the field of DRR; and facilitating resource mobilisation for such DRR programmes.⁸⁴ Thus, the PNRRC and its subnational committees form a platform dedicated to DRR.</p> <p>The PNC defines ‘disaster risk prevention’ as a term that implies actions and measures implemented before a disaster in order to reduce its effects at the national or local level.⁸⁵ In this sense, prevention encompasses actions that are often considered part of the disaster preparedness phase.⁸⁶ However, in order to plan disaster management, the distinction is often made between prevention and preparedness. Prevention refers to long-term risk reduction measures intended to minimize the effects of a disaster by reducing either the intensity of the risk or the vulnerabilities that would otherwise be revealed in a disaster.⁸⁷</p> <p>In addition, the PNC is based on two pillars of intervention which constitute the overall purpose of the plan. These include: reducing the risks of non-anticipation and inaction, and building the capacity to cope with shocks and disasters.⁸⁸ Therefore, DRR is a central element to the Malian DRM framework.</p>	<p>Decree n° 2016-0974/P-RM</p> <p>National Contingency Plan 2021</p>
<p>Is there duplication or conflicting provisions between laws on DRR?</p> <p>In general, from the information accessible online, laws and policies in Mali appear to be aligned with each other in terms of DRR action. They reinforce (rather than contradict) each other’s vision and strategic priorities for investment in DRR and its promotion and integration in sectoral laws and/or policies to build resilience.</p>	
<p>Environment</p>	
<p>Are natural hazards and climate change risks addressed in laws related to the environment?</p>	

⁸⁴ Decree n° 2016-0974/P-RM, article 2.

⁸⁵ PNC 2021, page 10.

⁸⁶ PNC 2021, page 10.

⁸⁷ PNC 2021, page 10.

⁸⁸ PNC 2021, page 9.

<p>Law n° 91-47/AN-RM provides the framework relating to environmental protection in Mali. However, this law is mainly focused on waste management and prevention of water and air pollution, and it does not appear to address natural hazards and climate change risks directly.</p> <p>In 2009, the National Policy for the Protection of the Environment (PNPE) was adopted. This policy aims at ensuring a safe and healthy sustainable development for all Malians by safeguarding the environment.⁸⁹ It constitutes a planning and management framework to deal with specific environmental issues. The document notably seeks to 1) promote the use of renewable energy sources, especially in rural areas, 2) reinforce human capabilities, and 3) improve means to fight against desertification.⁹⁰ Although droughts and desertification are addressed in the PNPE, other natural hazards or climate change risks do not appear to be included in the framework.</p>	<p>Law n° 91-47/AN-RM, Environmental Protection Framework</p> <p>National Policy for the Protection of the Environment 2009</p>
<p>Is DRR a criterion included in EIA for planned development?</p> <p>The most recent law establishing a framework for EIAs appears to be Decree n° 2018-0991/P-RM (the EIA Regulations). Article 3 defines ‘environmental and social impact assessments’ (ESIA) as the process of identification, description and assessment of the effects of projects on people, fauna and flora, soil, water, air, climate and landscape, including the interactions between these factors, cultural, socio-economic heritage and other material goods.⁹¹ Furthermore, ‘mitigation measures’ are defined as the set of measures and actions planned to reduce or eliminate the effects of the project's negative impacts on the environment. Today, these terms are mainly used in connection with the fight against climate change.⁹² As per article 2 provides that the objectives of conducting EIAs are:</p> <ul style="list-style-type: none"> • the prevention of the degradation of the environment and the deterioration of the quality of the living environment of the populations following the implementation of the projects; • the integration of issues related to climate change (mitigation and adaptation) in the various project development phases; • the reduction and/or repair of the damage caused to the environment by the application of measures to attenuate, compensate or correct the harmful effects resulting from the implementation of the projects; • the optimization of the balance between economic, social, cultural and environmental development; 	<p>Decree n° 2018-0991/P-RM, Environmental and Social Impact Assessments</p>

⁸⁹ National Policy for the Protection of the Environment (PNPE) 2009, page 1.

⁹⁰ PNPE 2009, page 1.

⁹¹ Decree n° 2018-0991/P-RM, article 3.

⁹² Decree n° 2018-0991/P-RM, article 3.

<ul style="list-style-type: none"> • the participation of the populations and organizations concerned in the various phases of the projects; and • the provision of information relevant to decision-making.⁹³ <p>The EIA Regulations classify the projects into three categories, based on the importance of their negative environmental and social impacts.⁹⁴ Article 30 establishes that the Minister in charge of the Environment may exempt a project from an ESIA when the realization of this project aims to repair or prevent damage caused to the environment by a natural or technological disaster.⁹⁵</p>	
<p>Are eco- systems approaches to DRR adopted?</p> <p>Explicit provisions on eco-systems approaches to DRR could not be found. However, the PNPE provides that the conservation and management of natural resources and the environment is an absolute priority for the Government of Mali and constitutes the basis for sustainable socio-economic development.⁹⁶ The PNPE is guided by a number of fundamental principles, including the principle of prevention and precaution.⁹⁷ In order to reduce the effects of degradation, desertification and/or drought, it promotes the development and support of the implementation of participatory programs for the management of natural resources through regional land use plans and the village land development and management plan.⁹⁸</p> <p>Furthermore, Law n° 2018-036 establishes the principles for the management of wildlife and habitat. Although no ecosystems approach to DRR appears to be provided, article 65 states that in the event of a natural calamity, wild animals must be assisted by the State, local authorities and citizens.⁹⁹</p> <p>Lastly, the National Climate Change Policy (PNCC) 2011 appears to be the main strategic document for climate change action in Mali, the objective of which is to contribute to the fight against poverty and to sustainable development by providing appropriate solutions to the challenges related to climate change so that they do not become a limiting factor for socioeconomic development.¹⁰⁰ One of the strategic objectives of the PNCC aims to strengthen the adaptive capacity and resilience of, among others, ecological systems in the face of the effects of climate change by integrating adaptation measures.¹⁰¹</p>	<p>National Policy for the Protection of the Environment 2009</p> <p>Law n° 2018-036 establishes the principles for the management of wildlife and habitat</p> <p>National Climate Change Policy 2011</p>

⁹³ Decree n° 2018-0991/P-RM, Environmental and Social Impact Assessments, article 2.

⁹⁴ Decree n° 2018-0991/P-RM, article 4.

⁹⁵ Decree n° 2018-0991/P-RM, article 30.

⁹⁶ PNPE 2009, page 1.

⁹⁷ PNPE 2009, page 1.

⁹⁸ PNPE 2009, page 2.

⁹⁹ Law n° 2018-036, Principles for the management of wildlife and habitat, article 65.

¹⁰⁰ National Climate Change Policy (PNCC) 2011, page 17.

¹⁰¹ PNCC 2011, page 17.

Natural Resource Management and Fire Control	
<p>Are there provisions aimed at reducing the risk of water related hazards?</p> <p>Although water-related hazards appear to be included in the Malian DRM framework, DRM laws in Mali do not appear to contain provisions aimed at reducing the risk of water related hazards explicitly. However, the PNC identifies floods as one of the main risks faced in the country, including all the secondary effects that they involve (waterborne diseases, damage of infrastructure, etc.).¹⁰² Moreover, the PNC provides a response framework for each specific type of hazard. In the event of floods, the emergency is declared by the Government, through the Ministry of Security and Civil Protection based on information obtained on the amounts of rainfall recorded, the number of concessions under water, the number of victims, etc.¹⁰³ The general objective is to enable the State to provide an appropriate response to floods in order to minimize the loss of human life and damage to property and the environment.¹⁰⁴ The specific objectives are, among other things, to shelter the disaster victims, to meet immediate food needs, to secure populations and property and to mitigate the negative effects on the environment.¹⁰⁵ In terms of prevention, the PNC provides that the risk of flooding can be minimized by reinforcing certain dams.¹⁰⁶</p> <p>In addition, Law n° 02-006 establishes the Water Code. Article 19 provides that groundwater withdrawals cannot be made without authorization, except for domestic uses not exceeding a volume threshold set by decree taken by the Council of Ministers and not presenting any risk of pollution of the resource.¹⁰⁷ Thus, withdrawals of such importance that they are likely to present dangers to public health and safety, to harm very significantly the free flow of water, to reduce the water resource, to increase in particular the risk of flooding, to seriously affect the quality or diversity of the aquatic environment are subject to the regime of the concession.¹⁰⁸</p> <p>Chapter III, section 2 of the Water Code is dedicated to defining provisions for the fight against floods. Article 33 states that the administration in charge of water is responsible, with the participation, if necessary, of the local authorities concerned, for the realization of works of protection against floods when these works are of public nature,¹⁰⁹ as well as for forecasting and announcing</p>	<p>National Contingency Plan 2021</p> <p>Law n° 02-006, Water Code</p>

¹⁰² PNC 2021, page 23.

¹⁰³ PNC 2021, page 81.

¹⁰⁴ PNC 2021, page 81.

¹⁰⁵ PNC 2021, page 81.

¹⁰⁶ PNC 2021, page 10.

¹⁰⁷ Law n° 02-006, Water Code, article 19.

¹⁰⁸ Law n° 02-006, article 19.

¹⁰⁹ Law n° 02-006, article 33.

<p>floods.¹¹⁰ Furthermore, no hydraulic works for the prevention of floods, no plantation or obstacle can be carried out without prior authorization from the administration in charge of water,¹¹¹ and they shall always be subject to periodic inspection.¹¹² Lastly, on flood protection dykes, it is forbidden to build, to leave any structures or obstacles in existence or to carry out any activity whatsoever, likely to degrade these dykes and harm the flow of water.¹¹³</p>	
<p>Is forest or urban fire prevention and management linked with DRM laws and institutions?</p> <p>The PNC highlights that climate change and variability are largely responsible for the resurgence of bushfires in the country. The consequences of these fires are inestimable, including reducing organic matter to ash, which makes the soil vulnerable to erosion.¹¹⁴ Fires also change the face of the natural landscape, favouring the establishment of herbaceous plants, especially annual grasses, to the detriment of perennials. This, in turn, affects the composition and floristic quality and considerably reduces the pastoral value of fodder.¹¹⁵ Bushfires also cause habitat degradation, the death of an invaluable number of small game animals, and the migration, not without problems, of large mammals.¹¹⁶ However, from the documents reviewed in forest management, including Law n° 86-42/AN-RM, which establishes the Forestry Code, and the National Forest Policy of 1982, laws and policies in Mali do not appear to contain provisions relating to forest/urban fire prevention or any links with DRM laws and institutions.</p>	<p>Law n° 86-42/AN-RM, Forestry Code</p> <p>National Forest Policy 1982</p> <p>National Contingency Plan 2021</p>
Land Use Planning and Urban Development and Building	
<p>Is coordination with DRM institutions and mechanisms promoted?</p> <p>Although clear coordination mechanisms between DRM and urban planning institutions do not appear to be promoted in the documents available for review, the Interministerial DRR Committee of the PNRRC includes a representative from the Ministry in charge of Urban Planning.¹¹⁷</p>	<p>Decree n° 2016-0974/P-RM</p>

¹¹⁰ Law n° 02-006, article 38.

¹¹¹ Law n° 02-006, article 36.

¹¹² Law n° 02-006, article 39.

¹¹³ Law n° 02-006, article 37.

¹¹⁴ PNC 2021, page 24.

¹¹⁵ PNC 2021, page 24.

¹¹⁶ PNC 2021, page 24.

¹¹⁷ Decree n° 2016-0974/P-RM, article 6.

<p>Are building codes and land use planning regulations updated and priority given to tical infrastructure such as schools, hospitals and other public buildings?</p> <p>Law n° 02-016 establishes the general regulations for urban planning. However, these regulations do not appear to contain specific provisions on building codes for disaster-resistant buildings or prioritization to public infrastructure.</p>	<p>Law n° 02-016, Urban Planning Regulations</p>
<p>Are incentives / legal sanctions established, where appropriate, in cases of non-compliance leading to unsafe buildings or developments?</p> <p>Law n° 02-016 establishes in terms of article 32 that urban planning operations are carried out according to a regulatory procedure aimed at ensuring their quality and preserving the environment and the quality of life of the urban population.¹¹⁸ As per article 55, manufacturers, workshops, factories, stores, construction sites and all industrial or commercial establishments which present causes of danger or inconvenience either for the safety, health or convenience of the neighbourhood, or for public health or for the environment, or still for agriculture, are called dangerous, unhealthy or inconvenient establishments.¹¹⁹ As such, they are subject to the supervision of the administrative authority under the conditions determined by the regulations in force.¹²⁰</p> <p>Failure to obtain the authorization or to comply with the transactions enacted by this authorization shall result in the cancellation of the transaction and the demolition of the works, without prejudice to the penalties provided for by the regulations in force.¹²¹ Therefore, although incentives for safe building construction do not appear to be provided, the Urban Planning regulations clearly establish legal sanctions in cases of non-compliance with the regulations which can potentially lead to the construction of unsafe buildings.</p>	<p>Law n° 02-016, Urban Planning Regulations</p>
Climate Change	
<p>Are links between NAPs and other climate related processes made with DRM framework?</p> <p>The PNCC aims to facilitate better integration of climate challenges into sectoral socio-economic development policies and strategies and into planning processes at national and territorial level; to strengthen the adaptive capacity of populations and the resilience of ecological systems, economic systems and social systems in the face of the effects of climate change (CC) by integrating adaptation measures primarily in the most vulnerable sectors; and to strengthen capacities for the prevention and management of risks and</p>	<p>National Climate Change Policy 2011</p>

¹¹⁸ Law n° 02-016, Urban Planning Regulations, article 32.
¹¹⁹ Law n° 02-016, article 55.
¹²⁰ Law n° 02-016, article 55.
¹²¹ Law n° 02-016, article 63.

<p>natural disasters, among other things.¹²² In terms of prevention and management of disaster risks, and particularly droughts, floods and locust invasions, the PNCC includes a strategic axis focused on strengthening the existing EWS as well as risk insurance mechanisms on people and property.¹²³ Action priorities will be defined with reference to the Hyogo Framework for Action (HFA) and the ECOWAS Disaster Risk Reduction Policy. To ensure greater efficiency in disaster management, the coordination of the interventions of the various actors, including those of the TFPs, will be strengthened.¹²⁴</p> <p>No additional links with specific instruments from the DRM framework appear to be provided.</p>	
<p>Are DRM national laws including elements relating to climate change adaptation?</p> <p>From the documents reviewed, the Malian DRM framework does not appear to include elements relating to climate change adaptation (CCA). However, the PNC identifies CC as a root-cause of the natural hazards addressed under the DRM framework, including droughts, floods and locust invasions.¹²⁵ Moreover, the PNC attributes the occurrence and resurgence of bushfires to CC.¹²⁶</p>	<p>National Contingency Plan 2021</p>
<p>Are DRM national laws formally endowing high-level governmental authorities and/or territorial administrations with the duty to harmonize implementing activities and promote climate change adaptation-DRR coordination, policies and plans?</p> <p>In Mali, a number of projects have been developed in recent years to create synergies between CCA processes and DRM, as well as with other sectoral activities. In order to ensure the effective implementation of each project, steering committees have been established through ministerial orders. Some examples of such committees are:</p> <ul style="list-style-type: none"> • the National Steering Committee on Climate Risks and Flood Management;¹²⁷ • the National Steering Committee of the Project ‘Intensifying resilience to climate change through integrated agricultural and pastoral management in the Sahelian zone as part of the sustainable land management approach’;¹²⁸ • the National Steering Committee of the Project for the strengthening of resilience to food insecurity;¹²⁹ 	<p>Order n° 2017-3581/MEADD-SG</p> <p>Order n° 2016-2223/MEADD-SG</p> <p>Decree n° 2016-0102/P-RM</p>

¹²² PNCC 2011, page 17.

¹²³ PNCC 2011, page 19.

¹²⁴ PNCC 2011, page 19.

¹²⁵ PNC 2021, page 21.

¹²⁶ PNC 2021, page 24.

¹²⁷ Order n° 2017-3581/MEADD-SG.

¹²⁸ Order n° 2016-2223/MEADD-SG.

¹²⁹ Decree n° 2016-0102/P-RM.

- the National Steering Committee of the Project ‘Strengthening the Resilience of Groups of Women Producers and Communities Vulnerable to Climate Change’;¹³⁰
- the National Steering Committee of the Project ‘Disaster Risk Management and Adaptation to Climate Change’;¹³¹ and
- the National Climate Change Committee of Mali (CNCCM).¹³²

Of relevance to CCA-DRM coordination is the Steering Committee for the DRM and CCA Project, established through Order n° 2013-2374/MSIPC-SG, responsible for guiding the implementation, monitoring, and evaluation of the project, ensuring consistency of actions and the effective participation of all stakeholders, and managing annual budgets draw up by the project.¹³³ The Project on DRM and CCA has as its overall objective to assist the Government in the implementation of coherent DRM and CCA strategies within a framework that optimizes coordination and commitment of stakeholders with material capacity building.¹³⁴

However, the focal point for coordination of CCA efforts overall in Mali appears to be the CNCCM, a multisectoral agency created under the Ministry of the Environment, working around five thematic groups which include: CCA including risks and disasters; mitigation, reduction of greenhouse gas emissions, fight against deforestation; technology transfer; funding; and capacity building.¹³⁵ The CNCCM includes representation from the directorates of all ministries concerned, including that of the DGPC.¹³⁶ Although the CNCCM may intervene in all matters related to CC, specific actions within its mandate include the following:

- work to implement the obligations related to the United Nations Framework Convention on Climate Change (UNFCCC) and any multilateral or bilateral agreement relating to climate change;
- contribute to the search for funding related to the implementation of the UNFCCC at the national and international levels;
- prepare Mali's participation in conferences and other meetings relating to climate change;
- organize the restitution of the results of conferences, meetings and other activities;
- promote the development of synergy with other conventions, in particular the Convention on Biological Diversity and the Convention to Combat Desertification;
- promote the strengthening of national capacities in the field of climate change; and

[Order n° 2016-0062/MEADD-SG](#)

[Order n° 2013-2374/MSIPC-SG](#)

[Decree n° 2011-107-PM-RM](#)

[Disaster Risk Management and Climate Change Adaptation Project](#)

¹³⁰ Order n° 2016-0062/MEADD-SG.

¹³¹ Order n° 2013-2374/MSIPC-SG.

¹³² Decree n° 2011-107-PM-RM.

¹³³ Order n° 2013-2374/MSIPC-SG, article 3.

¹³⁴ Disaster Risk Management and Climate Change Adaptation Project, page 2.

¹³⁵ Decree n° 2011-107-PM-RM, article 6.

¹³⁶ Decree n° 2011-107-PM-RM, article 3.

<ul style="list-style-type: none"> provide the National Council for the Environment with information and advice on all issues relating to climate change. The Committee may intervene in all other matters related to climate change.¹³⁷ 	
<p>Are DRM national laws favouring information-sharing between the two sectors and/or complementarity between financial instruments relating to any thematic issue with some relevance for DRM and climate adaptation?</p> <p>As stated above, the PNCC promotes the strengthening of research for the development, popularization and transfer of technologies, and the generation of appropriate information and data.¹³⁸ To this end, taking into account that the development and transfer of innovative technologies are important tools for dealing with CC, the policy encourages South-South and North-South cooperation in terms of knowledge transfer and research initiatives adapted to the socio-economic context of the country.¹³⁹</p> <p>However, limited information could be located in the DRM framework and the climate change (CC) framework relating to information-sharing mechanisms and financial complementarity between the two sectors.</p>	<p>National Climate Change Policy 2011</p>
<p>Are DRM national laws creating or tasking specific advisory bodies with climate change adaptation competence supporting the work of DRR national committees or authorities?</p> <p>As stated above, climate change is identified as a cross-cutting issue addressed under the framework of the PNC, highlighting that the response to floods and droughts is to be coordinated efforts between the Government and the relevant ministries,¹⁴⁰ specifically, the Ministry of the Environment and its decentralized services, in particular the members of the National Committee for the Fight against Climate Change (CNCC).¹⁴¹ The Minister responsible for the Environment is also a member of the DRR Interministerial Committee, as outlined above.</p>	
<p>Are sectoral laws and policies with relevance for DRR/M favouring institutional and cross-sectoral coordination with institutions, agencies and stakeholders responsible for climate change?</p> <p>As stated above, Mali has created numerous projects favouring institutional and cross-sectoral coordination, and more specifically between CC action and the sectors responsible for agricultural production, DRM action and food security. In addition, the PNCC</p>	<p>National Climate Change Policy 2011</p>

¹³⁷ Decree n° 2011-107-PM-RM, article 2.

¹³⁸ PNCC 2011, page 6.

¹³⁹ PNCC 2011, page 20-21.

¹⁴⁰ PNC 2021, page 82-83.

¹⁴¹ PNC 2021, page 82-83.

<p>promotes the integration of CC into sectoral policies and strategies and into development planning at national and territorial level,¹⁴² taking into account that CC is inseparable from other development issues insofar as investments in the various sectors will determine the capacity to adapt to the impacts of CC.¹⁴³ This will make it possible to better anticipate the actions to be taken in the fight against CC, but also to better plan the allocation of national budgetary resources and those of local authorities. To do this, research and the use of appropriate tools and instruments for the integration of climate aspects into planning processes will be encouraged.¹⁴⁴</p>	
<p>Are law and policies with relevance for DRR/M built on available science and practice on both present and future climate risk trends and patterns (i.e. climate-smart)?</p> <p>Limited information could be located regarding the scientific and/or empirical basis of the documents reviewed.</p>	
<p>Are national DRR strategies and planning activities considering climate change adaptation perspectives, especially in terms of infrastructure and human settlements, and the development of a methodology to identify risks drivers which consider climate change patterns?</p> <p>As stated above, DRM documents in Mali do not appear to include elements relating to CCA.</p>	
Disaster Risk Assessments	
<p>Do your country's laws establish clear procedures and responsibilities for conducting risk assessments and ensuring that risk information is considered in development processes?</p> <p>The PNC provides that preparing for disasters means being ready to prevent, mitigate, and respond to them when they occur. In this way, both potential victims and external support organizations at all levels, from local to international, can be prepared.¹⁴⁵ As such, disaster preparedness is an essential development strategy, which includes, for example, the formulation of viable emergency plans, the development of early warning systems (EWS), the permanent updating of existing risks, available resources and capacities and the training of personnel.¹⁴⁶ After the disaster has occurred, it involves an assessment of damage and needs in order to respond in a realistic and practical way.¹⁴⁷</p>	<p>National Contingency Plan 2021</p>

¹⁴² PNCC 2011, page 6.

¹⁴³ PNCC 2011, page 18.

¹⁴⁴ PNCC 2011, page 18.

¹⁴⁵ PNC 2021, page 11.

¹⁴⁶ PNC 2021, page 11.

¹⁴⁷ PNC 2021, page 11.

<p>Are regular hazard and vulnerability mapping and risk assessments required, including both disaster and climate risks and are these tasks clearly assigned to appropriate authorities?</p> <p>Although hazard, vulnerability and risk assessments are promoted to inform disaster preparedness, response, recovery and development, it is not clearly stated whether such assessments are “required” by laws and policies, and how often they should be conducted.</p>	
<p>Are at risk communities, civil society as well as private sector involved in the risk assessment process and informed of the outcomes?</p> <p>Limited information could be located online relating to the involvement of civil society and private sector actors in risk assessment processes. From the documents reviewed, laws and policies in Mali do not appear to contain provisions on risk assessments conducted by civil society/private sector, or about information-sharing on risks and vulnerabilities with such actors.</p>	
<p>Do laws/regulations require sex and age disaggregated data (SADD) to be collected to inform risk and needs assessment?</p> <p>As stated above, no clear procedures or methodologies for undertaking hazard, vulnerability and risk assessments are provided. As a consequence, limited information could be located online relating to the collection of SADD. From the documents reviewed, laws and policies in Mali do not appear to contain provisions on the collection of SADD (or any other type of data) to inform risk and needs assessment processes.</p> <p>However, the framework for contingency planning provided in the PNC outlines a number of aspects to take into consideration. These include gender and age aspects in the collection of data of affected populations, and more specifically the number of people affected by age and gender; the total number of hectares of crops damaged by floods owned by women or women's groups; the number of young people leaving for rural exodus following the crisis; the number of food insecure women; and the number of malnourished children.¹⁴⁸</p>	<p>National Contingency Plan 2021</p>
<p>Is it mandatory to consider risk information in development planning, budgetary allocation and construction?</p> <p>Limited information could be found on this point. However, the EIA Regulations establish that all projects, whether public or private, consisting of works, developments, constructions or other activities in the industrial, energy, agricultural, mining, artisanal,</p>	

¹⁴⁸ PNC 2021, page 42.

<p>commercial or transport, telecommunications and hydrocarbons whose production is likely to harm the environment, are subject to an environmental and social impact study or an environmental and social impact notice.¹⁴⁹</p> <p>As per the Urban Planning Regulations, urban planning operations are carried out according to a regulatory procedure aimed at ensuring their quality and morality and preserving the environment and the quality of life of the urban populations concerned and those affected by their effects.¹⁵⁰</p>	<p>Decree n° 2018-0991/P-RM, Environmental and Social Impact Assessments</p> <p>Law n° 02-016, Urban Planning Regulations</p>
3. Preparedness and Response	
Early Warning Systems (EWS)	
<p>Are responsibilities for all steps of the early warning process from assessing the hazard, to making decisions to issue warnings, to initiating early action, clearly assigned in law?</p> <p>Limited information could be found relating to specific early warning systems and processes in Mali.</p> <p>From the documents reviewed, DRM laws and policies in Mali do not appear to set out responsibilities for all steps of the early warning process. However, the PNC identifies key actors involved in early warning processes for different types of hazards (floods, droughts, locust invasion and epidemics).¹⁵¹ Moreover, it outlines key actions to be undertaken during the pre-disaster phase. These include providing, through the various indicators of the early warning and monitoring systems, elements to prepare for the imminence of the crisis; training sector units to assess the situation and initiate response; sensitizing the community concerned to the arrival of the disaster; and storing sufficient equipment to rescue at least 500 people in risk areas.¹⁵² In order to strengthen EWS in Mali, the PNC promotes, among others, the following actions:</p> <ul style="list-style-type: none"> • building capacity in the areas of surveys, database management, market monitoring, data publication and dissemination techniques, remote sensing and information systems, and geographical information; • strengthening data collection capacities; and 	<p>National Contingency Plan 2021</p>

¹⁴⁹ Decree n° 2018-0991/P-RM, article 5.

¹⁵⁰ Law n° 02-016, article 32.

¹⁵¹ PNC 2021, page 69-71.

¹⁵² PNC 2021, page 79.

<ul style="list-style-type: none"> • setting up and operationalizing an effective monitoring and evaluation system capable of informing all the warning indicators in the PNC.¹⁵³ <p>In addition, Decree n° 2016-0006/PM-RM establishes the National Mechanism of Early Warning and Security Risk Response.¹⁵⁴ The National Early Warning and Response Mechanism's mission is to collect information and data on threats to good governance, to security and to peace in Mali, to alert the Government, to suggest appropriate responses to identified threats, to monitor and/or coordinate the implementation of the responses adopted by the Government as well as those carried out by regional or sub-regional organizations.¹⁵⁵ This early warning mechanism appears to be a general mechanism applicable to any type of risk threatening national security, including, among others, human trafficking, drug trafficking, cross-border organized crime, terrorism, Ebola syndrome or any other notifiable disease, and threats related to climate change and natural disasters.¹⁵⁶</p>	Decree n° 2016-0006/PM-RM
<p>Are roles for technical ministries as well as communities, local authorities, scientific institutions, private media companies and civil society organizations in early warning systems set out?</p> <p>Under the framework of the National Mechanism of Early Warning and Security Risk Response, there are two main entities involved: the Guidance and Monitoring Council and the National Center for Response Coordination.¹⁵⁷ The Orientation and Monitoring Council is the orientation, monitoring and control body of the National Early Warning and Response Mechanism.¹⁵⁸ It is an interministerial body including representation from the relevant ministries as well as the president of the National Civil Society Council, and members representing the technical and financial partners (TFP).¹⁵⁹</p> <p>On the other side, the National Center for Response Coordination collects, centralizes and analyses data and information provided by State services, local authorities, civil society organizations or by any other source of information.¹⁶⁰ It works for the timely prevention and rapid resolution of conflicts and proposes to the Government all subsequent responses to the analysis carried out, ensuring the development of synergies between the services dedicated to the fight against insecurity in all its forms and against organized crime.¹⁶¹ It coordinates and/or monitors the implementation of the responses proposed to the threats identified in relation to State services,</p>	Decree n° 2016-0006/PM-RM

¹⁵³ PNC 2021, page 51.

¹⁵⁴ Decree n° 2016-0006/PM-RM, article 1.

¹⁵⁵ Decree n° 2016-0006/PM-RM, article 2.

¹⁵⁶ Decree n° 2016-0006/PM-RM, article 2.

¹⁵⁷ Decree n° 2016-0006/PM-RM, article 5.

¹⁵⁸ Decree n° 2016-0006/PM-RM, article 6.

¹⁵⁹ Decree n° 2016-0006/PM-RM, article 7.

¹⁶⁰ Decree n° 2016-0006/PM-RM, article 11.

¹⁶¹ Decree n° 2016-0006/PM-RM, article 11.

<p>civil society organizations and local authorities.¹⁶² The National Center for Response Coordination consists of a group of experts in the field of relevance to the type of hazard/danger taking place.¹⁶³ For instance, it can be experts in notifiable diseases, experts in charge of relations with civil society organizations and press organisations, or experts in charge of environmental issues and natural disasters.¹⁶⁴</p>	
<p>Are EWS established for the most frequent and serious hazards?</p> <p>As stated above, the national EWS in Mali appears to be established for a number of risks threatening national security, far beyond natural or technological hazards.</p>	<p>Decree n° 2016-0006/PM-RM</p>
<p>Information Sharing</p>	
<p>Are there procedures in place to facilitate the expeditious sharing of information about disasters, including emerging hazards that are likely to cause disasters, with communities, relief actors and assisting humanitarian organizations as appropriate?</p> <p>Decree n° 2015-0889/P-RM provides in terms of article 7 that the Information and Public Relations Unit has a number of functions relating to information sharing.¹⁶⁵ In the case of floods and droughts, the Information and Public Relations Unit is in charge of developing and implementing a crisis communication media plan,¹⁶⁶ while in the event of epidemics/epizootics it is responsible for scheduling press briefings and conducting awareness-raising activities to be carried out to stop the spread of the epidemic.¹⁶⁷ Awareness campaigns include activities such as individual interviews, educational talks, advocacy towards neighborhood leaders, radio shows, partnerships with local resources, information with the press, and prevention messages.¹⁶⁸</p> <p>Furthermore, one of the operational groups outlined in Decree n° 2015-0889/P-RM is the Liaisons and Transmissions Service, which is provided by the territorially competent person in charge of the liaison and transmissions services of the Ministry in charge of communication.¹⁶⁹ Its mission is to ensure the transmission of messages, both within the disaster area, between the various services involved, and with the various command posts and higher levels.¹⁷⁰ It may require use of the human and material resources of the</p>	<p>Decree n° 2015-0889/P-RM</p>

¹⁶² Decree n° 2016-0006/PM-RM, article 11.

¹⁶³ Decree n° 2016-0006/PM-RM, article 11.

¹⁶⁴ Decree n° 2016-0006/PM-RM, article 11.

¹⁶⁵ Decree n° 2015-0889/P-RM, article 7.

¹⁶⁶ PNC 2021, page 72.

¹⁶⁷ PNC 2021, page 71.

¹⁶⁸ PNC 2021, page 71.

¹⁶⁹ Decree n° 2015-0889/P-RM, article 12.

¹⁷⁰ Decree n° 2015-0889/P-RM, article 12.

services of the Telecommunications Company of Mali, national or private organizations, units of the Police, the Gendarmerie, the National Guard, and exceptionally the armed forces.¹⁷¹

However, the DRM framework does not appear to clearly set out procedures to facilitate sharing of information with communities, relief and humanitarian organization and other key actors.

Contingency Planning

Does the country's legislation set out a process and framework for contingency planning, and does such contingency planning have to address multiple hazards? Does the legislation require periodic updates of contingency plans, call for inclusiveness of public authorities and other civil society actors in contingency planning, or establish linkages between forecast information and climate services in contingency planning?

In terms of emergency planning, Decree n° 2015-0889/P-RM is the guiding document which sets out the design of an ORSEC Plan, addressing multiple hazards and other threats to national security, defining the institutional arrangements and specific attributions to each relevant agency, and calling for the involvement of other key stakeholders, including civil society, the Malian Red Cross or the military services. However, it does not appear to set out whether ORSEC plans require periodic updates.

[Decree n° 2015-0889/P-RM](#)

In addition, the PNC proposes a checklist of assumptions in the design process of contingency planning, which should be adapted to each type of hazard. This list includes:

[National Contingency Plan 2021](#)

- a) Location and geographic extent in the country
- b) Number and percentage of population affected including:
 - Number of dead
 - Number of injured
 - Number of missing
 - Others
 - Total number affected
- c) Impacts on livelihoods and specific sectors:
 - Impacts on Agriculture/Livestock/Fisheries/Environment

¹⁷¹ Decree n° 2015-0889/P-RM, article 12.

<p>d) Sub/Scenarios relating to the State of food and nutritional insecurity defined according to the standards of the harmonized framework:</p> <ul style="list-style-type: none"> • Sub-scenario 0 • Sub-scenario 1 • Sub-scenario 2 • Sub-scenario 3 • Sub-scenario 4 <p>e) “Gender” aspects to be taken into account by scenario:</p> <ul style="list-style-type: none"> • Number of people affected by age and sex • Total number of hectares of crops damaged by the floods belonging to women or women's groups • Number of young people who left for rural migration continued to the crisis • Number of food insecure women • Number of malnourished children <p>f) Probable duration of the emergency phase</p> <p>g) Previous experiences of authorities at national, regional and local level.¹⁷²</p>	
<p>Does the country’s legislation set out procedures and framework for evacuation?</p> <p>The ORSEC plan establishes that, within the various operational groups involved in relief operations, it is the responsibility of the Rescue Service, in close collaboration with the Transport and Works Service, to ensure the care and evacuation of victims from affected areas.¹⁷³ The PNC also identifies evacuation of affected populations as a key action to be implemented under all types of hazards addressed by the plan.¹⁷⁴</p> <p>However, from the documents reviewed, clear procedures for evacuation do not appear to be set out in the DRM framework.</p> <p>Does DM law require that disaster contingency plans set out comprehensive procedures for evacuation, assigning roles and responsibilities, and does it provide for the evacuation of livestock or domestic animals?</p>	<p>Decree n° 2015-0889/P-RM</p> <p>National Contingency Plan 2021</p>

¹⁷² PNC 2021, page 42.

¹⁷³ Decree n° 2015-0889/P-RM, articles 9 and 13.

¹⁷⁴ PNC 2021, page 67-89.

<p>As stated above, from the documents available for review, laws and policies in Mali do not appear to establish a framework and clear procedures for evacuation.</p> <p>Does it require that all endangered people be evacuated without discrimination, that the rights and dignity of evacuated persons be respected in situations of compulsory evacuation?</p> <p>Limited information could be located online relating to procedures, requirements, and principles for evacuation.</p>	
<p>Does the country's legislation establish requirements for trainings, drills and simulations for people likely to be involved in responding to disasters (e.g. frequency, scope, testing means), and does the law set clear standards and responsibilities for prior training for disaster rescue and relief personnel (including volunteers)?</p> <p>The ORSEC plan provides in terms of article 38 that periodic simulation exercises are organized to test the effectiveness of the plans at communal, local, regional, and national level and, at the request of the head of the Civil Protection unit, at the administrative level.¹⁷⁵ As per article 39, the financing of the ORSEC Plan simulation exercises is provided by the national budget or any other source.¹⁷⁶</p> <p>In terms of responsibilities, the Interministerial Committee for Crisis and Disaster Management appears to be the leading agency scheduling and validating interministerial simulation exercises.¹⁷⁷</p> <p>No additional information could be found on this point.</p>	<p>Decree n° 2015-0889/P-RM</p> <p>Decree n° 2017-0789/PM-RM</p>
Legal Facilities (Preparedness and Response)	
<p>Treatment and care of the victims (including the dead):</p> <p>Does the law give special attention to procedures for handling large numbers of casualties after a disaster? Does the law forbid or at least discourage mass burials in such circumstances, does the law require authorities to make best efforts to identify the remains and notify next of kin, and does the law require authorities to take into account cultural and religious rights with respect to the disposal of human remains?</p>	<p>National Contingency Plan 2021</p>

¹⁷⁵ Decree n° 2015-0889/P-RM, article 38.

¹⁷⁶ Decree n° 2015-0889/P-RM, article 39.

¹⁷⁷ Decree n° 2017-0789/PM-RM, article 3.

<p>During disaster response operations in Mali, the Police and Information Service is the operational group responsible for identifying and evacuating the bodies,¹⁷⁸ as well as for registering and identifying missing and deceased persons.¹⁷⁹ However, the documents reviewed do not appear to set out procedures for handling large numbers of casualties in disaster settings.</p>	
<p>Volunteering: Does the law provide for a clear definition of the term “volunteer”, including the scope of volunteering activities, restrictions regarding volunteering and a clear distinction from the status of employees? Is there specific DM legislation that applies to volunteers and voluntary organizations?</p> <p>In Mali, there is a National Center for the Promotion of Volunteering (CNPV), which recruits, trains and assigns national volunteers, in particular, to civil society organizations, grassroots community organizations, Non-Governmental Organizations (NGOs), decentralized technical services of the State and Territorial communities.¹⁸⁰ Order n° 2014-3417/MJC-SG establishes the preselection and selection rules, the training conditions, the terms and conditions for the oath of candidate for national volunteering, the level of expenses related to the payment of volunteer allowances as well as their training costs. However, a definition of the term ‘volunteer’ does not appear to be provided.</p>	<p>Order n° 2014-3417/MJC-SG</p>
<p>Cash programming: Are there legal facilities in place to facilitate cash programming in disaster preparedness and response operations, including the opening of bank accounts, monetary transfers, identify verification “know your customer” and other exigencies of financial service providers, and is there a legally defined procedure in place for loss of records or documentation?</p> <p>Limited information could be located online relating to cash programming. From the documents reviewed, laws and policies in Mali do not appear to contain special provisions on legal facilities or simplified procedures for cash programming in DRM.</p>	
<p>Drones in disasters response operations: Is there legislation in place regarding the use of drones in disaster response operations, including registration, flight operations certificates, use of airspace, and insurance?</p> <p>The Malian Civil Aviation Code, established through Law n° 2011-014/DU does not appear to contain any provisions on drones. Limited information and documents could be located online relating to the use of drones.</p>	<p>Law n° 2011-014/DU, Civil Aviation Code</p>

¹⁷⁸ Decree n° 2015-0889/P-RM, article 10.
¹⁷⁹ PNC 2021, page 75.
¹⁸⁰ Order n° 2014-3417/MJC-SG, article 2.

<p>Are appropriate tax exemptions provided to relief providers? Are tax exemptions available for preparedness actions (eg. prepositioning of stock)?</p> <p>Limited information in the DRM framework could be found on this point.</p> <p>Although not directly related to tax exemptions for preparedness actions, the Customs Code provides in terms of article 234 that the following may be imported free of duties and taxes:</p> <ul style="list-style-type: none"> a) shipments intended for Embassies, Consulates and International Organizations based in Mali as well as the members of these Institutions; b) shipments intended for Non-Governmental Organizations; c) goods imported as part of the execution of public contracts financed with external resources; d) goods imported by private companies under agreements with the State; e) goods imported by free export companies approved under the investment code; f) shipments intended for the Malian Red Cross and other national solidarity works; g) exceptional shipments devoid of any commercial character.¹⁸¹ <p>The conditions for the application of these tax exemptions are established through decrees taken in the Council of Ministers for shipments intended for Embassies, Consulates, International Organizations based in Mali, members of these Institutions and for goods imported by private companies under agreements entered into with the State, as well than for goods imported by free export companies approved under the investment code; or by order of the Minister in charge of Customs after consulting the Ministers concerned for the rest.¹⁸²</p> <p>Furthermore, the Customs Code defines the regime of ‘temporary admission’ as the customs procedure which allows the admission into the customs territory, with total or partial suspension of import duties and taxes.¹⁸³ Companies holding contracts and works contracts of a public utility nature or recognized as such, may import for a fixed period, with partial suspension of duties and taxes, company materials and equipment and commercial vehicles intended for the execution of said contracts and markets.¹⁸⁴ To benefit</p>	<p>Law n° 01-075/DU, Customs Code</p>
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¹⁸¹ Law n° 01-075/DU, article 234.
¹⁸² Law n° 01-075/DU, article 234.
¹⁸³ Law n° 01-075/DU, article 188.
¹⁸⁴ Law n° 01-075/DU, article 195.

<p>from the regime of temporary admission of company materials and equipment, commercial vehicles and industrial materials or materials intended for other uses, the importer must submit a receipt by which he commits to re-export the materials accepted at the end of the period set out in the award decision; and to meet the obligations prescribed for temporary admission under pain of the penalties provided for by the regulations in force.¹⁸⁵ The Director of Customs may grant temporary admission permits with total suspension of duties and taxes for other items or services, including search, rescue, accident investigation, repair or recovery of damaged aircraft; and relief missions in the event of a natural disaster or an accident seriously endangering human health and the environment.¹⁸⁶</p> <p>The General Tax Code also contains provisions relating to tax exemptions. Article 47 establishes that mutual aid societies, non-profit public establishments of the State or local authorities, syndicates of municipalities and their non-profit public service boards, and associations or legally constituted NGOs are exempt from taxes.¹⁸⁷</p>	<p>General Tax Code</p>
<p>Are there laws on data privacy that would apply to the gathering, storing and sharing of information (in relief distribution, restoring family links or cash programmes as examples)? If so, are exceptions provided, as appropriate, for tracing activities by RC National Societies in disaster settings?</p> <p>Procedures for ensuring personal data protection in Mali are established by Law n° 2013-015. More specifically, this law ensures to any person, natural or legal, public or private, the protection of their personal data, without distinction of race, origin, colour, sex, language age, religion, wealth, birth of opinion, nationality or otherwise.¹⁸⁸ It guarantees that any processing, in whatever form, respects the fundamental rights and freedoms of natural persons. It also takes into account the prerogatives of the State, the rights of local authorities, the interests of businesses and civil society.¹⁸⁹</p> <p>However, this law does not appear to specify whether its provisions apply to data management in relief operations.</p>	<p>Law n° 2013-015, Personal Data Protection</p>
<p>Are there legal barriers in particular sectoral laws that may inhibit disaster rescue and relief personnel (including volunteers) in emergencies?</p>	

¹⁸⁵ Law n° 01-075/DU, article 198.

¹⁸⁶ Law n° 01-075/DU, article 200.

¹⁸⁷ General Tax Code, article 47.

¹⁸⁸ Law n° 2013-015, Personal Data Protection, article 1.

¹⁸⁹ Law n° 2013-015, Personal Data Protection, article 1.

<p>Generally, sectoral laws in Mali do not appear to take into account disaster scenarios – e.g. tax and customs exemptions, the use of specialised equipment such as the use of drones or simplified cash programming procedures. This may result in disaster relief personnel facing some barriers in emergency response, or it may pose challenge in the coordination of relief.</p>	
<p>Are there provisions in the law to ensure that State-operated offices and services essential to the relief be provided are open /operate outside of normal business hours?</p> <p>From the documents reviewed, DRM laws in Mali do not appear to contain any provisions outlining the opening hours of state-operated offices and services essential to disaster response.</p>	
<p>Stakeholder Engagement [INCLUSION AND PARTICIPATION]</p>	
<p>Do your country's laws ensure the engagement of all relevant stakeholders including civil society, private sector, scientific institutions and communities in DRM decision making and activities?</p> <p>As stated above, the institutional arrangement for the implementation of the ORSEC Plan is designed around four main structures, including the Fixed Command Post, the Advanced Post, the Information and Public Relations Unit and the Operational Groups.¹⁹⁰ Each of these structures involves the participation of a wide variety of stakeholders outside government actors. For instance, the Fixed Command Post comprises a representative of the administrative authority of the level concerned, a representative of the six ORSEC departments, and the personnel required for liaison and transmission.¹⁹¹ Aside from the stakeholders represented in the Fixed Command Post, the Advanced Post also engages with any persons required for their technical expertise or their knowledge.¹⁹² Within the Operational Groups, other key actors are involved in relief operations:</p> <ul style="list-style-type: none"> • the Rescue Service has the logistical and human resources of the Civil Protection, to which are added those of the armed and security forces, the technical services of the State and national and international private organizations;¹⁹³ • the Police and Intelligence Service has the logistical and human resources of the units of the Police, the Gendarmerie, the National Guard, and exceptionally the armed forces or any other public or private body;¹⁹⁴ 	<p>Decree n° 2015-0889/P-RM</p>

¹⁹⁰ Decree n° 2015-0889/P-RM, article 4.
¹⁹¹ Decree n° 2015-0889/P-RM, article 5.
¹⁹² Decree n° 2015-0889/P-RM, article 6.
¹⁹³ Decree n° 2015-0889/P-RM, article 9.
¹⁹⁴ Decree n° 2015-0889/P-RM, article 10.

<ul style="list-style-type: none"> • the Health and Medical Care Service may require the human and material resources of the services in charge of health and public hygiene, civil or military, public or private, hospital and veterinary services and the Malian Red Cross;¹⁹⁵ • the Liaison and Transmissions Service may require the human and material resources of the services of the Telecommunications Company of Mali, national or private organizations, units of the Police, the Gendarmerie, the National Guard, and exceptionally the armed forces;¹⁹⁶ • the Transport and Works Department involves transport and road services, armed and security forces, paramilitary services, maintenance workshops and any other private or public structures;¹⁹⁷ • the Reception, Accommodation and Mutual Aid Service includes representation from relevant ministries, as well as from youth and women’s associations and organizations, schools and universities, the Malian Red Cress, NGOs and charities.¹⁹⁸ <p>This is further reinforced by the PNC, which provides that, as part of emergency preparedness and response, Crisis Watch Committees or Crisis Committees have been set up at regional and local level.¹⁹⁹ They bring together, under the coordination of the main level authority, all the players (DGPC, Governorate, Health Services, Sanitation, EWS, Meteorology, Hydrology, Water & Forests, Agriculture, UNS partners, NGOs, Red Cross, etc).²⁰⁰ In addition, key actors and partners identified for the implementation of the PNC include the Food Security Commission (CSA), Leaders of Thematic Groups, State Technical Services and other National Actors, Actors from Civil Society and the Private Sector, TFPs, and Members of the Restricted Technical Committee and of the National Steering Committee.²⁰¹</p>	<p>National Contingency Plan 2021</p>
<p>Is there representation (seat at table) of (a) Red Cross (b) civil society (c) private sector (d) communities (e) specialised agencies i.e. academic/ scientific etc in decision making institutions and processes required?</p> <p>As mentioned previously, the subnational DRR Committees which form the PNRRC are composed by the same representatives as those of the Regional DRR Committee, including one representative per NGO operating in the field, and a representative of the</p>	<p>Decree n° 2016-0346/P-RM</p>

¹⁹⁵ Decree n° 2015-0889/P-RM, article 11.

¹⁹⁶ Decree n° 2015-0889/P-RM, article 12.

¹⁹⁷ Decree n° 2015-0889/P-RM, article 13.

¹⁹⁸ Decree n° 2015-0889/P-RM, article 14.

¹⁹⁹ PNC 2021, page 60.

²⁰⁰ PNC 2021, page 60.

²⁰¹ PNC 2021, page 1.

<p>Technical and Financial Partners (TFP).²⁰² Moreover, all DRR Committees may call upon, if necessary, any other skills deemed necessary.²⁰³</p> <p>The Interministerial Committee for Crisis and Disaster Management does not appear to include representation from stakeholders other than the Ministries concerned.</p>	<p>Decree n° 2017-0789/PM-RM</p>
<p>Are specific roles and duties of (a) Red Cross (b) civil society (c) private sector (d) communities (e) specialised agencies academic/scientific etc clearly assigned?</p> <p>From the documents reviewed, DRM-related laws in Mali do not appear to outline specific roles and duties of non-State actors. However, the PNC identifies some activities in which specific actors are involved. For instance, it provides that, in the event of floods or droughts, the Malian Red Cross participates in activities focused on spatio-temporal location of disaster areas, collection of information bulletins by trained focal points, quantification of the extent of the phenomenon, losses and damage, and identification and expression of needs.²⁰⁴ Furthermore, in the event of epidemics or public health emergencies, the Red Cross/Red Crescent Movement, together with NGOs and other national partners, helps organize procedures for case management of affected persons, as well as interrupting transmission of cases. Specific actions under this field include:</p> <ul style="list-style-type: none"> • detecting cases of affected people; • installing patients in cholera camps; • isolating cases; • providing support; • strengthening national capacities (training, installation of products and equipment); • ensuring chemo-prophylaxis of accompanying persons; • putting in place a preventive system for accompanying persons; • carrying out information actions, awareness of patients and visitors; • carrying out information actions, public awareness; • carrying out sanitation actions; • chlorinate the water; and 	<p>National Contingency Plan 2021</p>

²⁰² Decree n° 2016-0974/P-RM, articles 13, 18 and 23.

²⁰³ Decree n° 2016-0974/P-RM, articles 18 and 23.

²⁰⁴ PNC 2021, page 70.

<ul style="list-style-type: none"> supplying the populations with drinking water.²⁰⁵ <p>The PNC outlines the key activities to be undertaken under each sector and during each phase of a disaster. Under each area of action, a list of key actors is provided, including the private sector, NGOs and civil society actors.²⁰⁶ During the pre-disaster phase, the activities focus on food security and nutrition. During the disaster phase, it is also focused on food security and nutrition, as well as water and sanitation, and protection. Finally, during the post-disaster phase, food security appears to be the priority.²⁰⁷</p>	
<p>Is the special role of Red Cross as auxiliary to its authorities in the humanitarian field formally acknowledged in DRM Legislation? Does it set out expectations about NS's activities?</p> <p>In 1965, the Malian Red Cross was founded and recognized by decree as an association of public service, a voluntary aid society, auxiliary to the public authorities, when it has its General Constitutive Assembly. In 1967, it received official recognition from the International Committee of the Red Cross after an application which included the Government Decree and the Society's Statutes.²⁰⁸ However, it has not been possible to locate other documents that would provide additional information on this point. DRM legislation in Mali does not appear to clearly set out the role and responsibilities of the Red Cross in the humanitarian field.</p>	<p>Letter of recognition of the Mali Red Cross Society 1967</p>
<p>Does the law provide for financial support and/or tax exemptions for Red Cross-National Society when acting in its auxiliary role to assist persons affected by disaster?</p> <p>As stated above, shipments intended for the Malian Red Cross and other national solidarity works may be authorized for import free of duties and taxes.²⁰⁹ However, no further provisions appear to be established relating to financial support or tax exemptions for the Red Cross when acting in its auxiliary role to the authorities.</p>	<p>Law n° 01-075/DU, Customs Code</p>
<p>Does the law guarantee the RC National Society the ability to act independently of the government and to take any distance necessary from it to guarantee its independence and neutrality?</p> <p>Limited information and laws could be located online relating to the activities of the Malian Red Cross. Therefore, from the documents reviewed, laws and policies in Mali do not appear to guarantee its independence and neutrality.</p>	<p>National Contingency Plan 2021</p>

²⁰⁵ PNC 2021, page 84.

²⁰⁶ PNC 2021, section 7.3.5.

²⁰⁷ PNC 2021, section 7.3.5.

²⁰⁸ Letter of Recognition of the Mali Red Cross Society 1967.

²⁰⁹ Law n° 01-075/DU, article 234.

<p>However, the PNC follows a number of international and national principles guiding humanitarian action in the country, including the principle of neutrality.²¹⁰</p>	
<p>Is meaningful engagement of (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons (f) indigenous groups (g) youth ensured?</p> <p>Limited information could be located online relating to the engagement of especially vulnerable groups in DRM activities. From the documents reviewed, laws and policies in Mali do not appear to clearly outline the engagement of women, minorities, people with disabilities, displaced or migrant groups, the elderly, indigenous or youth groups. However, one of the guiding principles of the PNC is the principle promoting participation of affected populations, especially women and children.²¹¹ The PNC recognizes that humanitarian action tends to focus on short-term needs and overlooks the responsibilities of the humanitarian community to provide sustained assistance in a way that fulfils the right of affected populations to participate in decisions that affect them. It is therefore important to build capacity in the affected population and promote beneficiary participation. Participation raises necessary questions to adapt the assistance in order to meet the real needs of the affected populations.²¹²</p>	<p>National Contingency Plan 2021</p>
<p>Is there minimum mandated proportional representation of (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons ensured in DRM Decision Making (i.e. quotas) (f) indigenous groups?</p> <p>As stated above, the Malian DRM framework does not appear to set out clear guidelines for engagement and representation of especially vulnerable groups in DRM activities and decision-making processes.</p>	
<p>Education/ Training and Awareness</p>	
<p>Is DRM training mandatory in the school curriculum?</p> <p>Limited information could be found relating to DRM training in schools/universities. From the documents reviewed, it has not been possible to determine whether DRM training is mandatory or if it has been integrated into school curricula in Mali.</p>	
<p>Is training for public officials and relevant professionals promoted for (i) DRR (iii) Response and Preparedness?</p>	<p>National Contingency Plan 2021</p>

²¹⁰ PNC 2021, page 56.

²¹¹ PNC 2021, page 55-56.

²¹² PNC 2021, page 55-56.

<p>As stated above, disaster preparedness is essential to ensure effective disaster response and recovery, and it includes, among other things, the training of personnel.²¹³ However, further details on specific training for public officials do not appear to be provided.</p>	
<p>Are there specific provisions on promoting public awareness and understanding of rights, roles and responsibilities in (i) DRR (ii) preparedness and response?</p> <p>Public awareness is widely promoted throughout the PNC for all types of hazards. More specifically, it refers to the notion of local capacity for adaptation and response at national, regional and local level as the capacity of populations at different scales to mitigate the impacts of a crisis/disaster. The mitigation capacity of populations is highly variable and depends on, among other things, the state of information and awareness of disaster risks.²¹⁴ In order to guarantee adequate security measures for actors and beneficiaries, the PNC promotes the establishment of teams in charge of awareness-raising and liaison with populations.²¹⁵</p>	<p>National Contingency Plan 2021</p>
<p>Protection, Dignity and Safety</p>	
<p>Does the law clearly provide a right to humanitarian assistance based on clear and specific needs?</p> <p>Mali's Constitution of 1992 sets out the fundamental human rights. While a right to humanitarian assistance is not specifically provided, a number of related rights are set out. For instance, article 1 sets out the right to life, liberty, security and integrity of every individual,²¹⁶ while the right to a healthy environment and to access to healthcare are provided in terms of article 15 and 17.²¹⁷</p> <p>One of the fundamental principles guiding the execution of the PNC is the humanitarian imperative, which entails that human suffering must be addressed wherever it occurs, with particular attention to the most vulnerable in the population, such as children, women, displaced persons and the elderly.²¹⁸ The dignity and rights of all those in need of humanitarian assistance must be respected and protected.²¹⁹ The humanitarian imperative implies a right to receive humanitarian assistance and a right to offer it. However, sometimes humanitarian access to civilian populations is denied by the authorities for political or security reasons, but still humanitarian agencies must maintain their ability to gain and maintain access to all vulnerable populations and to negotiate this access with all parties to conflict.²²⁰</p>	<p>Mali's Constitution of 1992</p> <p>National Contingency Plan 2021</p>

²¹³ PNC 2021, page 11.

²¹⁴ PNC 2021, page 25.

²¹⁵ PNC 2021, page 54.

²¹⁶ Mali's Constitution of 1992, article 1.

²¹⁷ Mali's Constitution of 1992, article 15 and 17.

²¹⁸ PNC 2021, page 55-56.

²¹⁹ PNC 2021, page 55-56.

²²⁰ PNC 2021, page 55-56.

<p>Does the DRM law explicitly forbid discrimination in preparation and relief efforts, both by government and other actors?</p> <p>Mali’s Constitution explicitly forbids discrimination in terms of article 2, stating that every Malian shall be born and remain free and equal in rights and obligations, and that all discrimination based on social origin, colour, language, race, sex, religion and political opinion shall be prohibited.²²¹</p> <p>In addition, another guiding principle of the PNC is the principle of impartiality, providing that help is given to all who suffer.²²² This principle includes the proportionality of need (when resources are insufficient, priority is always given to those most affected) as well as the principle of non-discrimination (no one should be discriminated against on the basis of their sex, age, ethnicity, identity, etc.). It is crucial to underline the responsibility of the state to ensure that aid is distributed impartially.²²³</p> <p>Some actions proposed by the PNC relating to protection measures to be implemented during the disaster phase include protection against discrimination, neglect, exploitation, violence and abuse of the most vulnerable groups affected by the humanitarian crisis; and ensuring that the specific protection needs of the most vulnerable individuals and groups are taken into account before, during and after disasters.²²⁴</p>	<p>Mali’s Constitution of 1992</p> <p>National Contingency Plan 2021</p>
<p>Does the DRM law ensure that needs assessments and relief operations look for and address the potential for specific needs (a) women, (b) minorities, (c) people with disabilities (d) displaced/migrant groups and (e) older persons (f) indigenous groups (g) youth?</p> <p>The principle of impartiality promotes that human rights are the basis and framework for a needs assessment, and that the needs of vulnerable people and the corresponding right to assistance are the center of post-disaster needs assessments, therefore determining the level of assistance.²²⁵ However, from the documents reviewed, special consideration for the most vulnerable populations is taken on the basis of needs rather than their status, gender, age, ethnicity, identity or nationality.</p>	<p>National Contingency Plan 2021</p>

²²¹ Mali’s Constitution of 1992, article 2.

²²² PNC 2021, page 56.

²²³ PNC 2021, page 56.

²²⁴ PNC 2021, page 88.

²²⁵ PNC 2021, page 56.

<p>Unaccompanied children: Are roles/responsibilities clear for ensuring the placement, shelter and aftercare of unaccompanied children in disaster settings?</p> <p>From the documents reviewed, DRM laws and policies in Mali do not appear to outline roles and responsibilities for ensuring adequate support and protection for unaccompanied children in disaster settings specifically.</p> <p>Does the DRM law, policy or planning set out specific measures to combat heightened risks of trafficking and child exploitation in post-disaster settings?</p> <p>Law n° 2012-023/DU establishes the legal regime for the fight against human trafficking and exploitation, especially of children, adolescents and other vulnerable groups. This is also provided in the Criminal Code, which typifies forced transfer of children from one group to another as a crime of genocide.²²⁶ Article 244 of the Criminal Code further penalizes child trafficking, including any act involving the recruitment, transportation, concealment or sale of children, as well as any displacement of the child inside or outside a country.²²⁷ In addition, the Labor Code forbids child labor before the age of 15.²²⁸ However, neither of these documents appear to set out measures to combat heightened risks of child trafficking and exploitation in disaster settings.</p> <p>Are special protections included in laws about adoptions (particularly international adoptions) in the aftermath of major disasters?</p> <p>In Mali, all types of adoptions, national and international, appear to be regulated by the Family Code. However, the Family Code does not appear to contain provisions relating to adoptions in the aftermath of a disaster.</p>	<p>Law n° 2012-023/DU</p> <p>Law n° 1992-20, Labor Code</p> <p>Law n° 01-79, Criminal Code</p> <p>Law n° 2011-087, Family Code</p>
<p>Sexual and Gender Based Violence: Are there laws or policies that assign roles/ responsibilities to carry out (a) education, awareness-raising, (b) advocacy, and (c) prevention of gender discrimination and/or SGBV?</p>	<p>Mali's Constitution of 1992</p>

²²⁶ Law n° 01-79, Criminal Code, article 30.
²²⁷ Law n° 01-79, article 244.
²²⁸ Law n° 1992-20, Labor Code, article 187.

As stated above, the Constitution explicitly prohibits any form of discrimination based on different factors, including sex or gender.²²⁹ Although the Constitution promotes the defense of the rights of women and children, it does not appear to explicitly address gender-based violence (GBV). The Criminal Code is also silent on GBV.

No additional documents relating to the prevention of gender discrimination and GBV could be located. From the documents reviewed, Mali is in the process of articulating a draft law for the fight against GBV.²³⁰ However, as of now, there do not appear to be any provisions in place for this matter.

Does the legal framework (DRM framework and laws applicable “in normal time”) provide special measures to guard against and/or sanction sexual and gender violence and how does it apply in disaster circumstances?

Contingency planning in Mali appears to include gender perspectives in data collection, as mentioned in previous sections. Moreover, the PNC promotes actions to support women in disaster settings, including the implementation of income-generating activities particularly for women in vulnerable areas, protecting and rehabilitating the livelihoods of vulnerable households.²³¹ Although the PNC recognizes that level of violence increases in post-disaster settings,²³² GBV is not explicitly addressed.

However, some actions proposed by the PNC relating to protection measures to be implemented during the disaster phase include setting up an operational system for the “protection” of affected populations, including victims of violence and abuse, through care that respects humanitarian standards; ensuring that all affected populations, particularly women, children and the most vulnerable, benefit from adequate protection and assistance, particularly in temporary accommodation sites, established and managed in accordance with international standards; and monitoring, identifying, documenting, addressing, and denouncing human rights abuses and violations, particularly those affecting groups most vulnerable to the impact of crises and disasters.²³³

How do “normal time laws and systems related to GBV” work in times of disasters, are there coordination mechanisms established with DRM system?

There are no clear links between the framework for action against GBV and the DRM framework – i.e., it is not clear from a reading of the accessible laws and policies alone how the two systems coordinate to implement measures against GBV in disaster settings.

[National Contingency Plan 2021](#)

²²⁹ Mali’s Constitution of 1992, article 2.

²³⁰ RFI, 2020, ‘Violences faites aux femmes: les Maliennes attendant une loi depuis plus de trois ans’ [online] Available in: <https://www.rfi.fr/fr/afrique/20201125-violences-faites-aux-femmes-les-maliennes-attendent-une-loi-depuis-plus-de-trois-ans>

²³¹ PNC 2021, page 53.

²³² PNC 2021, page 17.

²³³ PNC 2021, page 88.

<p>DRM documents do not appear to provide coordination mechanisms to combat GBV, and the law against violence against women could not be accessed for the purposes of this research.</p>	
<p>Security: Does the legal framework provide special measures to guard against looting? Are mechanisms in place to assure the safety and security of relief personnel?</p> <p>As stated above, the armed forces, the National Police and other military and paramilitary corps are identified as one of the main Operational Groups in the execution of the ORSEC plan, specifically responsible for coordinating the actions of the security forces within the framework the maintenance of order, the regulation of traffic, the preservation of property, the execution of requisitions and judicial investigations, the identification and evacuation of bodies, the referral of survivors to reception centres, the fight against theft, looting and speculation or any other offenses in the disaster area.²³⁴</p> <p>In addition, some security measures proposed in the PNC include setting up an appropriate security system to allow the proper execution of the PNC by controlling access to prevent the intrusion of unauthorized persons; raising awareness/information on the risks involved; intervening to eliminate and/or mitigate the risks; ensuring compliance with establishment/location and traffic rules; and keeping the event log up to date and carry out any census.²³⁵</p> <p>However, from the documents reviewed, including the Statutes of the National Police Staff and the General Statutes of the Military, there do not appear to be laws and policies in Mali which explicitly relate to the safety and security of relief personnel.</p>	<p>Decree n° 2015-0889/P-RM</p> <p>Law n° 02-056, Statutes of the National Police Staff</p> <p>Order n° 2016-020, General Statutes of the Military</p> <p>National Contingency Plan 2021</p>
<p>Displacement: Are human mobility dimensions taken into consideration as part of DRM planning and DRM decision making (including both internal and cross-border displacement)? Does the law and/or policy mandate or facilitate practical measures to reduce the risk of disaster and climate related displacement, explicitly addressing the following points on disaster and climate related internal displacement?</p> <ul style="list-style-type: none"> • protecting communities against displacement; • preparing for unavoidable displacement; • responding to displacement; and 	

²³⁴ Decree n° 2015-0889/P-RM, article 10.

²³⁵ PNC 2021, page 55.

• **finding durable solutions.**

The PNC widely recognizes human displacements as one of the biggest consequences of natural disasters or socio-political instability in Mali, leading to a significant loss of their livelihoods.²³⁶ The PNC states that once displacement has occurred, displaced persons are housed either in reception areas, with host families or in camps. The PNC recognizes that aid intervention methods must be adapted to this changing security environment, in order to continue to intervene in these areas very vulnerable to food insecurity and to help those most at risk.²³⁷ Therefore, the operationalization of the PNC is based upon humanitarian principles, including the humanitarian imperative which gives special consideration the most vulnerable groups, including displaced persons.²³⁸

Are there legal guarantees for the provision of shelter in case of displacement due to disasters, or does it set out alternatives to using schools as shelter or other mechanisms for undertaking necessary relocations?

Although DRM-related laws do not appear to guarantee the provision of shelter in cases of displacements due to disasters, the PNC proposes some actions to support and meet the needs of displaced people at a lower cost and in complete safety. These include ensuring the mobility of stakeholders and beneficiaries; ensuring the reception, orientation, communication and accommodation of victims; providing all stakeholders with the necessary information; assisting in the implementation of safety devices; and ensuring the energy needs and the safety of people and installations.²³⁹

Is there a legally defined procedure in case of loss of records or documentation?

From the documents reviewed for the purposes of this research, the law does not appear to provide special procedure for support to displaced persons in case of loss of documentation.

Is there equity in the assistance provided to persons with and without land title, and are there procedures in place to take into account legal disputes with regard to land titles and property? Are there preparedness arrangements to reduce legal issues regarding housing, land and property irregularities and disputes?

[National Contingency Plan 2021](#)

²³⁶ PNC 2021, page 17.

²³⁷ PNC 2021, page 17.

²³⁸ PNC 2021, page 55.

²³⁹ PNC 2021, page 55.

<p>No information could be found in the documents reviewed relating to assistance and procedures to displaced persons in regard to potential disputes due to land titles and property.</p> <p>Do gender-specific needs or considerations exist in DRM law, including gender-sensitive needs assessments, standards for planning and construction of post-disaster accommodation and other arrangements for displaced communities?</p> <p>As stated above, the PNC includes gender perspectives within its framework. It highlights the need to disseminate data and consider gender and age aspects, including number of women and children affected, as well as number of children displaced following a crisis or disaster.²⁴⁰ However, from the documents reviewed, there do not appear to be procedures or standards in place for conducting gender-sensitive needs assessments, or constructing post-disaster accommodation centers for displaced communities.</p>	
International Assistance	
<p>Does your country's legal framework include procedures related to international disaster assistance?</p> <p>The ORSEC Plan highlights that the Operational Group providing Rescue Services includes both national and international private organizations.²⁴¹ In addition, the PNC identifies international organizations and NGOs as one of the key actors providing disaster assistance in the country.²⁴² In fact, it highlights that humanitarian interventions continue in areas of high security risk and are mainly carried out by national organizations working in partnership with international NGOs and United Nations agencies due to a limited operational capacity at the national level.²⁴³</p> <p>In terms of operational presence, a mapping conducted by OCHA indicates that, in coordination with state services, 112 humanitarian partners are active in the country, including 8 United Nations agencies, 48 international NGOs, 49 national NGOs and 4 members of the Red Cross and Red Crescent Movement.²⁴⁴ Most humanitarian actors are concentrated in the north and center of the country.²⁴⁵</p>	<p>Decree n° 2015-0889/P-RM</p> <p>National Contingency Plan 2021</p>
<p>Do relevant sectoral laws contain any provisions related to international disaster assistance?</p>	

²⁴⁰ PNC 2021, page 42.
²⁴¹ Decree n° 2015-0889/P-RM, article 9.
²⁴² PNC 2021, page 28.
²⁴³ PNC 2021, page 28.
²⁴⁴ PNC 2021, page 28.
²⁴⁵ PNC 2021, page 28.

<p>Limited information could be located in sectoral laws relating to international disaster assistance. From the documents reviewed, sectoral laws and policies in Mali do not appear to contain provisions on international disaster assistance, except the provisions from the Customs Code mentioned above.</p>	
<p>Do your country's laws and regulations set out a focal point for coordinating international assistance?</p> <p>While the roles and responsibilities of various DRM actors are described above, a clear focal point for international disaster assistance does not appear to be assigned in the law.</p>	<p>Decree n° 2017-0789/PM-RM</p>
<p>Are there adequate and efficient procedures in place to ensure coordination of international and domestic efforts at national and subnational levels and across all government agencies? Who is responsible for developing and implementing the rules and procedures related to international assistance?</p> <p>From the documents reviewed, laws and policies in Mali do not appear to set out clear procedures to ensure efficient coordination of international and domestic efforts. Therefore, it is also unclear who is responsible for the development and implementation of rules and procedures relating to international assistance.</p>	
<p>Do your country's laws/ regulations outline a process for requesting/ welcoming offers of international disaster assistance and for terminating international assistance?</p> <p>Mali's Constitution provides in terms of article 49 that it is the President of the Republic who shall decree after deliberation in the Council of Ministers, the state of emergency.²⁴⁶ As per Decree n° 2017-0789/PM-RM, it is the responsibility of the Interministerial Committee for Crisis and Disaster Management to analyze relevant information of a security, social and economic nature, including reactions and positions taken at the international level having repercussions on the national situation; and to seek national and international support.²⁴⁷</p> <p>In addition, the PNC provides that in the event of a crisis or in anticipation of this crisis, the partners identify potential donors for the mobilization of resources.²⁴⁸ For many donors and partners, emergency funds and external support can only be allocated following a declaration of a state of crisis or disaster and a request for international aid initiated by the Government.²⁴⁹ To prevent the resource</p>	<p>Mali's Constitution of 1992</p> <p>Decree n° 2017-0789/PM-RM</p> <p>National Contingency Plan 2021</p>

²⁴⁶ Mali's Constitution of 1992, article 49.
²⁴⁷ Decree n° 2017-0789/PM-RM, article 3.
²⁴⁸ PNC 2021, page 66.
²⁴⁹ PNC 2021, page 66.

<p>mobilization process from being delayed by a late declaration of a state of crisis or disaster, the Government of Mali may issue a specific or geographically limited declaration.²⁵⁰ The resource mobilization mechanisms according to the scenarios selected (floods, droughts, locust invasion and epidemics) are presented in table format in the PNC.²⁵¹</p> <p>However, the documents available for review do not appear to provide clear processes specifically for requesting or welcoming offers of international disaster assistance, or for terminating international assistance.</p>	
Do your country's laws and regulations provide for necessary legal facilities to be provided for international assisting actors?	
<p>(i) Landing rights and general customs arrangements</p> <p>Mali is a party to the Chicago Convention, Annexe 9 of which provides procedural guidance with respect to aircrafts containing humanitarian assistance in response to disasters.²⁵² This may facilitate the entry of international disaster assistance in Mali.</p> <p>In terms of domestic law, the Civil Aviation Code provides the civil aviation regime in Mali, applying to all areas of civil aviation in accordance with international conventions, treaties and agreements ratified by Mali. However, the law does not appear to include specific provisions on the landing rights of international flights carrying humanitarian assistance.</p> <p>In terms of customs, Mali is a party to the revised Kyoto Convention,²⁵³ and its annexes. Annexe B3 recommends as practice that states exempt goods, including “foodstuffs, medicaments, clothing and blankets sent as gifts to an approved charitable or philanthropic organisation for distribution free of charge to needy persons by the organisation or under its control”;²⁵⁴ and Annexe J5 provides guidelines to expedite the clearance of relief consignments intended to assist those affected by disasters. In addition, relevant sections of the Customs Code relating to exemptions have been set out above.</p>	<p>Refer IDRL Checklist Page 12 for guiding questions</p> <p>Law n° 2011-014/DU, Civil Aviation Code</p> <p>Decree n° 2011-601/P-RM</p>
<p>(ii) customs arrangements for specialised goods and equipment</p> <p>Special customs arrangements for specialised goods are provided, for instance, in article 214 of the Customs Code, which states that embassies, consulates, international organizations, bilateral or multilateral technical cooperation experts, NGO staff, companies awarded public contract, and development projects financed with external resources, may be authorized to place their motor vehicles</p>	<p>Law n° 01-075/DU, Customs Code</p>

²⁵⁰ PNC 2021, page 66.

²⁵¹ PNC 2021, page 66-68.

²⁵² See article 5.11 and 5.12 of Annexe 1 of the Convention on the Facilitation of International Maritime Traffic, 9 April 1965, 591 U.N.T.S. 265.

²⁵³ Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973, 26 June 1999.

²⁵⁴ Annexe B.3 to the Kyoto Convention, recommendation 7.

under the temporary importation regime with total or partial suspension of rights and taxes.²⁵⁵ The temporary authorization is granted by decision of the Director of Customs.²⁵⁶

In terms of sub-regional agreements, Regulation 09/2008/CN/UEMOA establishes simplified procedures for customs clearance. Article 2 states that Member States may grant simplified customs procedures relating to certain goods for reasons related to conservation requirements, urgency or any other duly justified reason.²⁵⁷ Although this regulation does not specify which goods or equipment could be subject to these provisions, it could potentially include international relief goods and equipment of urgent nature. Article 3 provides the requirements for simplified customs procedures, stating that the simplified declaration does not include all the information required by the regulations in force; however, it must contain, where applicable, the following information:

- name or company name of the importer;
- full address of the importer;
- number of the fiscal identifier;
- total number in figures and letters of the articles covered by the declaration;
- total number of packages in a shipment;
- description of Goods;
- name and Code of Country of Origin;
- name and code of country of origin;
- identification of the means of transport;
- mentions of the attached documents;
- gross and net weight of the goods;
- customs value of the goods in figures and letters;
- rate and amount to be collected for import duties;
- rate and amount to be collected for import duties; and
name, address, company name, approval number of declarants, date and signature.²⁵⁸

It is not clear whether such simplified procedures have been developed in Mali with respect to international disaster assistance.

[Regulation 09/2008/CN/UEMOA, Simplified procedures for customs clearance](#)

²⁵⁵ Law n° 01-075/DU, Customs Code 2001, article 214.

²⁵⁶ Law n° 01-075/DU, article 214.

²⁵⁷ Regulation n° 09/2008/CN/UEMOA, Simplified procedures for customs clearance, article 2.

²⁵⁸ Regulation n° 09/2008/CN/UEMOA, article 3.

<p>(iii) immigration</p> <p>Law n° 04-058 establishes the regime regulating the entry, stay and exit of foreigners from Mali. Any person who does not have Malian nationality is considered as a foreigner within the meaning of this law,²⁵⁹ and therefore subject to the provisions of this law as well as those of international conventions.²⁶⁰ Diplomatic and consular agents, as well as international civil servants, and foreigners with refugee status are excluded from the scope of application of this law.²⁶¹</p> <p>However, from the documents reviewed, further information could not be located relating to entry requirements or exemptions for international relief personnel.</p>	<p>Law n° 04-058, Entry, Stay and Exit of Foreigners</p>
<p>(iv) Registration of international assisting actors</p> <p>The law does not appear to contain specific provisions on the registration of international assisting actors. Law n° 04-038 establishes the regulations relating to associations in general. Associations of persons may be formed freely without prior authorization or declaration.²⁶² However, if the association wishes to receive legal personality, it must register following the requirements provided in the law.²⁶³ Political and humanitarian associations and foreign associations must file their declaration files with the Minister in charge of territorial administration, attaching the minutes of the constituent assembly and the statutes of the association.²⁶⁴</p> <p>Foreign associations are considered to be the groupings presenting the characteristics of an association, which have their seat abroad or have, either foreign administrators, or at least a quarter of the foreign members.²⁶⁵ No foreign association may be formed or exercise its activity on the national territory of Mali without the prior authorization of the Minister in charge of Territorial Administration.²⁶⁶ Authorization may be granted on a temporary basis or subject to periodic renewal or with certain conditions.²⁶⁷ Requests for authorization are addressed to the Minister in charge of territorial administration through the representatives of the State, and they must mention the title and purpose of the association or establishment, the place of their operation, the names,</p>	<p>Law n° 04-038, Associations law</p>

²⁵⁹ Law n° 04-058, Entry, Stay and Exit of Foreigners, article 2.

²⁶⁰ Law n° 04-058, article 3.

²⁶¹ Law n° 04-058, article 4.

²⁶² Law n° 04-038, article 3.

²⁶³ Law n° 04-038, article 6.

²⁶⁴ Law n° 04-038, article 6.

²⁶⁵ Law n° 04-038, article 29.

²⁶⁶ Law n° 04-038, article 26.

²⁶⁷ Law n° 04-038, article 28.

<p>professions, domiciles and nationalities of the foreign members and of those who, in any capacity, are responsible for administration or management of the association or establishment.²⁶⁸ Foreign associations which pursue an aim of general interest may be recognized as being of public utility.²⁶⁹</p>	
<p>(v) Recognition of professional qualification of foreign personnel</p> <p>Directive 06/CM/UEMOA seeks to facilitate free movement as well as the establishment for the exercise of the profession of doctors in the Member States by a doctor who is a national of the West African Economic and Monetary Union (the Union) already registered with the National Order of Doctors of one of the Member States.²⁷⁰ Although no direct mention of international relief personnel is made, article 5 provides that any doctor who is a national of the Union regularly registered with the National Order of Doctors of a member country of UEMOA may freely exercise his profession, as a self-employed or salaried person, in any other member country of the Union, under the following conditions:</p> <ul style="list-style-type: none"> • they hold a doctorate degree in medicine and in addition, for the specialist, one or more diplomas or certificates of specialties recognized by the African and Malagasy Council for Higher Education (CAMES); • they are in possession of a letter of introduction from the President of the National Council of the Order of Physicians of the country of origin or provenance; • they are registered with the National Council of the Order of Physicians of the host country.²⁷¹ <p>However, there do not appear to be any procedures to simplify the recognition of doctors from non-Union member states, nor for any other foreign professional qualifications, such as those of nurses, engineers, or architects in the domestic laws of Mali.</p>	<p>Directive 06/CM/UEMOA</p>
<p>(vi) Tax and currency exchange for disaster relief activities</p> <p>The Customs Code provides in terms of article 234 that the following may be imported free of duties and taxes:</p> <p>h) shipments intended for Embassies, Consulates and International Organizations based in Mali as well as the members of these Institutions;</p>	<p>Law n° 01-075/DU, Customs Code</p>

²⁶⁸ Law n° 04-038, article 31.

²⁶⁹ Law n° 04-038, article 36.

²⁷⁰ Directive n° 06/CM/UEMOA, article 2.

²⁷¹ Directive n° 06/CM/UEMOA, article 5.

<p>i) shipments intended for Non-Governmental Organizations; j) goods imported as part of the execution of public contracts financed with external resources; k) goods imported by private companies under agreements with the State; l) goods imported by free export companies approved under the investment code; m) shipments intended for the Malian Red Cross and other national solidarity works; n) exceptional shipments devoid of any commercial character.²⁷²</p> <p>The conditions for the application of these tax exemptions are established through decrees taken in the Council of Ministers for shipments intended for Embassies, Consulates, International Organizations based in Mali, members of these Institutions and for goods imported by private companies under agreements entered into with the State, as well than for goods imported by free export companies approved under the investment code; or by order of the Minister in charge of Customs after consulting the Ministers concerned for the rest.²⁷³</p> <p>Limited information pertaining to exchange control in Mali could be located online.</p>	<p>Regulation 09/2010/CM/UEMOA</p>
<p>(vii) Freedom of movement of international assisting actors during a disaster response</p> <p>There do not appear to be any provisions that explicitly facilitate the free movement and access of international assisting actors in Mali.</p>	
<p>(viii) Safety and Security of international assisting actors</p> <p>Although the Police corps and the armed forces appear to have an active role in the implementation of the ORSEC Plan, limited information could be located online relating to the safety of international assisting actors. From the documents reviewed, including the Statutes of the National Police Staff and the General Statutes of the Military, there do not appear to be laws and policies in Mali which explicitly relate to the safety and security of international disaster assistance actors.</p>	<p>Law n° 02-056, Statutes of the National Police Staff</p> <p>Order n° 2016-020, General Statutes of the Military</p>
<p>(ix) Additional facilities for international disaster relief</p> <p>There do not appear to be additional facilities related to international disaster relief operations in Malian law.</p>	

²⁷² Law n° 01-075/DU, article 234.

²⁷³ Law n° 01-075/DU, article 234.

Please include other applicable information relating to legal facilities here.

Legal facilities under international law

Mali subscribes to the monist approach to international law, according to which international agreements automatically become part of domestic law as soon as they are ratified and published. This is provided for in terms of article 116 of Mali's Constitution, which states that the treaties or agreements regularly ratified have, on their publication, an authority superior to that of the national laws, under reserve for each agreement or treaty of its application by the other party.²⁷⁴

There are a number of international agreements of relevance to international disaster assistance. Most relevant to this study are those instruments that expedite and facilitate the provision of international humanitarian assistance. The Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (Tampere Convention) provides legal facilities for the importation of telecommunications equipment and resources during emergencies, specifically requiring state parties to reduce or remove regulatory barriers to the use of telecommunication resources for disaster relief.²⁷⁵ With regards to transport, of most relevance is Annexe 9 of the Chicago Convention on Civil Aviation (Chicago Convention) which provides procedural guidance for the clearance of aircrafts containing humanitarian assistance in response to disasters. Further, the Convention on the Facilitation of International Maritime Traffic mandates parties to facilitate the entry and exit of vessels engaged in natural disaster relief work and facilitate the entry of persons and cargo related to natural disaster relief work.²⁷⁶

In terms of customs, the International Convention on the Simplification and Harmonisation of Customs Procedures (Kyoto Convention),²⁷⁷ which was adopted in 1973 and revised in 1999, and the Convention on Temporary Admission (Istanbul Convention),²⁷⁸ simplify and harmonise customs clearance procedures for the importation of goods. Specifically, Annexe B3 of the Kyoto Convention recommends as practice that states exempt goods, including "foodstuffs, medicaments, clothing and blankets sent as gifts to an approved charitable or philanthropic organisation for distribution free of charge to needy persons by the organisation or under its control".²⁷⁹ Annexe J5 provides guidelines to expedite the clearance of relief consignments intended to assist those affected by disasters. Annexe B2 to the Istanbul Convention regulates the importation of professional and communication equipment for practitioners of various disciplines in support to relief efforts. The measures and exemptions for

²⁷⁴ Mali's Constitution of 1992, article 116.

²⁷⁵ See article 9 of the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, June 18, 1998, UN depositary notification C.N.608.1998.TREATIES-8 of Dec. 4 1998 (entered into force Jan. 8, 2005) (Tampere Convention).

²⁷⁶ See article 5.11 and 5.12 of Annexe 1 of the Convention on the Facilitation of International Maritime Traffic, 9 April 1965, 591 U.N.T.S. 265.

²⁷⁷ Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973, 26 June 1999.

²⁷⁸ Convention on Temporary Admission, 26 June 1990.

²⁷⁹ Annexe B.3 to the Kyoto Convention, recommendation 7.

temporary admission of goods for humanitarian purposes in response to natural disasters and other catastrophes are stipulated in Annexe B9. In addition, Annexe C of the Istanbul Convention allows for the temporary admission of means of transport used by a foreign entity and Annexe D allows for temporary admission of animals, including those involved in rescue operations.

It is also relevant to note treaties related to privileges and immunities law. The doctrine of privileges and immunities is not directly linked to disasters.²⁸⁰ However, it is essential for those entities involved in disaster response to which it applies, as it addresses many of the access and operations related issues identified as problematic in field operations, as it typically allows the holder of privileges and immunities to easily enter, exit and operate in a foreign country with minimum interference from domestic authorities.²⁸¹ Much of the customary law in the area of privileges and immunities has been codified in the Vienna Convention on Diplomatic Relations²⁸² and the Vienna Convention on Consular Relations.²⁸³ However, personal diplomatic and consular privileges and immunities generally do not extend outside the scope of mission staff and their families, and therefore civil protection, military and other disaster responders generally do not benefit from them.²⁸⁴ Intergovernmental organisations have also traditionally been granted privileges and immunities to enable them to carry out their functions without undue interference, but in general NGOs do not benefit from privileges and immunities under international law.²⁸⁵

In addition, the Framework Convention on Civil Defence Assistance provides a legal framework to reduce obstacles for effective international cooperation between states in disaster settings. It is also worth mentioning the Convention on the Safety of UN and Associated Personnel (UN Safety Convention) and the Optional Protocol thereto, which imposes an obligation on a state hosting a UN operation to protect UN personnel and property to prevent or reduce any impunity for those who attack UN or associated personnel or property.²⁸⁶

In terms of human rights treaties, the Convention on the Rights of Persons with Disabilities references disaster assistance the most directly. State parties are required to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including humanitarian emergencies and natural disasters.²⁸⁷ In addition, there are a number of global human rights treaties, such as the International Covenant on Civil and Political Rights²⁸⁸ and the International Covenant on Economic,

²⁸⁰ 2007 IDRL Study, 39.

²⁸¹ 2007 IDRL Study, 39.

²⁸² Vienna Convention on Diplomatic Relations, April 18, 1961, 500 U.N.T.S. 95.

²⁸³ Vienna Convention on Consular Relations, April 24, 1963, 596 U.N.T.S. 261.

²⁸⁴ 2007 IDRL Study, 40.

²⁸⁵ 2007 IDRL Study, 40.

²⁸⁶ UN Safety Convention, articles 7 and 11.

²⁸⁷ See article 11 of the Convention on the Rights of Persons with Disabilities.

²⁸⁸ International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171.

Social and Cultural Rights²⁸⁹ that set out rights closely linked to disaster relief and recovery assistance. These include the rights to life, food and water, housing, clothing, health, livelihood, and freedom from discrimination.²⁹⁰

There are also instruments which regulate the management of specific types of disasters or emergencies. For example, the International Health Regulations (the IHR)²⁹¹ regulate health emergencies with potential transboundary effects, defining the rights and responsibilities for state parties in handling outbreaks and providing public health measures for international traffic and travel. Another example is the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which sets out rules for the initiation, coordination, and operation of international assistance operations in case of nuclear or radiological events as well as for legal facilities to be granted for the effective administration of assistance.²⁹² A third example is the International Convention on Oil Pollution Preparedness, Response and Cooperation²⁹³ and its Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances²⁹⁴ which require state parties to cooperate and provide advisory services, technical support, and equipment when necessary and within their capabilities and resources, to respond to an oil pollution incident, as well as to take the legal or administrative measures necessary to facilitate the arrival and utilisation of vessels and the expeditious movement of personnel, cargoes, materials and equipment.²⁹⁵

In terms of regional instruments, article 23 of the African Charter on the Rights and Welfare of the Child²⁹⁶ (ACRWC) provides that states shall take all appropriate measures to ensure that refugee children as well as children who have been internally displaced, including by disasters, receive appropriate humanitarian assistance. In addition, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), provides in article 5(7) that state parties are obligated to facilitate the coordination of international relief and allow rapid and unimpeded passage of humanitarian relief to internally displaced persons. Further, states shall enable and facilitate the role of local and international organisations and humanitarian agencies, as well as other relevant actors, to provide protection and assistance to IDPs.

The tables below examine which of the above mentioned agreements Mali is a state party to:

²⁸⁹ International Covenant on Economic Social and Cultural Rights, 16 December 1966, 999 U.N.T.S. 3.

²⁹⁰ 2007 IDRL Study, 34.

²⁹¹ World Health Assembly, Revision of the International Health Regulations, Doc. No. WHA58.3 (23 May 2005).

²⁹² Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency Sept. 26, 1986, 1439 U.N.T.S. 275, articles 1, 2, 3, 4, 7, 8, 9, 10, and 11.

²⁹³ International Convention on Oil Pollution Preparedness, Response and Cooperation, 30 November 1990, 30 I.L.M. 733 (1990).

²⁹⁴ Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 15 March 2000.

²⁹⁵ See article 7 on the Convention on Oil Pollution Preparedness, Response and Cooperation and article 5 of the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances.

²⁹⁶ African Charter on the Rights and Welfare of the Child, 11 July 1990, OAU Doc. CAB/LEG/24.9/49 (1990).

Convention	State party		
Tampere Convention ²⁹⁷	Yes		
Chicago Convention ²⁹⁸	Yes		
Convention on the Facilitation of International Maritime Traffic ²⁹⁹	No		
Annexe B.3 to the Kyoto Convention ³⁰⁰	State party but acceptance of annexes is not clear.		
Annexe J-5 to the Kyoto Convention ³⁰¹	State party but acceptance of annexes is not clear.		
Annexe B2 to the Istanbul Convention ³⁰²	No		
Annexe B9 to the Istanbul Convention ³⁰³	No		
Annexe C to the Istanbul Convention ³⁰⁴	No		
Annexe D to the Istanbul Convention ³⁰⁵	No		
Vienna Convention on Diplomatic Relations ³⁰⁶	Yes		
Vienna Convention on Consular Relations ³⁰⁷	Yes		
Framework Convention on Civil Defence Assistance ³⁰⁸	No		
UN Safety Convention and Optional Protocol ³⁰⁹	Yes		

²⁹⁷ Information obtained from the UN Treaty Collection (UNTC) available at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXV-4&chapter=25.

²⁹⁸ Information obtained from ICAO available at <https://www.icao.int/publications/Pages/doc7300.aspx>.

²⁹⁹ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280129d04>.

³⁰⁰ Information obtained from the World Customs Organization (WCO) available at http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments.

³⁰¹ Information obtained from the WCO available at http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments.

³⁰² Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

³⁰³ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

³⁰⁴ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

³⁰⁵ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800b2770&clang=en>.

³⁰⁶ Information obtained from https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-3&chapter=3&clang=en.

³⁰⁷ Information obtained from the UNTC https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=III-6&chapter=3.

³⁰⁸ Information obtained from the UNTC available at <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280086ecb&clang=en>.

³⁰⁹ Information obtained from the UNTC available at https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-8&chapter=18 and https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-8-a&chapter=18&clang=en.

Convention on the Rights of Persons with Disabilities ³¹⁰	Yes		
IHR ³¹¹	Yes		
Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency ³¹²	Yes		
International Convention on Oil Pollution Preparedness, Response and Cooperation ³¹³	No		
ACRWC ³¹⁴	Yes		
Kampala Convention ³¹⁵	Yes		
Do your country's laws and regulations set out quality standards for international assisting actors?			National Contingency Plan 2021
<p>One of the principles on which the PNC is based is the principle of accountability, which identifies in general terms four key actors in the delivery of humanitarian assistance, including the beneficiary community, the national/local authority, the donors and the humanitarian institution.³¹⁶ Within this relationship, international aid agencies will be accountable to beneficiary communities (to meet their assistance and protection needs with dignity) as well as to donors (to ensure that assistance is provided for the propose).³¹⁷ Therefore, coordination between organizations is an essential part of this principle.³¹⁸</p> <p>No further standards for international assisting actors appear to be provided in Mali's DRM framework.</p>			
Do your country's laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?			

³¹⁰ Information obtained from the UNTC available at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-15&chapter=4.

³¹¹ Information obtained from World Health Organisation available at https://www.who.int/ihr/legal_issues/states_parties/en/.

³¹² Information obtained from the International Atomic Energy Agency available at <https://www.iaea.org/topics/nuclear-safety-conventions/convention-assistance-case-nuclear-accident-or-radiological-emergency#:~:text=The%20Convention%20on%20Assistance%20in,in%20the%20event%20of%20nuclear.>

³¹³ Information obtained from the UNTC <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800aada6>.

³¹⁴ Information obtained from the AU available at <https://au.int/en/treaties/african-charter-rights-and-welfare-child>.

³¹⁵ Information obtained from the AU available at <https://au.int/sites/default/files/treaties/36846-sl-AFRICAN%20UNION%20CONVENTION%20FOR%20THE%20PROTECTION%20AND%20ASSISTANCE%20OF%20INTERNALLY%20DISPLACED%20PERSONS%20IN%20AFRICA%20%28KAMPALA%20CONVENTION%29.pdf>.

³¹⁶ PNC 2021, page 56.

³¹⁷ PNC 2021, page 56.

³¹⁸ PNC 2021, page 56.

<p>There do not appear to be laws and regulations explicitly setting out eligibility requirements for international assisting actors to receive legal facilities in Mali based on their competence or experience.</p>	
<p>Do your country's laws and regulations establish a specialised unit for expediting the entry of international disaster assistance?</p> <p>Current laws and plans on DRM in Mali do not appear to explicitly set out a consolidated “One Stop Shop” approach to international disaster assistance nor do they establish a specialized unit for expediting the entry of international assistance.</p>	
<p>Do your country's laws and regulations provide adequate transparency safeguards and accountability mechanisms governing international disaster assistance?</p> <p>No provisions could be located in DRM-related laws in Mali which set out specific procedures to guard against the misappropriation of disaster relief funds. However, the normal criminal laws of Mali, relating to fraud and corruption, would apply in such instances. The Criminal Code contains a section specifically for preventing corruption of foreign public officials and officials of public international organizations, among others.³¹⁹ More specifically, article 123(2) establishes the legal sanctions for any foreign public official or official of a public international organization who has directly or indirectly solicited or approved offers or promises or received gifts or presents or other undue advantages, for himself or for another person or entity, in order that he performs or abstains from performing an act in the exercise of his functions or his employment, with a view to granting, obtaining, causing to be obtained, keeping or making retain a market or other undue advantage in connection with an economic or commercial transaction.³²⁰</p> <p>In addition, Law n° 04-038 provides in terms of article 33 that foreign associations, whatever their form, which do not request authorization under the conditions set out above, are null and void.³²¹ As per article 35 those who, in any capacity, assume or continue to assume the administration of foreign associations or establishments operating without authorization, are punished by imprisonment from six months to three years and a fine of 500,000 to 3,000,000 CFA francs. The same penalties are applicable to managers, administrators and participants in the activity of associations or establishments that operate without observing the conditions imposed by the authorization order beyond the duration set by the latter.³²²</p>	<p>Law n° 01-79, Criminal Code</p> <p>Law n° 04-038, Associations law</p>

³¹⁹ Law n° 01-79, section 9.
³²⁰ Law n° 01-79, article 123(2).
³²¹ Law n° 04-038, article 33.
³²² Law n° 04-038, article 35.

<p>Do your country's laws and regulations outline rules and procedures for international disaster assistance sent from, or transiting through your country?</p> <p>The law does not outline special procedures for international disaster assistance sent from and transiting through Mali.</p>	<p>Law n° 01-075/DU, Customs Code</p>
<p>4. Recovery</p>	
<p>Are there clear institutional mandates that specify the role of each agency, and clarify the responsibilities of the various stakeholders, in the recovery?</p> <p>The PNC identifies the post-crisis phase/rehabilitation and reconstruction phase as the time to restore normal living conditions by giving the affected people the opportunity to find a living environment in line with what they had before the disaster, and to establish community committees to foster local participation in the development and implementation of recovery activities.³²³ The PNC puts emphasis on the need for durable solutions by protecting and sustainably rehabilitating the livelihoods of vulnerable households.³²⁴ To this end, it proposes to undertake rehabilitation actions for people vulnerable to food crises and other disasters through the development and implementation of national response plans (NRP), a tool that allows, among other things, to reduce the loss of human life, limit the degradation of resources livelihoods and therefore strengthen their ability to cope with subsequent shocks.³²⁵</p> <p>However, specific roles and responsibilities of the various stakeholders in recovery activities do not appear to be outlined in the DRM framework.</p>	<p>National Contingency Plan 2021</p>
<p>Is early involvement of line ministries provided for?</p> <p>As stated above, limited information could be located online relating to the engagement of specific stakeholders in the recovery phase, including that of relevant ministries. From the documents reviewed, laws and policies in Mali do not appear to contain provisions on early involvement of line ministries.</p>	
<p>Are authorities and mandates for recovery from local to national clear?</p>	

³²³ PNC 2021, page 79.

³²⁴ PNC 2021, page 53.

³²⁵ PNC 2021, page 64.

<p>While Decree n° 2016-0974/P-RM establishes that the PNRRC is responsible for, among other things, facilitating the mobilization of resources necessary for risk reduction programs and projects and reconstruction after disasters,³²⁶ the subnational DRR committees which form the PNRRC, however, do not appear to be tasked with specific duties on disaster recovery.</p>	<p>Decree n° 2016-0974/P-RM</p>
<p>Is community participation mandated in recovery decision making?</p> <p>As stated above, the PNC identifies the post-crisis phase/rehabilitation and reconstruction phase as the time to restore normal living conditions by giving the affected people the opportunity to find a living environment in line with what they had before the disaster, and to establish community committees to foster local participation in the development and implementation of recovery activities.³²⁷ Community engagement does not, however, appear to be explicitly mandated in recovery decision making as per the documents reviewed. However, the principle of participation promotes more generally the engagement of affected populations, especially women and children, in the decisions that affect them in order to effectively meet their needs.³²⁸</p>	<p>National Contingency Plan 2021</p>
<p>5. Liability and Accountability</p>	
<p>Are there public reporting or parliamentary oversight mechanisms for government agencies tasked with DRM, DRR, Response and Recovery established and is such information made publicly available, and is there a role for the judiciary in enhancing accountability for DRM?</p> <p>The DRM framework in Mali does not appear to provide a defined oversight mechanism for government agencies involved in DRM to enhance accountability of public officials. However, limited information could be located on this topic.</p>	
<p>Are there legal and/or administrative sanctions (as appropriate) established for public officials, individuals and businesses for a gross failure to fulfil their duties on (i)DRR (ii) preparedness and response and (iii) Recovery?</p> <p>Mali's Constitution establishes that, in the case of a declared national calamity, every citizen shall be obligated to act within the limits of the legislation in force.³²⁹</p>	<p>Mali's Constitution of 1992</p> <p>National Contingency Plan 2021</p>

³²⁶ Decree n° 2016-0974/P-RM, article 2.
³²⁷ PNC 2021, page 79.
³²⁸ PNC 2021, page 56.
³²⁹ Mali's Constitution of 1992, article 16.

<p>As stated above, one of the fundamental principles guiding action under the PNC’s framework is the principle of accountability. This principle sustains that there are four actors in the delivery of humanitarian assistance: the beneficiary community, the national/local authority, the donors and the humanitarian institution. Within this relationship, international aid agencies will be accountable to beneficiary communities (to meet their assistance and protection needs with dignity) as well as to donors (to ensure that assistance is provided for the propose). National/local authorities, for their part, will be held accountable for the protection, security and well-being of the populations living in the areas they claim to have control over.³³⁰</p> <p>The Statutes of Civil Protection Officers clearly stipulate the duties and prohibitions that apply to civil protection personnel. More specifically, article 10 provides that civil protection officials must serve the State with dedication, loyalty and integrity,³³¹ and must, in particular, ensure at all times the promotion of the interests of the State and avoid, in the service as in private life, all that would be likely to compromise the reputation of their services.³³² It is strictly forbidden to solicit or receive, directly or through an intermediary, even outside of its functions but because of these gifts, gratuities or advantages of any kind.³³³ As per article 11, civil protection officials may not, regardless of their position, engage in a gainful or unprofitable activity likely to bring discredit to their function or create an ambiguity prejudicial to it.³³⁴ Furthermore, civil protection officials are also bound by the obligation of professional discretion with regard to the documents, facts and information of which he becomes aware in the exercise or during the performance of his duties.³³⁵</p> <p>Lastly, the Criminal Code contains a section specifically for preventing corruption of foreign public officials and officials of public international organizations, among others.³³⁶</p>	<p>Law n° 05/069, Statutes of Civil Protection Officers</p> <p>Law n° 01-79, Criminal Code</p>
<p>Are rights relevant to DRM established, including the right to disaster information, and enforcement mechanisms provided?</p> <p>Although the PNC highlights the need of effective communication with affected populations in disaster settings, from the documents reviewed, the right to information as well as other rights relevant to DRM do not appear to be legally established.</p>	
<p>Are there incentives for compliance with laws and regulations for DRM (i) DRR and (ii) Response and Preparedness, and Recovery?</p>	

³³⁰ PNC 2021, page 56.
³³¹ Law n° 05/069, article 10.
³³² Law n° 05/069, article 10.
³³³ Law n° 05/069, article 10.
³³⁴ Law n° 05/069, article 11.
³³⁵ Law n° 05/069, article 15.
³³⁶ Law n° 01-79, section 9.

<p>There do not appear to be any incentives for compliance with laws and regulations for DRM and recovery included in the documents available for review, aside from what has been set out above.</p>	
<p>Does the law provide liability protections to disaster rescue and relief personnel (including volunteers), governments, National Societies and civil society organisations?</p> <p>There do not appear to be any clear procedures in domestic law for ensuring liability protections for volunteers, the Red Cross and civil society organizations.</p>	
<p>Are mechanisms in place to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief operations?</p> <p>Provisions relating to fraud and corruption have been set out above. In addition, the monitoring-evaluation approach for the implementation of the PNC follows in particular the principles of anticipation and proactivity, accountability and good governance of public affairs, commitment of the Government and TFPs, coordination of interventions, consultation and multi-actor and inter-institutional partnership.³³⁷ This mechanism aims to simultaneously ensure:</p> <ul style="list-style-type: none"> • transparency on the use and management of financial resources, necessary to establish trust between all the actors mobilized in the decentralized and national systems; • transparency vis-à-vis TFPs in order to facilitate the pooling of funds and their fungibility, by providing all the necessary guarantees in terms of the use of funds; and • the permanent evaluation of the results obtained by the actions and programs implemented, making it possible to improve the management of the PNC by means of result indicators and evaluation criteria accepted by all the actors involved and by the development partners.³³⁸ <p>Aside from sanctioning acts of corruption by public officials and foreign organizations, the Criminal Code also contains provisions sanctioning corruption in the private sector. For instance, article 123(4) provides that it is considered an act of corruption when any person who manages a private sector entity or works for such an entity, solicits or accepts, directly or indirectly, in the context of economic, financial or commercial interests, an undue advantage for itself or for another person, in order to accomplish or abstain</p>	<p>National Contingency Plan 2021</p> <p>Law n° 01-79, Criminal Code</p>

³³⁷ PNC 2021, page 90.

³³⁸ PNC 2021, page 91.

<p>from accomplishing an act in violation of its duties.³³⁹ As per article 123(5), any manager of a commercial company, a financial institution, a cooperative, any agent of an association, of a private company, of a mutual society or of any foundation whatsoever, which uses the property or the credit of the said entity, which it knows to be contrary to the interest of the entity, for personal, material or moral purposes or to favor a third party or another legal person in which he is directly or indirectly interested, will be punished by one to five years' imprisonment and a fine of 5,000,000 to 10,000,000 FCFA.³⁴⁰</p>	
6. Public Health Emergencies	
What are the main laws, policies and plans which govern preparedness and response to public health emergencies?	
<p>In Mali, epidemics include diseases such as Ebola, Yellow Fever, and Cholera, and the country has also been affected by the COVID-19 pandemic.³⁴¹ In addition, animal diseases are also a major concern in this country where pastoralism is one of the main economic activities of the populations (30% of Malians live from livestock breeding).³⁴² In 2006, these diseases caused the loss of around 540,000 cattle and 3.4 to 5.2 million sheep and goats. The impact of cattle losses was estimated in 2008 at more than 3.9 million euros.³⁴³</p> <p>In the Sahelian context characterized mainly by climate change and variability, it is very likely that during a given year the country will have to manage several types of hazards at the same time.³⁴⁴ Consequently, the country will be able to face not a single scenario but a combination of scenarios, with several scenarios, such as for example:</p> <ul style="list-style-type: none"> a) populations hit by floods and who are also at the same time affected by the impact of a locust invasion; and also affected by an epidemic; b) populations affected by drought are also affected by an epidemic and their animals affected by an epizootic; or c) populations affected by drought who are simultaneously facing an avian invasion with attacks by grain-eating birds on their agricultural land.³⁴⁵ 	<p>National Contingency Plan 2021</p>

³³⁹ Law n° 01-79, article 123(4).

³⁴⁰ Law n° 01-79, article 123(5).

³⁴¹ PNC 2021, page 41.

³⁴² PNC 2021, page 41.

³⁴³ PNC 2021, page 41.

³⁴⁴ PNC 2021, page 41.

³⁴⁵ PNC 2021, page 41.

<p>It is not clear from desktop research, which laws and policies primarily govern PHEs in Mali (i.e. whether it is the health framework or the DRM framework). While Law n° 02-049, the Health Law, establishes the guiding principles of the National Health Policy (PNS), which is based on the fundamental principles of equity, justice, solidarity, participation of the population and civil society,³⁴⁶ epidemics or public health emergencies (PHEs) do not appear to be specifically addressed under the framework of this law. The PNS itself was not available for review for the purposes of this mapping.</p> <p>However, the 10-year Health and Social Development Plan (PDDSS) 2014-2023 seeks, among many other things, to strengthen humanitarian action and social assistance for the destitute and victims of disasters such as floods, drought, fires, epidemics, and famine.³⁴⁷ One of the strategic objectives of the PDDSS is to reduce the health consequences of emergencies linked to disasters, crises and conflicts and minimize their social and economic impact by allocation a percentage of the health budget to disasters and epidemics.³⁴⁸ Specific actions proposed to strengthen capacities in the face of disasters and epidemics from a health perspective include promoting vaccination campaigns, and strengthening epidemiological surveillance and management systems.³⁴⁹</p> <p>Epidemic and other communicable and non-communicable diseases are also widely included in the DRM framework. The ORSEC Plan is activated in the event of natural disasters (among others), which include epidemics or other biological risks.³⁵⁰ The PNC also identifies epidemics as one of the major hazards covered by the framework of the plan.³⁵¹</p>	<p>Law n° 02-049, Health Law</p> <p>Health and Social Development Plan 2014-2023</p>
<p>Which government and non-government actors do laws, policies and plans identify as responsible for responding to public health emergencies? Please list each relevant actor and describe their roles and responsibilities.</p> <p>In the event of epidemics or public health emergencies, the Ministry of Health and public Hygiene, the Ministry of Social Development, UN agencies, the Red Cross/Red Crescent Movement, together with NGOs and other national partners, help organize procedures for case management of affected persons, as well as interrupting transmission of cases. Specific actions under this field include:</p> <ul style="list-style-type: none"> • detecting cases of affected people; • installing patients in cholera camps; • isolating cases; 	<p>National Contingency Plan 2021</p>

³⁴⁶ Law n° 02-049, article 2.

³⁴⁷ Health and Social Development Plan (PDDSS) 2014-2023, page 14.

³⁴⁸ PDDSS 2014-2023, page 38.

³⁴⁹ PDDSS 2014-2023, page 53.

³⁵⁰ Decree n° 2015-0889/P-RM

³⁵¹ PNC 2021, page 1.

<ul style="list-style-type: none"> • providing support; • strengthening national capacities (training, installation of products and equipment); • ensuring chemo-prophylaxis of accompanying persons; • putting in place a preventive system for accompanying persons; • carrying out information actions, awareness of patients and visitors; • carrying out information actions, public awareness; • carrying out sanitation actions; • chlorinate the water; and • supplying the populations with drinking water.³⁵² 	
<p>Is there a coordination mechanism for the actors that are involved in responding to public health emergencies and, if so, which actors are included in the coordination mechanism? Who has overall command and control for the response?</p> <p>Epidemic and other communicable and non-communicable diseases are widely included in the DRM framework. The ORSEC Plan is activated in the event of natural disasters (among others), which include epidemics or other biological risks.³⁵³ The PNC also identifies epidemics as one of the major hazards covered by the framework of the plan.³⁵⁴ The sectoral activities proposed by the PNC under the scenario of epidemics/epizootics are mainly undertaken by government actors (Ministry of Health, Social Development, Public Hygiene), in coordination with UN agencies or the Malian Red Cross, as stated above.</p> <p>During the outburst Covid-19 pandemic, a Technical Covid Management Committee was established by Decree n° 2020-0200/PM-RM, specifically tasked to identify the needs and the resources necessary for the management of the crisis; to analyze the epidemiological situation and assess the consequences of the crisis; to prepare the situation points of the COVID19 pandemic; to formulate all recommendations and suggestions to the Interministerial Committee for Crisis and Disaster Management; and to implement the decisions resulting from the deliberations of the Interministerial Committee for Crisis and Disaster Management.³⁵⁵ Further details on this committee could not be found. While this does not represent a standard coordination mechanism between the DRM coordinating entity and the actors involved in the response to public health emergencies, it reflects an ad hoc mechanism which may be applied in the event of epidemics.</p>	<p>Decree n° 2015-0889/P-RM</p> <p>National Contingency Plan 2021</p> <p>Decree n° 2020-0200/PM-RM</p>

³⁵² PNC 2021, page 84.

³⁵³ Decree n° 2015-0889/P-RM

³⁵⁴ PNC 2021, page 1.

³⁵⁵ Decree n° 2020-0200/PM-RM, article 2.

<p>Furthermore, the PDDSS provides that the prevention and response to PHEs should be ensured in an effective manner to minimize the morbidity and mortality rate.³⁵⁶ In addition to the Emergency Medical Assistance Service (SAMU) and the referral/evacuation system, a long-term system for preventing and responding to the health consequences of disasters must be put in place.³⁵⁷ It must operate continuously and be ready to be triggered as soon as a disaster of any kind occurs. Indeed, most of the needs of disaster victims are, first of all, health and nutritional in order to save lives. To address this concern, the following priority interventions will be developed:</p> <ul style="list-style-type: none"> • the establishment and operationalization of a “health and nutrition” cluster comprising all the actors concerned within the national disaster prevention and response system; • the development and implementation of a plan for the prevention and response to PHEs, including the Minimum Emergency System (MISP) for reproductive health linked to disasters, supported by the definition and institutionalization of a sustainable mechanism for its financing; • the establishment of a support mechanism for NGOs for direct interventions, in particular, when the State cannot intervene directly; • preparing and strengthening the skills of decentralized structures for health, social development and the advancement of women to deal with the health consequences of disasters; • the establishment of medico-psychological assistance systems for disaster victims; and • the establishment of an information system on demographic and morbidity data.³⁵⁸ 	<p>Health and Social Development Plan 2014-2023</p>
<p>Are public health emergencies governed by the same legal and institutional framework as other types of disasters (e.g. floods, storms)? (That is, are they regulated by the same laws and managed by the same actors?) If public health emergencies are governed by a separate, specialised legal and institutional framework, are there any linkages between that framework and the framework for other types of disasters?</p> <p>As stated above, is not clear from desktop research, which laws and policies predominantly govern PHEs in Mali (i.e. whether it is the health framework or the DRM framework) – it appears to be a mixture of the two.</p>	

³⁵⁶ PDDSS 2014-2023, page 58.
³⁵⁷ PDDSS 2014-2023, page 53.
³⁵⁸ PDDSS 2014-2023, page 53.

Although the ORSEC plan and the PNC do not provide exclusive procedures for managing PHEs, health risks and epidemics are addressed throughout the whole plan alongside other types of disasters (floods, droughts, etc). Therefore, from the desktop research conducted, the measures, procedures and institutional arrangements outlined in the ORSEC plan and the PNC for each phase of DRM would apply to PHEs.

The PDDSS, on the other side, refers to the DRM system and proposes coordination mechanisms for the response to PHEs, as stated above. Taking into account that the law establishing the PNS does not contain provisions on epidemics and PHEs, the main documents governing PHEs appear to be the PDDSS, and those forming the DRM framework.