

Report of the Independent Observer

On the Implementation of the Agreement
on Peace and Reconciliation in Mali,
Emanating from the Algiers Process

Evaluation of Implementation in 2018

February 18, 2019

THE
CARTER CENTER





This report presents the observations of The Carter Center as the Independent Observer of the implementation of the Agreement on Peace and Reconciliation in Mali, emanating from the Algiers Process, for the year 2018.

The Carter Center: A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in over 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, in partnership with Emory University, to advance peace and health worldwide.

Segments of this report have been significantly informed by the methodology developed by the Peace Accords Matrix (PAM) project based at the Kroc Institute for International Peace Studies, within the Keough School of Global Affairs at the University of Notre Dame. Over the past 10 years, the Peace Accords Matrix project has developed qualitative and quantitative methods to identify provisions and commitments in peace agreements and measure their levels of implementation on an annual basis. The Peace Accords Matrix project currently uses this methodology to monitor the 2016 Colombian Final Agreement. We are grateful for the support, information, and documents that were shared with us by PAM researchers.



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ACRONYMS AND TERMINOLOGY

ACRONYM²

DEFINITION

ADR	Regional Development Agency (Mali)
AfDB	African Development Bank
IDB	Islamic Development Bank
CCLS	Local Security Advisory Committees
CMA	Coordination of Azawad Movements
CN-RSS	National Council for Security Sector Reform
CPER	<i>Conventions-programmes/Etat-Région</i>
CSA	Monitoring Committee
CTS	Technical Security Commission
CVJR	Truth, Justice and Reconciliation Commission
DDR	Disarmament, Demobilization, and Reintegration
FAMa	Armed Forces of Mali
FDD	Sustainable Development Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
MIEC	Joint Assessment Mission
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MOC	Operational Coordination Mechanisms
CN-DDR	National Commission for Disarmament, Demobilization, and Reintegration
PTF	Technical and Financial Partners
RSS	Security Sector Reform

TERMINOLOGY

DEFINITION

International Mediation	Members of the international community referred to in Article 58 of the Agreement for Peace and Reconciliation in Mali, Emanating from the Algiers Process
Signatory movements	Coordination of Azawad Movements and the Platform
Parties to the agreement	Malian signatories as well as international guarantors and accompanying parties
Malian parties	Government of Mali and the signatory movements
Platform	Platform of Movements - Algiers Declaration, June 14, 2014



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INTRODUCTION

A. Implementation of the Agreement in 2018

This report concludes the first full year of the mandate of the Independent Observer on the implementation of the Agreement on Peace and Reconciliation in Mali, emanating from the Algiers Process (agreement). Under Article 63 of the agreement, the Independent Observer is tasked with “objectively evaluating the implementation status” of the agreement and publishing an “exhaustive report on the implementation status of the commitments made in the agreement, identifying any hindrances, identifying the responsibilities, and making recommendations on the steps to be taken.” The two previous reports, presented to the agreement’s monitoring committee (CSA) and published in May 2018 and October 2018 respectively, focused on the “Timetable of Priority Actions” adopted by the Malian parties in January 2018, which was then revised in March into a “Roadmap for Implementation of the Timetable of Priority Actions.”

In undertaking the mandate as the Independent Observer in January 2018, The Carter Center first sought to acquire a global understanding of the state of implementation, including the overall political climate, public awareness of the agreement, and the attitudes of stakeholders and relations between them as well as the support of the international community, including the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Throughout the year, from its office in Bamako and through field visits to Gao, Kidal, Timbuktu, and Mopti, the Independent Observer maintained regular contact with the Malian parties, the institutions of the implementation process, the actors mentioned in Article 51 of the agreement, and the international community. In addition, the Independent Observer team observed in person virtually all key activities pertaining to implementation, including the sessions of the monitoring committee and its subcommittees as well as political and technical consultations among the parties.

The first report drew attention to the continued adherence of the Malian parties to the agreement and the improved climate among them, particularly between the Coordination of Azawad Movements (CMA) and the Platform of Movements – Algiers Declaration, June 14, 2014 (Platform), which seemed to contribute, after a long stalemate, to a new dynamic in the implementation process. The report also pointed out, however, that the signatory movements believed they had little responsibility for proactive implementation of the agreement and that the government did not fully fulfil its leadership role in implementation. The report also noted the low level of public ownership of the agreement and, thus, the need for a joint, nationwide communication strategy to build bottom-up support for the implementation process.

After a slowdown in implementation activities caused by the presidential election in July and August, the Independent Observer published its second report in October. The report pointed out that the obstacles to implementation were partly due to shortcomings in the organs and structures of the implementation process. The report noted that overlapping government bodies responsible for implementation often muddled the government’s approach and diminished its leadership role; that

key documents such as timetables and roadmaps did not project a strategic vision leading to final end-states; that budget considerations were often absent from implementation planning; and that perceived reluctance to engage on the part of the CSA, including the International Mediation, had, to a degree, contributed to drift in the implementation process.

Following the presidential election, a new momentum emerged, marked by a greater commitment by the Malian parties to common efforts and improvement in the regularity and depth of consultations. The motivation for the surge in activity likely derived from the international community, which was increasingly discouraged by the lack of concrete outcomes three years after agreement was signed. The “Pact for Peace,” called for in United Nations Security Council Resolution 2423 (June 2018) and signed by the U.N. and the Malian parties in October, emphasizes the urgency of taking steps to “accelerate the full and inclusive implementation” of the agreement. The status of implementation will constitute a key benchmark in discussions, scheduled for June 2019, on the renewal of MINUSMA’s mandate. The increased attention of the U.N. Security Council, including the imposition of sanctions against three individuals in December 2018, applied additional pressure on the Malian parties.³

The intensification of violence in central Mali since 2015 represents a new impediment to Mali’s development in general and to the implementation of the agreement in particular. The sharp increase in the threat of terrorism and intercommunal conflicts inevitably distracts from implementation and, without effective and sustainable responses, could eventually jeopardize the agreement.

The sustained cessation of hostilities in 2018 between the Malian parties represents a major achievement. Periodic conflict between the signatory movements from 2015 to 2017, which occurred despite the signing the agreement, evolved into a solid collaboration following the conclusion of the “Anéfis II” agreement in August 2017. This fact alone warrants significant recognition. Throughout the year, the Independent Observer noted a mutual commitment by the Malian parties to avert a recurrence of hostilities.

Overall, the implementation of the agreement is in mid-course. The principal achievements to date, however, occurred before 2018 and primarily concern preliminary measures that pave the way for final end-states. Having established a set of implementation mechanisms and improved the working climate, the time has now come for the Malian parties to face resolutely the critical and arduous tasks at the heart of the agreement: creating the new, decentralized political and institutional framework; establishing trust between the armed forces of the movements and the Malian Armed Forces (FAMa), and likewise between armed actors and the population of northern Mali generally. This requires the (re)establishment of a representative national army; the acceleration of economic development in the north to better integrate that region into national life; and finally, through advancing meaningful national reconciliation, without which the foundation of peace will remain unstable.

Translating preliminary steps – some of which are not themselves complete – into recognizable “peace dividends” remains a major challenge. Malians have seen virtually no concrete results

related to the core pillars of the agreement, such as politico-institutional and security-sector reform, or socio-economic development; rather, they have often witnessed persistent, even increasing, violence due in part to the non-implementation of commitments under the agreement.⁴ Indeed, members of civil society and the international community shared with the Independent Observer their frustration at the slow pace of implementation, which was often attributed to the parties' representatives' focus on the implementation process itself rather than on the achievement of final objectives, and their erroneous belief that funding would continue indefinitely. The Malian parties could address these perceptions by focusing on advancing the fundamental pillars of the agreement and regularly communicating with the public about progress.

This report will show that a solid foundation has been laid for achieving the key pillars of the agreement – 44 percent of commitments are at the “achieved” or “almost achieved” stage. Yet these primarily preliminary steps will not be meaningful without significant progress on the core commitments at the heart of the agreement, which remain in “intermediate,” “minimal” and “not initiated” phases. It is urgent – if the parties are to hold to the announced objective of carrying out key provisions of the agreement in 2019 – to convert the preparatory steps into tangible improvements for the people of Mali.⁵

B. Methodology

This report presents a detailed, point-by-point assessment of implementation, with the aim of capturing the state of progress while measuring the tasks ahead. This approach stems from both requests from stakeholders and the Independent Observer's own trajectory over the course of 2018; after a year of close observation, the Independent Observer is now able to provide a fuller picture of the status of implementation, including graphic tools to illustrate key findings, followed by specific recommendations.

While maintaining regular contact with the officials and bodies responsible for implementation, the Independent Observer also consulted closely with the Malian parties to the agreement and members of the International Mediation to develop an exhaustive list of the commitments undertaken by the parties and international stakeholders.⁶ This process identified 78 specific commitments. Again, through consultation, each of these commitments was broken down into monitoring criteria, i.e., indicators of progress. Using these agreed-upon indicators to quantitatively assess implementation, the Independent Observer team graded progress on individual commitments on a scale ranging from “not initiated” to “achieved.” The evaluation of the status of commitments is based on the best available information provided to the Independent Observer by stakeholders in the implementation process.

The commitments themselves are grouped around the main pillars of the agreement: creating a new political and institutional architecture (Title II); establishing a defense and security system based on the principle of a single, representative national army and security services (Title III); creating a Northern Region Development Zone and accelerating development in the northern regions (Title IV); reconciliation, justice, and humanitarian issues (Title V); and international guarantees and monitoring (Title VI). The quantitative results and graphs are intended as an instrument for understanding the state of progress toward the final objectives of the agreement.

The quantitative method is combined with a qualitative approach that considers the relative weight of each commitment, i.e., its relationship to the core objective of the relevant pillar and the agreement as a whole. Quantitatively and qualitatively, the level of progress and deficits in implementation are compared across pillars, allowing for a better understanding of the challenges still facing the implementation of the agreement and peace in Mali.

OVERVIEW

As of the close of 2018, the Malian parties to the agreement have completed nearly all the preliminary implementation steps without, however, accomplishing a signature achievement demonstrating a real commitment to see the agreement through, despite significant support from the international community. The parties have proceeded cautiously, slowly, and at times reluctantly, but they have made progress.

The most significant achievements of 2018 are the absence of hostilities between the signatories and the consolidation of mutual trust and collaboration, which greatly facilitated the holding of peaceful presidential elections in July and August. After years of temporizing, the movements accepted the registration of their combatants potentially eligible for disarmament, demobilization, and reintegration (DDR) by the National Commission for Disarmament, Demobilization, and Reintegration (CN-DDR). Moreover, Operational Coordination Mechanism (MOC) units were established in Kidal and Timbuktu, in addition to the existing unit in Gao, with members now awaiting integration into the national armed forces as part of the “accelerated DDR” launched in November. Further, *collectivités territoriales* were created for the administrative regions of Menaka and Taoudeni, and both the National Security Sector Reform Strategy and the Strategy for the Development of the Northern Regions were adopted. The designation by the government of the Ministry of Social Cohesion, Peace, and National Reconciliation as the focal point to strengthen the government’s leadership of the implementation process represented an additional positive step, as was the laudable rapprochement between the FAMa and the armed wings of the movements.

These steps should not, however, obscure the major challenges that remain. As of December 2018, the MOC is far from able to undertake joint patrols and, thus, to contribute to securing the local populations in Gao, Timbuktu, and Kidal. While the list of combatants eligible for DDR has been completed, a long path remains before cantonment, disarmament, and the integration of fighters either into the national security forces or into civilian life occur, all of which are critical steps in the eventual phase-out of the movements’ separate forces and the formation of a single, unified Malian security architecture. Likewise, the interim authorities are not fully operational and are, by definition, provisional institutions designed to give way, following significant institutional and constitutional reform, to bodies such as the popularly elected regional assemblies. Created in 2016, the regional authorities of Taoudeni and Menaka have yet to become effectively operational. Finally, in the development arena, the Strategy for the Development of the Northern Regions, while significant, remains a preliminary step towards the creation, ultimately, of a Northern Region Development Zone.

Thus, when qualitatively assessed against the agreement’s main objectives, the overall record is modest. Three-and-a-half years after the signing of the agreement, 20 of the 78 specific commitments monitored by the Independent Observer are complete (Figure 3). Nearly 60 percent of the commitments are underway but not completed: 14 commitments are almost completed, 18 are in an intermediate stage, and 14 are at a minimum stage. Twelve commitments, including many related to the major challenges listed above, have not been initiated. Figures 1 and 2 show the overall status of the commitments undertaken by the parties in the agreement.

Figure 1 – Overall Status of Implementation of the Agreement

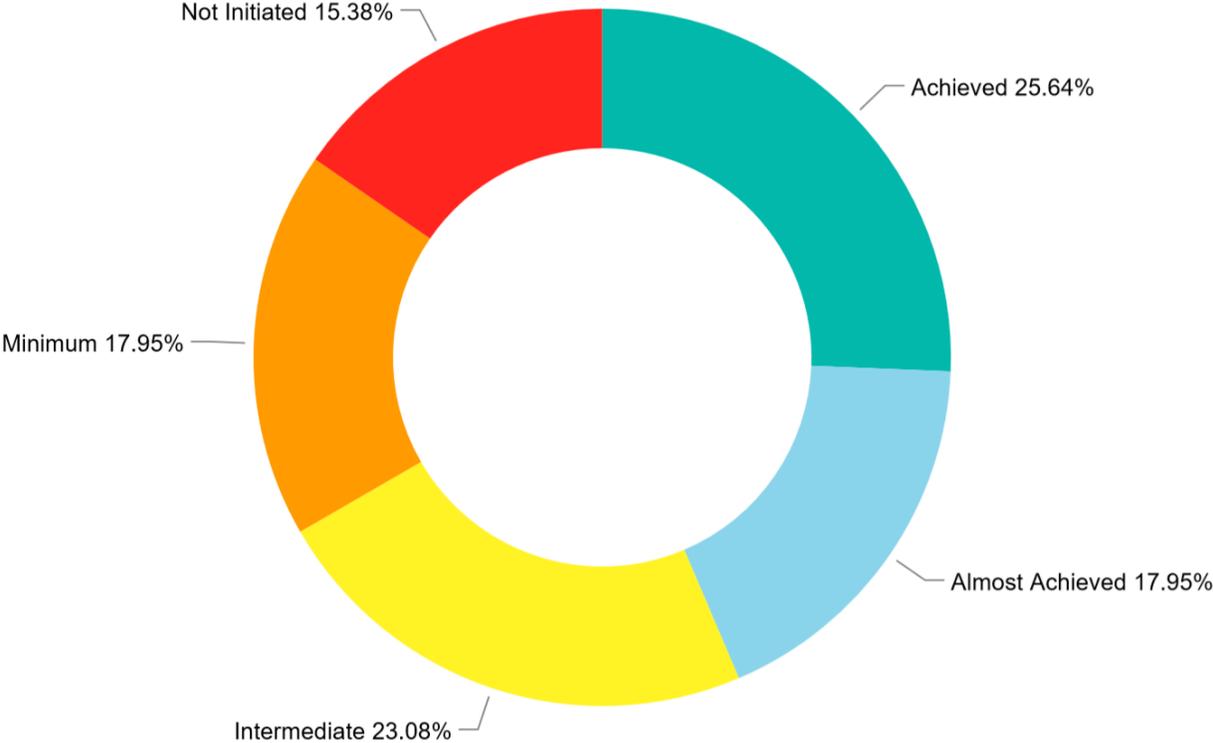
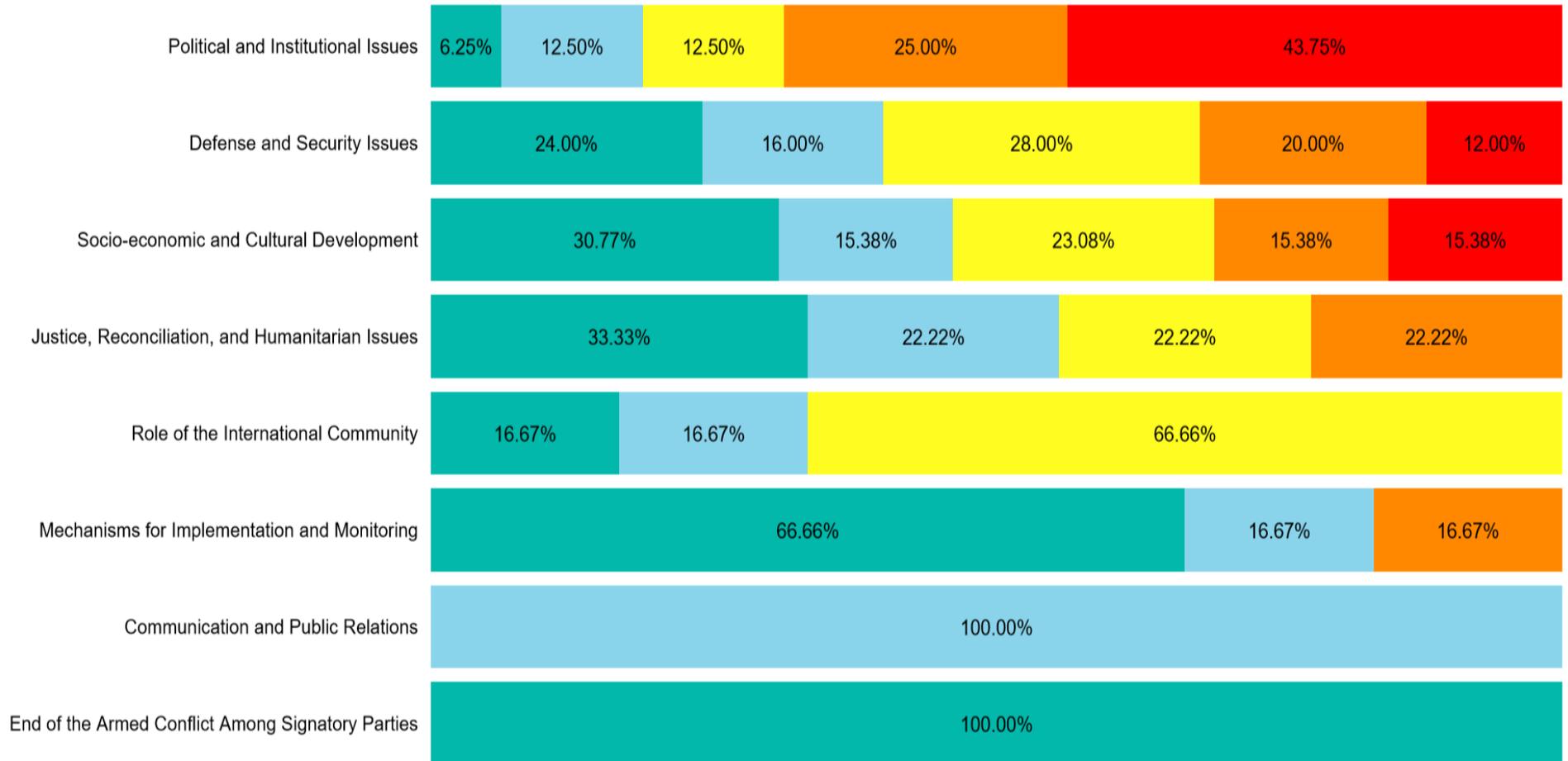


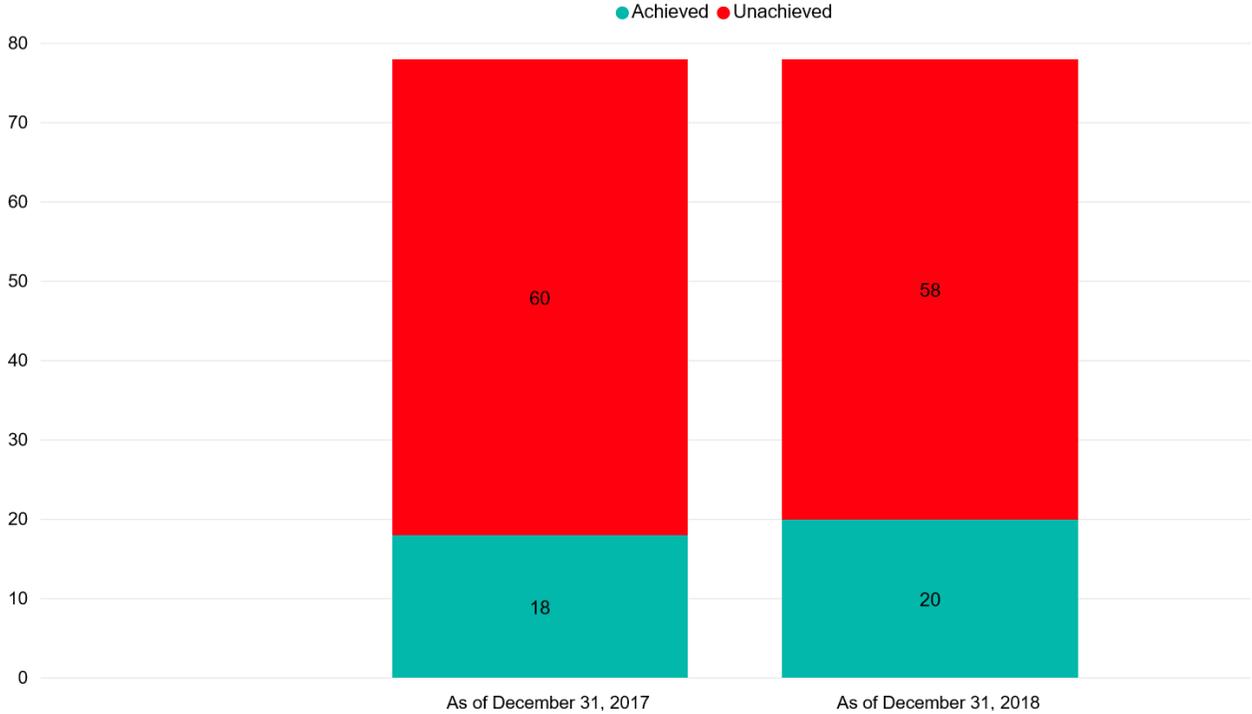
Figure 2: Comparison of Implementation Across Pillars of the Agreement

● Achieved ● Almost Achieved ● Intermediate ● Minimum ● Not Initiated



These figures reveal that **none of the four substantive pillars of the agreement (Titles II to V) is more than 50 percent completed.** Of the 20 specific commitments achieved, a total of two were completed in 2018, namely the launch of the International Investigative Commission (Article 46) and the Independent Observer (articles 63 and 64). Neither of these commitments are fundamental objectives of the agreement. For the people of Mali and interested observers, the modest pace of tangible accomplishments in 2018 was a genuine source of frustration.

Figure 3: Comparison of Achieved Commitments in 2017 and 2018^d



A. Evaluation of the Pillars of the Agreement

Just over six percent of the political and institutional reforms in Title II of the agreement have been achieved. Fifty percent are not yet achieved, while **44 percent have not been initiated.** For the most part, the latter are commitments dependent on constitutional reform or the adoption of administrative decrees or laws – for example, creating the regional assemblies. The minimal gains in the political arena – i.e., the near-absence of signs that decentralization is advancing – weigh significantly on overall implementation, especially because progress in this area is often necessary to trigger progress in other pillars.

The pace of progress in the security sector covered by Title III noticeably improved in 2018, thanks in large part to the improved atmosphere among the parties’ respective military structures and their agreement on several important files, such as the guidelines for constructing the reconstituted army

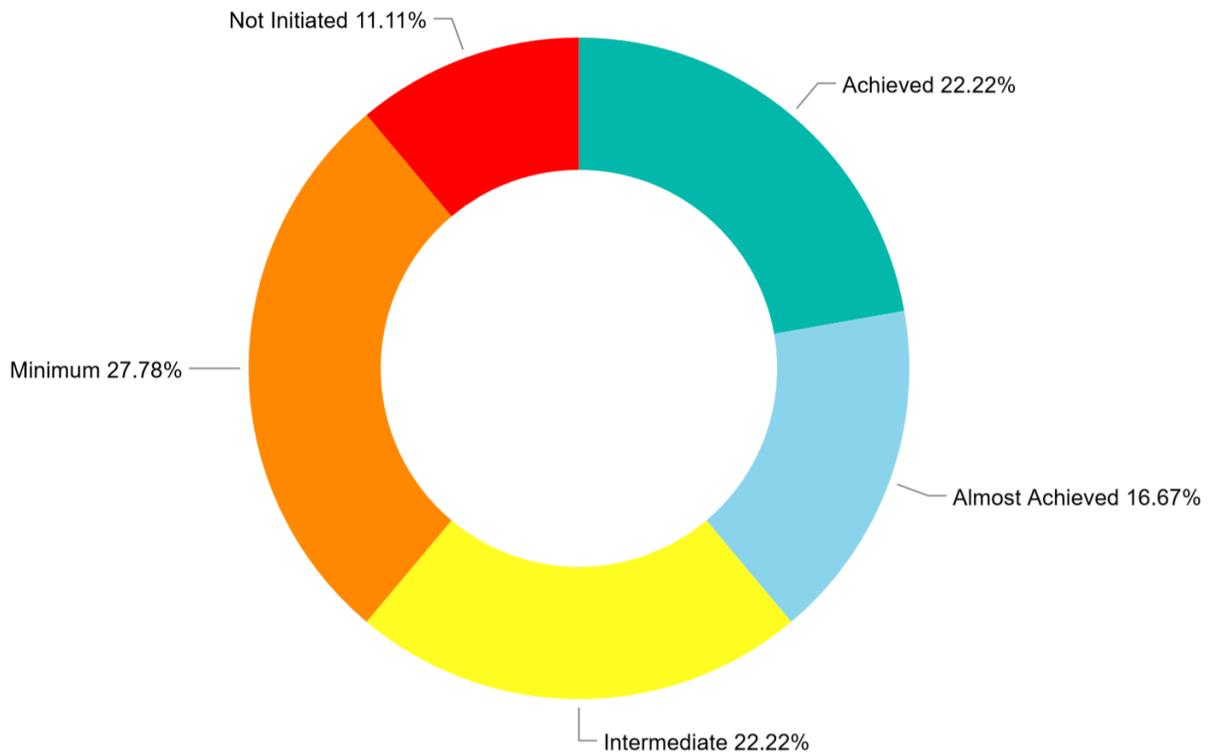
and security forces. Thus, 24 percent of commitments are achieved, 64 percent are begun but incomplete, and 12 percent have not been initiated. **The improved atmosphere and positive steps, however, are often slow to translate into official, legally enforceable decrees and documents, nor have they been converted into tangible improvements in security.** Thus, the MOC, for example, is not fully operational and the “accelerated DDR” for roughly 1,800 members of the MOC in Kidal, Gao, and Timbuktu, begun in November, has not yet allowed for the absorption into the national security forces of a significant number of the movements’ combatants, a concerning sign for the general DDR process to come. During multiple field missions to Kidal, Gao, Timbuktu, and Mopti, the local population reported a deterioration of the security environment.

The implementation of commitments in support of socio-economic development in Title IV of the agreement, and of justice, reconciliation, and humanitarian issues in Title V, has been relatively neglected, despite Figures 7 and 8 showing completion rates of 30 percent and 33 percent respectively. The completed engagements were preliminary steps, such as the joint assessment mission to northern Mali (Title IV) or the signature of conventions for the eventual return of refugees (Title VI). An illustration of this relative neglect is that of the 21 commitments in the March “Roadmap,” only two of the actions planned for 2018 pertained to titles IV and V.

B. Evaluation of the March 22 “Roadmap”

The overall implementation rate also applies to the specific case of the implementation of the January 2018 “Timetable of Priority Actions,” which was subsequently converted into the March 22 “Roadmap.” Of the 21 commitments in the roadmap, 16 were scheduled for completion in 2018.⁸ Of the “Tasks Arising from the Roadmap” adopted by the Malian parties, at the close of the year, four commitments were completed, three were almost completed, four were at the intermediate stage, five were at the minimum stage, and two had not been initiated. This analysis demonstrates that the limited agenda established by the roadmap, highlighted in U.N. Security Council Resolution 2423 (June 2018), and then reflected in the spirit of the “Pact for Peace,” produced outcomes similar to the overall implementation rate. Figure 4 presents the status of the 16 commitments in the “Roadmap” planned for 2018.

Figure 4: Implementation of the March 2018 “Roadmap”



C. Evaluation of International Guarantees and Monitoring

Through U.N. Security Council resolutions, the reports of the secretary-general and the sanctions committee established by Resolution 2374 (September 2017), the “Pact for Peace,” as well as the communiqués of the Peace and Security Council of the African Union, the international guarantors and accompanying parties closely monitored implementation in accordance with their commitments under Title VI.⁹ The imposition of sanctions by the Security Council in December partially fulfilled the commitment in Article 54 to “take steps against all those who would obstruct implementation.” The donor’s conference called for by the agreement was held in Paris in October 2015. Yet in the absence of systematic communication by the Financial and Technical Partners (PTFs) about their activities, or about MINUSMA’s stabilization and recovery program, there is a perception among Malians that the international community has not entirely fulfilled its commitments, especially in the financial sphere. Likewise, the number of uncompleted engagements, as seen in Figure 3, underlines the Independent Observer’s previous recommendation that the CSA exercise more thorough and continuous follow-up and oversight.

REVIEW OF SPECIFIC RESULTS BY PILLAR OF THE AGREEMENT

Title II: Political and Institutional issues

KEY COMMITMENTS

- Establishment of an institutional architecture based on *collectivités territoriales* comprised of institutions elected by universal suffrage and with broad powers (Article 5).
- Communities' management of their own affairs based on the principle of *libre administration* (Article 5).¹⁰
- Creation of regional assemblies and legislative bodies (*Cercle* councils and communal councils), elected by universal suffrage, and the establishment of a second chamber of parliament (Senate) (Article 6 and Annex 1).
- Improvement of the representation of northern people of Mali in the National Assembly and in institutions and major public services (Article 6).
- Transfer of 30 percent of government revenue to the *collectivités territoriales*, which also receive a percentage of revenue derived from natural resources in their territory (articles 14 and 15).
- Transfer to the *collectivités territoriales* of the powers provided for in the agreement as well as decentralized services, and the establishment of a local civil service (Article 16).
- Establishment of interim authorities within three months of signing the agreement (Annex 1).
- Timely adoption of constitutional, legislative, and regulatory documents needed to implement the provisions mentioned above (Annex 1).

IMPORTANT ADVANCES

- The government's efforts to carry out constitutional reform, specifically through the anticipated establishment of an inclusive committee of experts whose task will be to prepare the draft legislation amending the Constitution of February 25, 1992.

- Clarification of the government’s approach to implementation as a result of the designation in September of the Ministry of Social Cohesion, Peace, and National Reconciliation as the lead entity responsible for coordinating the government’s engagement in implementation.
- Identification of four types of funds to be transferred to the interim authorities (for operations, equipment, technical support, and infrastructure), with total funds anticipated to be roughly seven billion CFA francs (\$US 12 million).
- Distribution of funds to the interim authorities for their basic operations.¹¹
- In July 2018, the appointment and establishment of interim authorities in 21 *cercles* in the north (three in the Taoudeni region were not included).¹²
- As of December 2018, the allocation by the government of roughly 20 percent of revenue to the *collectivités territoriales*.¹³
- In June 2018, the promulgation of the laws creating the *collectivités territoriales*, *cercles*, and communes of the new regions of Taoudeni and Menaka.¹⁴

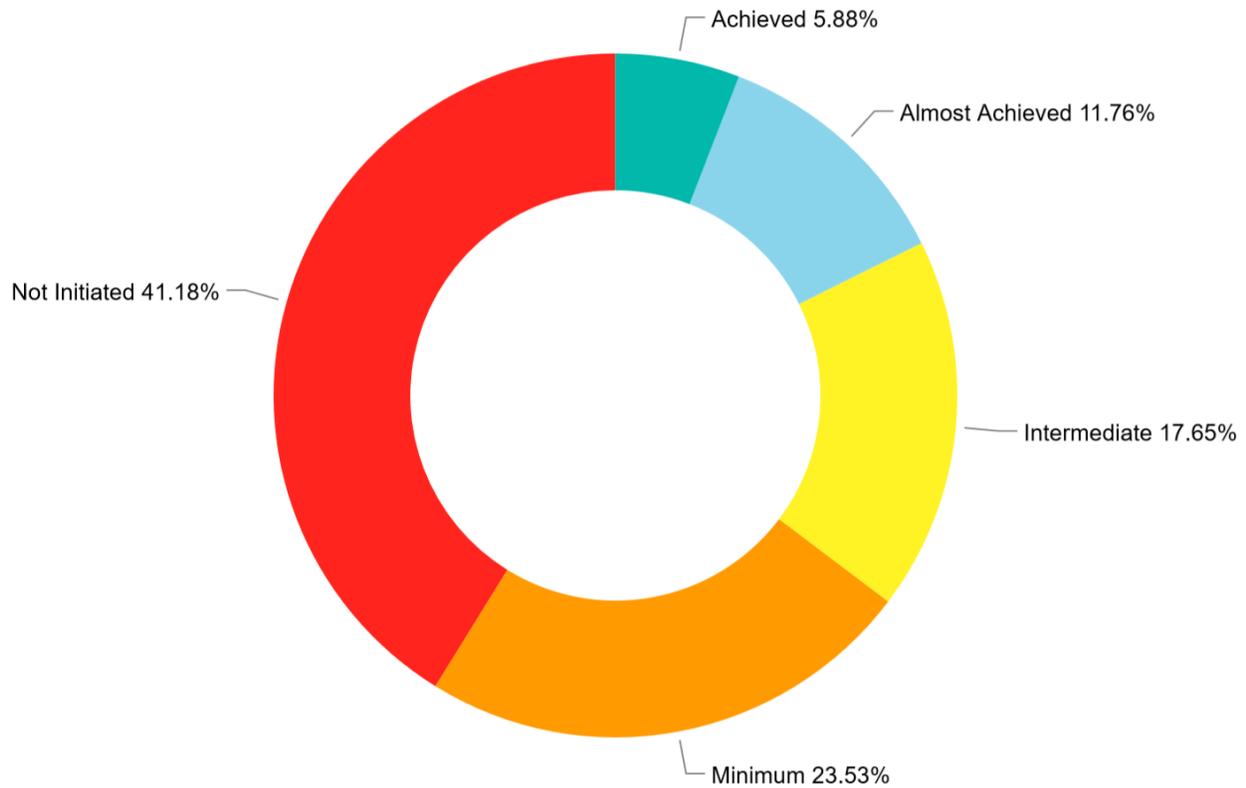
OBSTACLES IDENTIFIED

- Delays and controversies in the adoption of the regulatory, legislative, and constitutional texts necessary to implement the agreement – for example, the suspension of the 2017 referendum on constitutional reform and the rejection by the signatory movements of the Code of *Collectivités Territoriales* and the Law on *Libre Administration*, which were adopted by the National Assembly in September 2017.
- Administrative problems with the disbursement of funds, lack of qualified human resources, and weak banking infrastructure which at times hinder the proper functioning of the interim authorities and *collèges transitoires* at the regional and *cercle* level.
- The inability of the interim authorities to provide the basic services expected by the local population or to contribute effectively to the establishment of the new politico-administrative organs provided for in the agreement.
- Delays in the availability or transfer of the three remaining funding types earmarked for the *collectivités territoriales*.
- Lack of physical infrastructure in the Taoudeni region to ensure the continual presence of the interim authorities.

SUMMARY ANALYSIS

Of 16 commitments in this pillar, one has been completed and seven have not yet been initiated.

Figure 5: State of Implementation of Title II of the Agreement¹⁵



Although a preliminary and provisional measure, the objective of the establishment of the interim authorities was, inter alia, to signal to northern communities the dawn of the decentralization so often promised by the movements, and with it the choice of leaders and the administration of their own affairs. If the interim authorities had been provided with financial means, infrastructure, and personnel from the outset, public confidence in the agreement and the government would have increased. The slow process of operationalizing the interim authorities was a missed opportunity and contributed instead to heightening resentment and undermining support for the agreement in northern communities. In 2019, it will be important for the interim authorities to be able to exercise fully their mandate and receive the necessary support from Bamako to do so.

The deep interconnection between politico-institutional reform and the other pillars is a fundamental, overarching element of the agreement; these interlinkages are essential to weaving a new form of social cohesion, fostering the sense of belonging to one nation, and achieving sustainable peace. Indeed, **meaningful constitutional reform is at the heart of this pillar and is today the *sine qua non* for the success of the agreement.** We therefore welcome the launch of

discussions on the revision of the constitution.¹⁶ Given the absence of significant progress on political reform in 2018, this new determination to implement the agreement, to undertake wide-ranging consultations, and to reach a broad consensus on constitutional reform in 2019 is highly encouraging.

Title III: Defense and Security Issues

KEY COMMITMENTS

- Complete cessation of hostilities (Annex 1).
- Establishment of the MOC to secure cantonment sites and undertake joint patrols (Annex 2).
- Cantonment, disarmament, and demobilization of movement combatants, who would either be integrated into the army and national security forces or reintegrated into civilian life (Chapter 8 and Annex 2).
- Reorganization and progressive redeployment of a single, national army and national security force, composed of a significant number of recruits from the northern regions, including at command level (articles 21 and 22, and Annex 2).
- Completion of security sector reform (RSS) (Article 23 and Annex 2).
- Establishment of a territorial police force under the authority of the *collectivités territoriales* (Article 27 and Annex 2).
- Establishment of local security advisory committees (CCLS) (Article 28 and Annex 2).
- Establishment of special units to combat terrorism and transnational organized crime (articles 29 and 30).

IMPORTANT ADVANCES

- Sustained cessation of hostilities between, on the one hand, the government and the signatory movements and, on the other, between the movements themselves.¹⁷
- Establishment of the Operational Coordination Mechanism in Gao (2017), Timbuktu (2018), and Kidal (2018).

- In November 2018, the launch of the “accelerated DDR” process for combatants in the MOC battalions in Gao, Timbuktu, and Kidal.
- Establishment of a provisional list of 32,908 eligible combatants for the DDR process.¹⁸
- In July, the parties’ adoption of the Strategy for Security Sector Reform and, in December, their agreement on the core principles guiding the reconstitution of the army and security forces, for example through the concept of integrated/mixed battalions.¹⁹
- Agreement between the government and the movements on the organization and missions of the territorial police and special units.²⁰
- Between 2015 and 2017, the construction and preparation by MINUSMA of eight cantonment sites intended for future demobilized combatants.

OBSTACLES IDENTIFIED

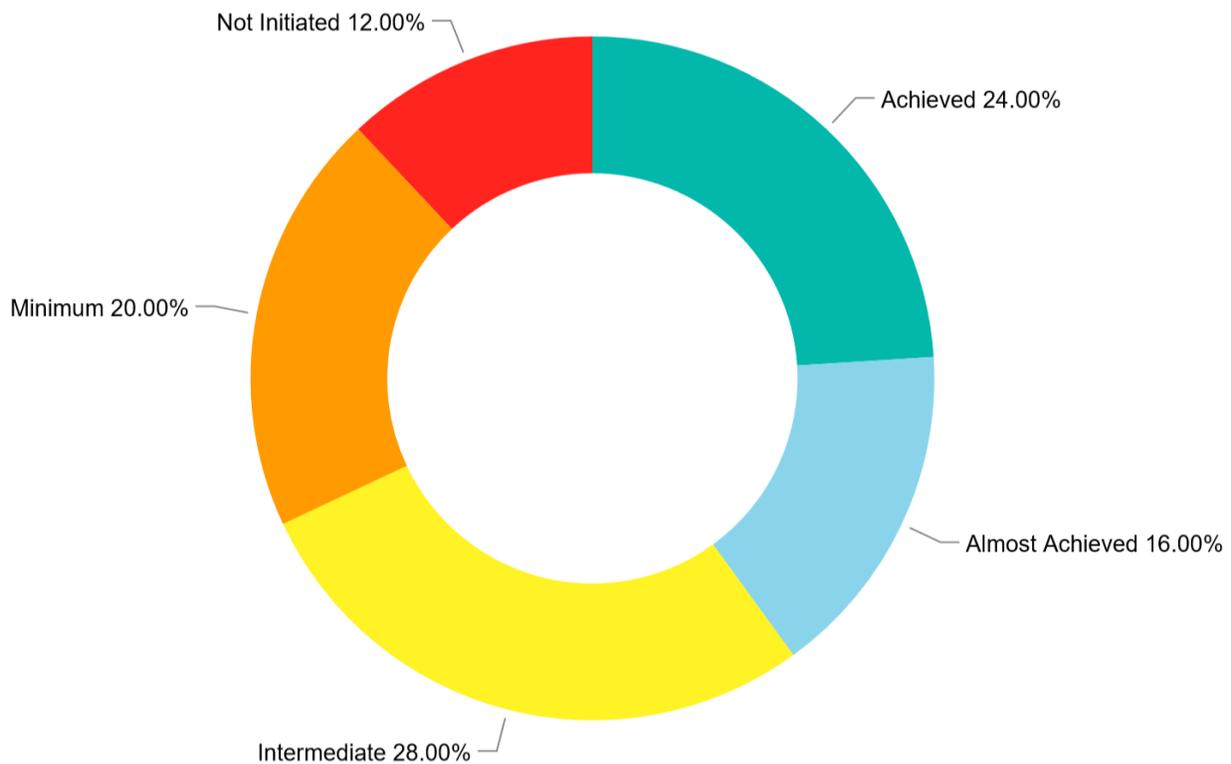
- The MOC battalions’ inability to undertake joint patrols and, thus to contribute to providing security for the populations of northern Mali, is an obstacle to progress. The significant shortcomings in equipping the battalions, due to the refusal by the movements, especially the CMA, to contribute, as agreed, vehicles and heavy weaponry are the central reason for this blockage.²¹ On the government’s part, there have been delays in regularly paying MOC members’ salaries and in furnishing helmets and uniforms, among other items.²² In general, the parties have not demonstrated a firm commitment to the establishment of the MOC.
- Within the MOC, persistent absenteeism and disciplinary misconduct.
- Significant delays in initiating the DDR process and numerous obstacles on the horizon, notably concerning cantonment and disarmament.
- Delays in the reintegration into the national armed and security forces of the roughly 537 former soldiers who are currently members of the movements. The reason for the delay is partly due to the reluctance of the signatory movements to lose these members, who are often commanders, as well as to delays in the government formally publishing through decree or other official text the agreed-upon modalities and integration criteria.²³
- Although launched in early November for approximately 1,800 MOC members, “accelerated DDR” has been roiled by disagreements over the eligibility of candidates and the allocation of ranks, and by the government’s failure to publish the necessary decrees, documents, and definitive lists of candidates.²⁴

- Focus on “accelerated DDR” has come at the expense of planning for the general DDR process, and both are made difficult because of the absence of a clear approach to cantonment.
- The limited information available on the funds budgeted for DDR and/or for combatants’ reintegration into civilian life adds uncertainty to the process, especially considering that a parallel DDR process is also ongoing in the central region.
- Aside from the agreement in principle in December 2018 on the special units, the perceived reluctance by the government and signatory movements to undertake rapidly joint action in the fight against terrorism, cross-border crime, and border control.

SUMMARY ANALYSIS

Seventy-six percent of the commitments in this pillar remain incomplete, and nearly one-third of the incomplete commitments are at the minimum or uninitiated stage. Among them are essential provisions for the security of the population and the restoration of security in the north, namely the establishment of the CN-DDR, the National Council for Security Sector Reform (CN-RSS), and agreement on the strategy for security sector.

Figure 6: State of Implementation of Title III of the Agreement²⁵



In the aftermath of the 2012 crisis, a major goal of the agreement was to end the cycle of rebellion that has marked Mali since the 1960s. Security-sector reform, through the reconstitution of a national army and security forces representative of Mali's diversity, was a core element of this effort. Thus, slow progress in the commitments under Title III, combined with the rise of threats such as terrorism and intercommunal conflict, carry significant risks of undermining the agreement. For the agreement to succeed, it is imperative to accelerate and complete the DDR process, including the disarmament and dissolution of armed movements and militias in parallel with the (re)establishment of the national army as the guarantor of security throughout the country. Having largely completed the preliminary stages, the time has come for the movements to demonstrate their determination to dismantle their military wings and for the government to signal clearly adequate and equitable preparations for the integration of the movements' former combatants into the national forces. In accordance with articles 29 and 30 of the agreement, the shared fight against terrorism, trafficking, and international organized crime, as well as the need to stabilize security generally, make progress in this pillar imperative in 2019.

To this end, the Independent Observer recommends that the government and the signatory movements, along with the dissident groups, work together to accelerate the profiling, (re) integration, and training of combatants as part of the accelerated DDR process. The Independent Observer also looks forward to the government's adoption as soon as possible of the decree on the criteria, conditions, and quotas for the reintegration of current movement combatants who were formerly members of the national armed and security forces, with the aim of accelerating this phase of DDR, laying the foundation for the general DDR process and the restructuring of the security sector as a whole.

Title IV: Socio-Economic and Cultural Development

KEY COMMITMENTS

- Creation of a Northern Region Development Zone, with an Inter-Regional Advisory Council and a Specific Integrated Development Strategy (articles 31, 33, 34, and 35).
- A Joint Assessment Mission for Northern Mali (MIEC), composed of the World Bank, African Development Bank (AfDB), Islamic Development Bank (IDB), and the U.N. to identify early recovery needs in the northern regions (Article 36).
- Organization of a fundraising conference to support the Specific Integrated Development Strategy and the establishment of a Sustainable Development Fund (FDD) as a tool for financing the strategy (Article 37).²⁶
- The establishment of regional development agencies (ADRs) in the five northern regions, particularly in the new regions of Menaka and Taoudeni, and, in addition, the signing with

each region of *conventions-programmes/Etat-Régions* (CPERs) for the planning of development efforts (articles 40 and 41).

- The government's presentation to the CSA, immediately after signing the agreement, of a document identifying its commitments in northern Mali in the fields of basic social services, food security, infrastructure, and education, among other areas (article 38).
- Promotion by the government of locally initiated cross-border cooperation projects; and, under the aegis of the CSA, the periodic review of development programs carried out by the PTFs (articles 43 and 44).

IMPORTANT ADVANCES

- Initiated in 2016, the FDD's internal institutional framework was completed in November 2018, including the establishment of the steering committee. The development of the FDD's specific terms of reference and other procedures, however, must be completed before it is fully operational.
- Provision of initial funding for the FDD, which, per the government, totals 16.9 billion CFA francs (\$US 27 million).²⁷
- In November 2018, an official mission to China by representatives of the Malian parties to draw on the Chinese experience in creating special development zones.
- Attendance at the CSA sessions of the president-representative of the PTFs.
- Signature of the CPERs between the ADRs and the regions of Timbuktu, Gao, and Kidal. While awaiting the full operationalization of authorities in the regions of Menaka and Taoudeni, the ADR of Timbuktu covers the region of Taoudeni, and the ADR of Gao covers Menaka. There is no CPER between the regions of Menaka and Taoudeni and their respective ADRs.²⁸
- In July 2017, the adoption of the Specific Strategy for the Integrated Development of the Northern Regions.
- In 2015, the identification of socio-economic needs in northern Mali by the MIEC and the holding of the International Conference for Economic Recovery and Development in Mali that led to the creation of the FDD.

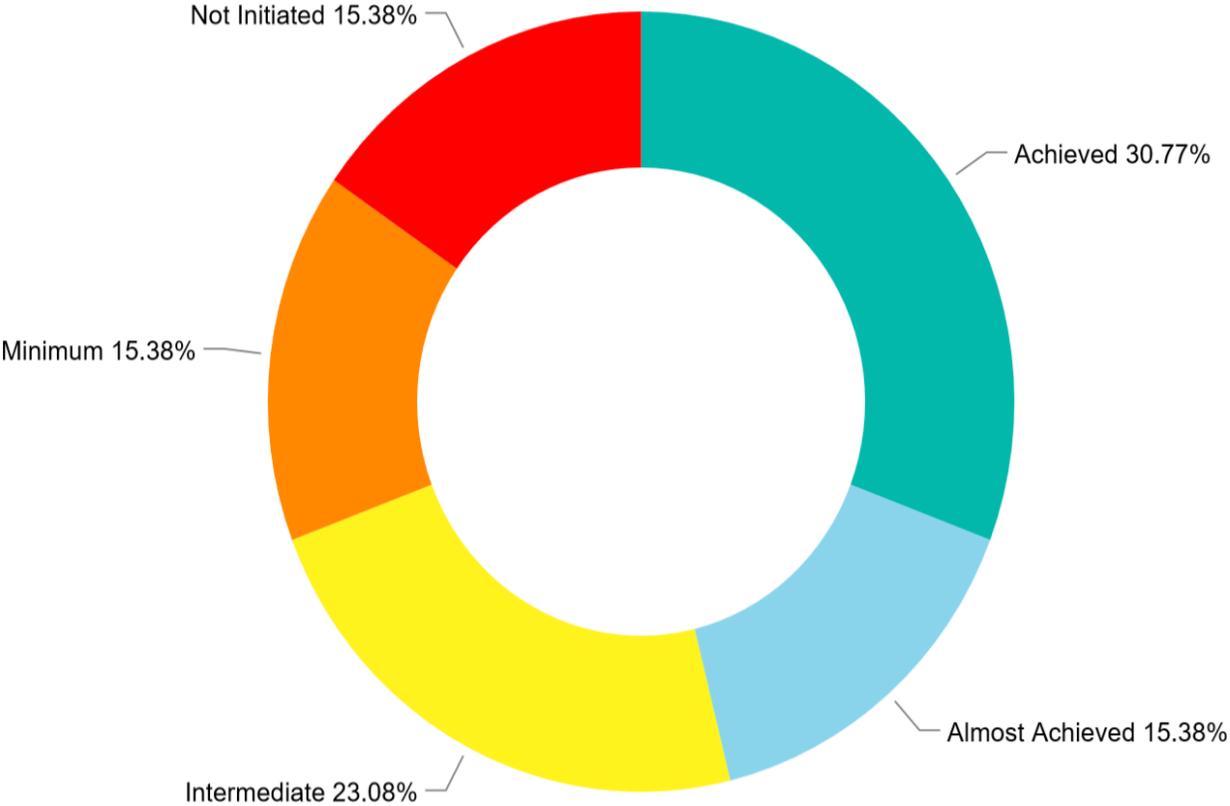
OBSTACLES IDENTIFIED

- Per Article 38, the Northern Region Development Zone constitutes the foundation of the specific strategy and the acceleration of development in northern Mali. Thus, the delay in the establishment of the development zone, itself linked to issues of politico-institutional reform, retards development efforts generally.
- Insecurity, lack of civil administration, and the inaccessibility to the north impede a broad range of emergency measures by the government, the PTFs, and humanitarian organizations.
- The persistence of disagreements between the Malian parties on the implementation of the Humanitarian Emergency Plan, including the extent of government spending and actions, continues to be a major impediment.
- The lack of systematic communication by the PTFs on their emergency and development activities in the north contributes to the frustration of local communities and the perception of the absence of “peace dividends.” In addition, periodic reviews of the PTFs’ development programming, as called for under Article 44, did not take place.
- As of December 2018, the FDD was not fully operational.
- In its second report, the Independent Observer highlighted the absence of specific and detailed budgets for the implementation of action plans. This observation still holds and is particularly relevant to financing for development activities.

SUMMARY ANALYSIS

Figure 7 shows that of the 13 commitments in this pillar, almost a third have been completed. Among the remaining 69 percent, however, are two cornerstones of Title IV: the establishment of the Northern Development Zone and the full operationalization of the FDD.

Figure 7: State of Implementation of Title IV of the Agreement²⁹



Title IV seeks to respond to longstanding neglected grievances. **To avoid a return to the past cycle of rebellions, urgent, transparent and sustainable development efforts are vital in 2019**, without necessarily waiting for the establishment and operationalization, still distant, of the Northern Region Development Zone. The government should rapidly finalize the full operationalization of the FDD, followed by direct support from the international community in accordance with Article 54, while pursuing concrete and achievable short-term projects. For example, an all-out effort to reopen schools, often still closed three-and-a-half years after the signing of the agreement, would be a strong symbol of the government’s commitment to bring “peace dividends” to the north. In addition, the PTFs, individually and collectively, could do more to disseminate information about their projects and donations, so that local populations are aware of international support for the implementation of the agreement; periodic presentations by the PTFs under Article 44 are another means of sharing information about their activities.

Title V: Reconciliation, Justice and Humanitarian Issues

KEY COMMITMENTS

- Development of a National Charter for Peace, Unity, and Reconciliation (Article 46).
- Establishment of transitional-justice mechanisms, in particular by activating the Truth, Reconciliation, and Justice Commission (CVJR) (Article 46).
- Creation of a committee to fight corruption and financial crimes (Article 46).
- Establishment of an International Investigative Commission (Article 46).
- Comprehensive reform of the justice system to consolidate the rule of law, in particular by administering justice at local levels, strengthening the training of legal personnel, and providing legal aid, among other measures (Article 46).
- Integration of traditional and customary systems in the administration of justice, without prejudice to the government's sovereign privileges, for example, by upgrading the role of the *cadis*.
- The denial of amnesty for perpetrators of war crimes, crimes against humanity, and serious violations of human rights (Article 46).
- Creation of the conditions needed to facilitate the rapid return and reintegration of refugees and internally displaced persons (IDPs) (Article 47).

IMPORTANT ADVANCES

- Between 2016 and 2018, a national policy document on transitional justice was adopted, and 10,427 people submitted their cases to the CVJR, which identified 186 victims in need of psychological and medical support. The operationalization of the CVJR field offices in Segou, Timbuktu, Gao, and Kidal allowed for the collection of information at the local level.³⁰
- In January 2018, the establishment of the International Investigative Commission, which became operational in October.³¹

- In 2015, the establishment of the Office to Fight Corruption, Financial Crimes, and Illicit Enrichment, and the appointment of staff and members in 2017.
- The development, in November 2015, of an emergency plan for justice sector reform and the implementation of the agreement by the Ministry of Justice.
- Adoption of by the government of an action plan for the management of internally displaced persons and refugees; the signature of three tripartite agreements (government, Office of the United Nations High Commissioner for Refugees (UNHCR), and host countries) on refugees and IDPs; the preparation of nine return sites out of 36 planned locations; and the return of 68,978 refugees by August 2018.³²

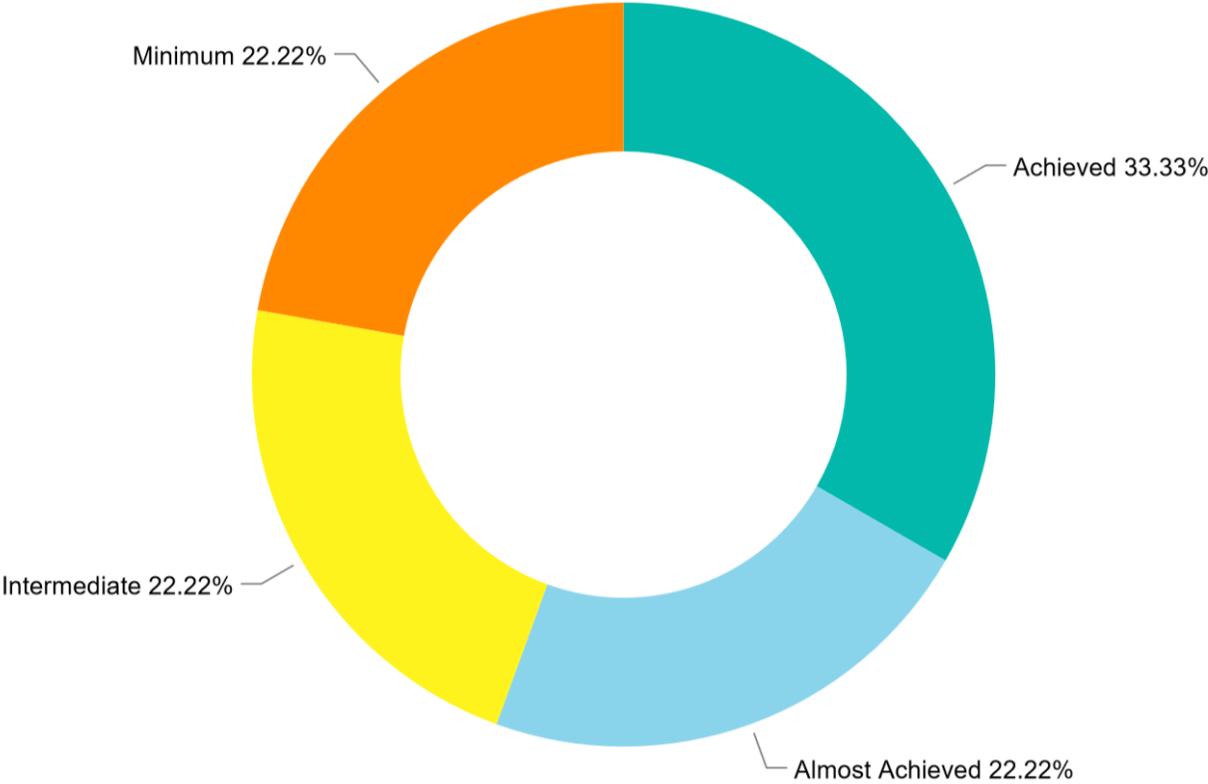
OBSTACLES IDENTIFIED

- Relative absence of justice, reconciliation, and humanitarian issues in the timetables and roadmaps of priority actions.
- Between June and October, lack of continuity and problems in the functioning of the Title V subcommittee of the CSA.
- Apparent lack of involvement of the CVJR in the transitional-justice process, given the relative absence of references to transitional justice by the CVJR in its publications.
- Prolonged presence of Malian refugees in host countries – the total is estimated by UNHCR at 139,386 – despite the March 22 Roadmap’s prioritization of speedy return.³³
- Slow progress in the implementation of commitments regarding the promotion of traditional authorities and the enhancement of the role of *cadis* in the administration of justice.
- Lack of an update on the government’s emergency plan for justice-sector reform and the implementation of the agreement, as requested by the Title V subcommittee.³⁴

SUMMARY ANALYSIS

Sixty-six percent of the commitments in this sector have yet to be completed, with 44 percent at the minimum and intermediate stage. This includes provisions essential to create the security and socio-economic conditions that will speed the return of refugees and internally displaced persons and facilitate their reintegration into society.

Figure 8: State of Implementation of Title V of the Agreement³⁵



Generally neglected and overshadowed, this pillar is nevertheless a critical aspect of the agreement, with direct impact on individuals’ lives and on the relations between citizens and between communities. A recent illustration of the stalemate in the area of reconciliation, justice, and humanitarian issues is the controversy that arose over the draft Law on National Understanding (*Entente nationale*), which was strongly contested by civil society and the political class, and in December withdrawn from consideration by the National Assembly, pending further study.

Given that justice is often cited as one of the elements driving northern Mali’s persistent crises, the Independent Observer highlights that to be effective, the implementation of the commitments under Title V – which at their core relate to the consolidation of the rule of law – cannot consistently be under-prioritized and subordinated to politico-institutional, security, and socio-economic issues. The Independent Observer recommends that the **government provide an update on the emergency plan for the reform of the justice sector.**

The return of refugees also requires renewed attention. Despite the action plan for the management of internally displaced persons and refugees and the tripartite agreements, the degrading security

situation and the lack of basic social services in the northern and central regions mean that current conditions do not allow for the return of IDPs and refugees.³⁶ At the next meeting of the CSA, it would be useful for the government to provide an update on the action plan, including a presentation of opportunities for refugees' and IDPs' reintegration into local communities.

The establishment of transitional-justice mechanisms, a technical field in itself, optimally would involve the Truth, Justice, and Reconciliation Commission, whose regional branches and mandate include investigating and collecting information on allegations of serious violations of human rights since 1960. The Independent Observer therefore encourages the renewal of the mandate of the CVJR and the strengthening of its role in the area of transitional justice.

To give impetus to the implementation of Title V, the signatory parties could establish a detailed timetable for the implementation of key commitments under this pillar, bearing in mind budgetary constraints.

Title VI: International Guarantees and Support

KEY COMMITMENTS

- The International Mediation, by offering its good offices, assuming the role of arbiter of last resort in case of serious difficulties, and advocating for international support for Mali, is the political guarantor of the parties' implementation of the agreement (articles 52 and 53).
- As the principal monitoring mechanism with the involvement of the relevant Malian stakeholders and international partners, the CSA is charged with guiding the implementation of the agreement. The agreement devotes seven articles to the CSA (articles 55, 57, 58, 59, 60, 61, and 62).
- The international community, specifically the U.N. and the African Union, closely monitors implementation and acts against those persons or entities blocking progress (Article 54).
- The international community supports emergency projects in areas such as education, health, water, and local economic recovery (Annex 3).
- Under the aegis of the CSA, the PTFs conduct a periodic review of development programs undertaken in support of the agreement (Article 44).
- Significant contributions by MINUSMA and the U.N.'s agencies and programs (Article 56).

IMPORTANT ADVANCES

- The international community has given sustained and significant attention to Mali.
- The U.N. and the African Union have fulfilled their role, for example, through the recent “Pact for Peace” and the imposition of sanctions by the Security Council, and most importantly, through the contributions – and sacrifices – of MINUSMA.
- According to the report of the U.N. secretary-general in December 2018, of the US\$4.24 billion pledged by donors at the International Conference for the Economic Recovery and Development of Mali in 2015, roughly 90 percent (US\$3.8 billion) has been paid into the national budget, 40 percent of which was planned for northern Mali.³⁷
- MINUSMA and other humanitarian actors have taken on significant humanitarian assistance activities.

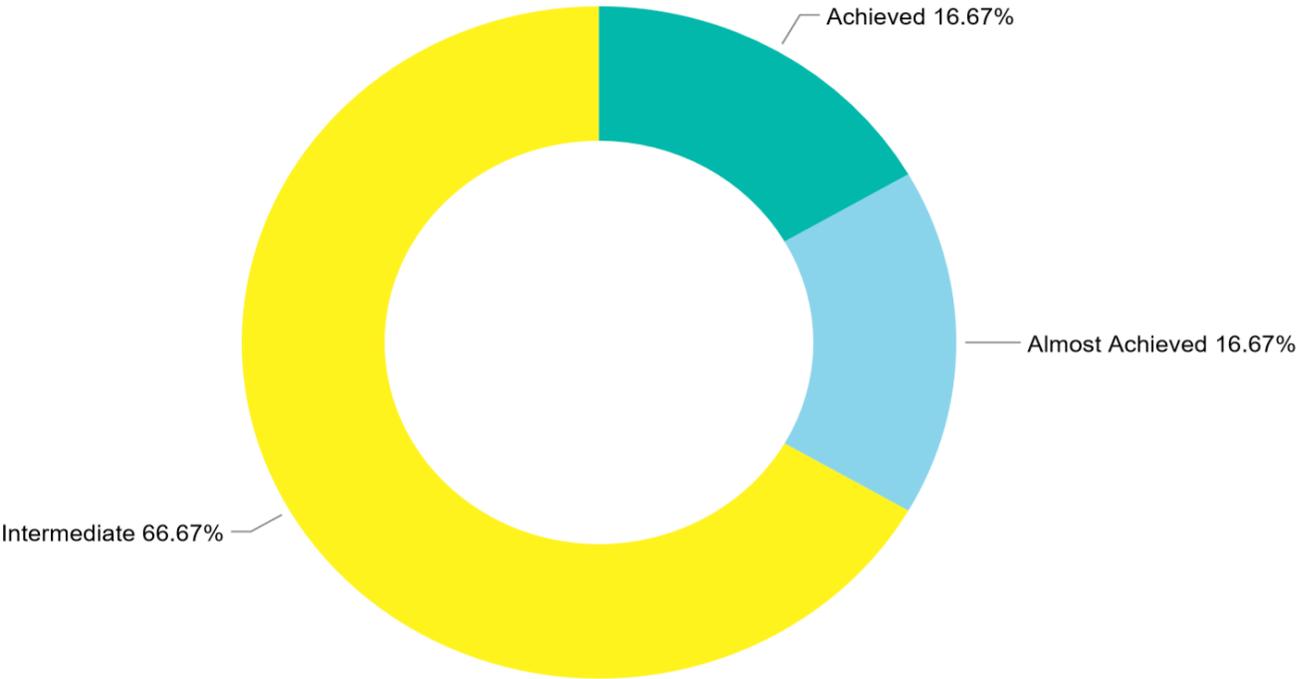
OBSTACLES IDENTIFIED

- The CSA and the International Mediation’s perceived reluctance to fulfill their respective commitments contributed in part to the weakening of the parties’ assiduousness in advancing implementation.
- Increased insecurity in northern and central Mali, characterized by the rise of banditry; regular terrorist attacks against international forces (MINUSMA, G-5 Sahel, and Barkhane), Malian national forces, and civilian populations; as well as the emergence of intercommunal conflicts, significantly impedes support from the international community.
- The international community and the PTFs have not sufficiently communicated their actions on the ground in support of implementation or their follow-up to the promised financial contributions undertaken at the Paris donors’ conference.

SUMMARY ANALYSIS

Seventeen percent of the commitments of the international community are at the achieved stage and roughly 67% are in an intermediate phase.

*Figure 9: State of Implementation of Title VI of the Agreement*³⁸



The international community has invested a great deal of time, energy, and funding in the implementation process, as evidenced by U.N. Security Council resolutions, the establishment and renewal of MINUSMA, and through projects supporting communities implemented by MINUSMA and the PTFs over the last three-and-a-half years. Nonetheless, in 2018, sharp differences in expectations between Malian parties to the agreement and members of the international community – particularly donors – were regularly expressed in the CSA, the Security Council, and elsewhere. While the international community underlines the lack of fulfillment of the commitments in the agreement, the Malian parties, including communities in the north, have the perception that the international financial contribution failed to meet expectations. More transparency and public communication will be needed about actions, particularly in the field of development, taken in support the implementation of the agreement.

These differences may also obscure the critical role of international guarantors and accompanying parties in the ultimate success of the agreement. Title VI establishes a balance of responsibilities between the Malian parties (Chapter 16) and the International Mediation, the CSA, and the international community (chapters 17-19). While respecting the primary responsibility of the Malian parties, the commitment of the guarantors is to be fulfilled by the exercise of their good offices and by ensuring the “supervision and coordination” of the implementation. Without a reinvigoration of this architecture – that is, that the CSA and the International Mediation not only monitor the parties’ progress, but also per articles 52 and 60 assist to a larger degree in structuring implementation and facilitating progress – it will likely prove extremely difficult to translate the still-fragile advances into genuine “peace dividends” for the Malian people or, worse, to avoid a gradual backsliding on progress in implementation to date.

FOLLOW-UP ON RECOMMENDATIONS

One of the important decisions announced by the prime minister in his speech in December 2018, on the occasion of the first 100 days of the second term of the president of the republic, was the “creation of a coherent and effective mechanism for coordinating government action, through a ministerial department [i.e., the Ministry of Social Cohesion, Peace and National Reconciliation] dedicated to the implementation of the agreement.”³⁹ The Independent Observer commends this step, which corresponds to concerns expressed in the first report about the government’s leadership of the implementation process, and observations in the second report on the multiple, overlapping governmental structures charged to guide implementation.

Linked to the strengthening of the government’s leadership is the improved mutual confidence and consultation among the Malian parties, which has slowed the practice, noted in the first report of the Independent Observer, of unilateral government action. At the December 2018 session of the CSA, the government announced that an inclusive group of representatives of the parties was working on planning for further implementation of the agreement, including budgetary components. The second report of the Independent Observer highlighted the absence of budget forecasts in implementation planning and recommended greater financial predictability as a key condition for enhancing implementation.

In several other cases, following the Independent Observer’s reports, changes were noted in either the behavior of the actors or in the methods and pace of implementation on specific points, for example: (i) the movements’ submission of the lists of their combatants was a key step forward in the operationalization of the MOC and the DDR process; (ii) enhanced dialogue among the parties has favored consensual decision-making on several long-stalled issues (e.g., the designation of the interim authorities of the *cercles* and agreement on the principles for the reform of the security sector, the reconstituted army, the territorial police, and the special units); (iii) the CSA’s November decision to establish an ad hoc group to consider women’s role in implementation and MINUSMA’s deliberations on the formation of a women’s observatory to support implementation. The Ministry of Social Cohesion is also considering steps on the inclusion of youth.

The few examples cited above should not obscure the absence of a permanent mechanism for the follow-up of Independent Observer’s recommendations. Consistent with Article 63, it is the parties and the CSA that consider and, if appropriate, carry out the Independent Observer’s recommendations. To that end, it would be useful for the CSA to update periodically on the implementation of the recommendations of the Independent Observer.

CHALLENGES AND OUTLOOK FOR 2019

Despite the undeniable signs of goodwill that have been demonstrated through years of increasingly detailed discussions among the parties, Malian citizens living in the north have little evidence of positive change in their communities since the cessation of hostilities. Residents of northern Mali are still waiting to elect representatives of their choice to manage local and regional affairs; basic social services (schools, health centers, water, and electricity) are insufficiently available; terrorist activity has increased; and the security depends mainly on international forces, whether MINUSMA, the G-5 Sahel, or Barkhane. Overall, insecurity and violence have increased considerably during the past year, particularly across international borders. The situation in central Mali continues to be characterized by recurrent episodes of terrorism and crime. In addition, the increase in intercommunal conflicts in central Mali and the growth of radical groups, fueled by the proliferation of weapons, are becoming increasingly worrying. All over Mali, residents remain suspicious of the political and economic implications of decentralization for their region, while civil servants continue to resist traveling to their duty stations in the north, fearing for their personal safety.

For the agreement to remain a viable driver for the promotion of peace, in 2019 the government must strengthen its leadership in the implementation process by developing and expanding the inclusive approach of the new Ministry of Social Cohesion, Peace, and National Reconciliation. **In particular, the government needs to adopt stronger measures to resume the provision of basic services in the north, and the movements need to abandon their stalling tactics in order to make significant progress in the DDR process.**

The perception of ambivalence within the government and the movements remains an important challenge to successful implementation. Key steps, such as constitutional reform and the completion of DDR, which should take place in parallel and are intertwined, cannot be achieved quickly. In this uncertain environment, **public and symbolic gestures of strong and sustained commitment to the agreement on the part of political leaders – preferably made jointly – are critical to staying the course on implementation.** The president of the republic can achieve this by continuing to empower fully his Ministry of Social Cohesion, with support from sister ministries, as the main coordinator of a government-wide approach to implementation. It will also be important for the president to specify the concrete milestones he hopes to achieve in 2019 and that the government adhere strictly to the president's directives, holding itself to account in case of delays. Similarly, the personal and direct involvement of the leaders of the signatory movements will be necessary to put an end to the perception of their continued ambivalence.

A key challenge for 2019 will be to **broaden public support** for the effective implementation of the agreement. With his re-election for a second term, it is essential that the president become an even more active and visible advocate of the agreement. His actions will inspire public confidence in implementation efforts and convey the message that everyone is part of the success of the agreement. To gain broad popular support, a forum must be created where political opposition and civil society – including women, youth, and religious leaders – can be heard and can contribute to the legislative and constitutional reforms necessary to achieve the objectives of the agreement.

Entwined in the actions that contribute to the emergence of enduring peace and stability in Mali is the important mission of national reconciliation. While there has been a sustained cessation of combat between the government and the movements, the Independent Observer is nevertheless concerned that the weak foundation thus far laid for national reconciliation could eventually give rise to an explosion of intercommunal conflicts. **Until the Malian parties take more meaningful steps within the framework of Title V, national reconciliation will remain elusive and peace in Mali at risk.**

The CSA needs a more productive working method. A major challenge in 2019 will be to synchronize and balance the implementation of the four pillars. The Independent Observer's assessment indicates that progress is not evenly balanced, especially given lags in the political and institutional area, which could ultimately be detrimental to overall implementation. There is a risk that either party may feel that it has been adversely affected by more progress in one area than the other, i.e., that its priorities are being neglected. The Independent Observer is acutely aware that the pillars are closely inter-linked. The investment of time and energy – and of results – must be better distributed across the principal titles and more visible to the public in order to restore overall confidence in the implementation process.

Given the end-2019 deadline seemingly set by the parties, the key question in the upcoming period is therefore how quickly the remaining 58 commitments (70 percent of the agreement) – in particular, milestones such as the creation of the development zone and regional assemblies; the establishment of a new Malian army equitably integrating the movements' combatants; and justice reform – can be advanced toward completion. Failure to make decisive and demonstrable progress could ultimately jeopardize the fragile progress that has been achieved. For the international community, the challenge will be to gauge how best to support the key stages of implementation, and for how long.

NOTES

¹ Based in Washington, D.C., with frequent missions to Mali.

² Some acronyms are listed according to the commonly-used French usage.

³ See, e.g., <https://www.jeuneafrique.com/693899/politique/trois-maliens-contrevenant-a-laccord-de-paix-frappes-par-des-sanctions-de-lonu/>. The three targeted individuals are Mohamed Ousmane Ag Mohamedune, Ahmoudou Ag Asriw and Mahamadou Ag Rhissa.

⁴ It should be noted that the Malian parties, the guarantors and accompanying parties began implementing the provisions of the agreement the day after its signature, in accordance with the interim period of between 18 and 24 months set out in the agreement. The mechanisms for verification (such as the CTS) and monitoring (such as the CSA), except for the Independent Observer, were quickly put in place, and there was rapid agreement on a technical methodology of implementation based on action plans and timetables. See also *infra.*, pp. 23-26.

⁵ See, Remarks of the prime minister, *Toutes les dispositions substantielles de l'accord mises en œuvre d'ici fin 2019*, *Journal indépendant*, December 27, 2018.

⁶ In addition, the Independent Observer's methodology also included close study of the various plans, timetables, and documents developed since the signing of the agreement, as well as a careful analysis of the CSA's communiqués and summaries of its meetings, which are produced by the secretariat. The Independent Observer also followed the deliberations of the CSA subcommittees and other technical organs of the implementation process. Finally, the methodology included analysis of evaluations of implementation carried out by the Parties themselves and by civil society actors.

⁷ The Independent Observer anticipates that it will be able in future reports to track and assess the progress over time of commitments in the five categories (for example, determining whether a particular commitment moved from "intermediate" to "almost accomplished.") Having begun its mandate in January 2018 and having put in place this methodology over the course of the year, the Independent Observer is unable to provide such tracking across categories for 2018.

⁸ *Feuille de route pour la mise en œuvre des actions prioritaires*, March 2018.

⁹ The mandate of the sanctions committee was renewed by U.N. Security Council Resolution 2432 (August 2018).

¹⁰ *Libre administration* is a legal concept involving the devolution to local government of a protected sphere of administrative actions removed from the remit of the central government.

¹¹ Specifically, the provision 129 million CFA francs (\$US 223,000) for the operation of the interim authorities and *collèges transitoires*. Further, as part of the emergency program for the recovery and development of the northern regions (PURD-RN), an amount of 430 million CFA francs (\$US 743,000) has been allocated but not yet distributed. See, *Etat d'exécution des ressources financières et du point du renforcement des capacités en ressources humaines des autorités intérimaires et collèges transitoires, exercice 2018*, Document of the Ministry of Territorial Administration and Decentralization.

¹² The three *cercles* are Boudjbeha, al-Orche and Fom-Elba. Note that interim authorities were established at the regional and *cercle* levels, but not at the commune level; as current plans are for the designation of commune-level interim authorities on a case-by-case basis, it is likely that lengthy discussions between the Parties on this matter are to come.

¹³ *Memo sur la mise en œuvre de l'Accord pour la paix et la réconciliation au Mali, issu du processus d'Alger, signé le 15 mai et le 20 juin 2015 à Bamako (situation en novembre 2018)*, document from the office of the Presidency.

¹⁴ Laws 2018-040 and 2018-041.

¹⁵ Title II commitments are classified in the following manner:

Achieved: Organize the National Conference for Understanding (*Entente nationale*); *Almost Achieved*: Establish authorities responsible for the administration of municipalities, *cercles* and regions during the interim period; Take expeditious measures concerning the establishment of the regions of Menaka and Taoudeni and the *cercle* of Almoustarat; *Intermediate*: Transfer 30% of budgetary revenue to local authorities by 2018; Improve the representation of northern populations in institutions and large public services, bodies, and administrations; *Minimum*: Expeditiously adopt constitutional, legislative and regulatory texts; Increase electoral registration with a view to improve the representation of northern populations at the National Assembly; Re-examination of the electoral law in order to ensure that it corresponds with the provisions of the agreement regarding local, regional and national levels;

Decentralize and transfer to local authorities the services falling under their jurisdiction; *Not Initiated*: Distribution to the local authorities of a part of the proceeds from the exploitation of natural resources; Recruit for the public services of the *collectivités territoriales*, with positions mostly filled by nationals of the northern regions; Create a second chamber of parliament; Establish bodies included in the agreement (Regional Assembly, *Cercle* Council, Municipal Council, president of the Regional Assembly, president of the *Cercle* Council, and mayor); Appoint a representative of the central government to the new regional bodies; Hold elections at the national, regional and local levels for the bodies included in the agreement; Open the *Haut conseil des collectivités* to elite figures (*notables*).

¹⁶ Regarding the revision of the Constitution, the Independent Observer notes various reasons cited in the past by the public, civil society, the political class or the signatory movements for their opposition to, or questioning of, constitutional reform: “We cannot touch the Constitution resulting from the revolution of 1991,” “a constitution enhancing decentralization is a gift to the rebellion and marks the beginning of the dismantling of Mali,” “the project [of the constitutional referendum in 2017] was tailor-made for the President,” “the [2017] process was carried out without consultation,” “the provisions of the agreement were not sufficiently taken into account”, etc.

¹⁷ This includes the establishment of structures responsible for ceasefire verification, preparation of combatant registration, cantonment, DDR-integration and RSS.

¹⁸ *Compte-rendu de la 7^e réunion extraordinaire de la Commission technique de sécurité ; Rapport d'étape sur l'état d'avancement du processus DDR au Mali de la CN-DDR*, September 2018 (note that the lists are provisional) ; presentation at the CTS during its 34th session, January 2019.

¹⁹ The drafting of the implementation plan for the Strategy for Security Sector Reform is underway. See, *Relevé des conclusions de la Réunion de haut niveau sur l'opérationnalisation des actions prioritaires défense et sécurité de l'Accord*, December 12-14, 2018.

²⁰ *Relevé des conclusions de la Réunion de haut niveau sur l'opérationnalisation des actions prioritaires défense et sécurité de l'Accord*, December 12-14, 2018.

²¹ CTS, *Compte-rendu et relevé des conclusions de la 28^e séance*, April 11, 2018.

²² Presentation on the situation of the MOC during 34th session of the CTS (January 2019). The items include cots, bed covers, military uniforms, parkas/jackets, bullet proof vests, and helmets.

²³ Per the March 22 “Roadmap,” the reintegration and integration operations were to take place between March and April for former members of the armed and security forces, and between April and September 2018 for combatants.

²⁴ For example, in Kidal the CMA refused to allow the participation of members of dissident groups in the “accelerated DDR” process. The Independent Observer classifies as dissident groups those formations having broken with either the CMA or the Platform and forming part of the *Coordination des mouvements de l'entente* (CME).

²⁵ Title III commitments are classified in the following manner:

Achieved: Establish the CTS; Finalize the identification and validation of cantonment sites; Update and adopt the modus operandi for the cantonment sites; Establish the CN-DDR, including its regional offices; Establish the Commission of Integration, including its regional offices; Set up the CN-RSS; *Almost Achieved*: Conduct a detailed assessment of the system for defense and security with the support of partners; Develop and implement a socio-economic reintegration program; Construct the cantonment sites; Set up the MOC; *Intermediate*: Establish joint teams for observation and verification (EMOVs); Receive (to the CTS) the final and certified list of combatants, including their armaments; Adopt and implement a national DDR program in collaboration with the CSA; Identify combatants eligible for reintegration into civilian life or the DDR program; Establish the criteria, quotas and modalities for the integration of combatants in collaboration with the CN-RSS; Identify and redeploy combatants who were formerly members of security and armed forces; Establish, as necessary, special units to combat terrorism and organized crime; *Minimum*: Establish local consultative committees for security (CCLS); Establish a police force under the authority of the *collectivités territoriales*; Take steps to integrate ex-combatants within a period not exceeding six months; Conduct an accelerated integration/DDR; Conduct joint patrols; *Not Initiated*: Gather registered combatants for DDR at cantonment sites (includes food support); Establish a detailed plan and timeline to redeploy armed forces and reconstituted security; Redeploy reconstituted armed and security forces.

²⁶ The Specific Integrated Development Strategy is intended to bring the northern regions up to the same level of development as the rest of the country within a period not exceeding 10 to 15 years.

²⁷ Ministry of Economy and Finance, *Note technique relative au point sur la mise en œuvre de l'Accord pour la paix et la réconciliation au Mali*, December 28, 2018.

²⁸ Per the government, project agreements have been signed for the construction and repair of infrastructure in the five northern regions; construction and repair, however, have not yet begun.

²⁹ Title IV commitments are classified in the following manner:

Achieved: During the first sessions of the CSA, the government should present a document establishing its commitments in terms of the development of northern regions, the means available and the timetable for implementation in the areas mentioned in article 38; Develop a specific strategy for the development of northern regions; Organize a joint mission to assess development and identify needs in the northern regions; Conduct a joint assessment mission to northern Mali; *Almost Achieved*: Organize a fund-raising conference for the specific development strategy; Establish Regional Development Agencies (ADR); *Intermediate*: Conclude *conventions-programmes/Etat-Région*; Create a sustainable development fund (FDD); The humanitarian emergency plan (2015-2017) concerning the areas of education and training, health, hydraulics, revival of the local economy, hygiene, food security, and energy; *Minimum*: Promote cross-border projects with local initiatives; Create a development zone in the northern regions; *Not Initiated*: Establish an advisory council made up of representatives of the relevant regional assemblies; Associate the CTS in the development, conclusion, implementation and monitoring of relevant loan and development assistance agreements.

³⁰ Office of the High Representative of the Republic for the Implementation of the Agreement, *Memo sur la paix et la réconciliation au Mali*, November 2018; Report of the CVJR, October 2018; <http://www.rfi.fr/afrique/20190128-mali-cvjr-terme-son-mandat-mais-pas-son-travail>

³¹ Office of the High Representative of the Republic for the Implementation of the Agreement, *Memo sur la paix et la réconciliation au Mali*, November 2018.

³² The tripartite agreements were signed between 2014 and 2016. See, *Rapport du Sous-comité Réconciliation, justice et affaires humanitaires*, December 14, 2018.

³³ *Idem*.

³⁴ *Compte-rendu de la session du Sous-comité Réconciliation, justice et questions humanitaires*, December 14, 2018.

³⁵ Title V commitments are classified in the following manner:

Achieved: Create an International Investigative Commission; Create a Commission to fight against corruption and financial crime; Develop a charter for peace, unity and reconciliation; *Almost Achieved*: Put in place transitional-justice mechanisms, notably through the operationalization of the CVJR; Implement wide-ranging reform of the justice system; *Intermediate*: Revitalize the role of traditional authorities, such as *cadis*, in the administration of justice; Generalize legal assistance and information on the rights of citizens; *Minimum*: Promote the status of traditional authorities by including them in standard protocol procedures; Create the necessary conditions to facilitate the rapid return, repatriation and reintegration of internally displaced persons and refugees, and put in place support mechanisms.

³⁶ The failure to progress meaningfully in this area, which remains the central commitment of the humanitarian affairs component of Title V, could have repercussions on the implementation of the political and institutional pillar, given the insistence of the signatory movements on accelerating the return of refugees and IDPs as a precondition for the organization of regional and local elections. Delays in the implementation of this commitment could therefore compromise adherence to the electoral timetable and the holding of free and fair elections.

³⁷ https://minusma.unmissions.org/sites/default/files/fr-report_of_the_secretary-general_on_the_situation_in_mali_-28dec2018pdf.pdf

³⁸ Title VI commitments are classified in the following manner:

Achieved: Provide full support to the agreement, monitor implementation and, where appropriate, act against all those who impede the implementation of the commitments; *Almost Achieved*: Contribute promptly and generously to the envisaged Trust Fund; *Intermediate*: Support the implementation of the agreement through the financial, technical and logistical support required for the operation of the various mechanisms provided for in the agreement; Support the implementation of the actions and the projects provided for by the agreement, including emergency measures; Play a key role and make important contributions to implementation (“supervising and coordination,” per article 60); Conduct, under the aegis of the CSA, a periodic review of the development programs undertaken by the PTFs.

³⁹ See, Remarks of the prime minister, *Toutes les dispositions substantielles de l'accord mises en œuvre d'ici fin 2019*, *Journal indépendant*, December 27, 2018.

Annex 1 – Recommendations of the Independent Observer

(covering the period January 15- September 30, 2018)

Report of May 28, 2018

- The Malian parties focus on the core objectives of the agreement, devoting their energy to changing their approach and working relationships in order to accelerate implementation. Specifically, the Independent Observer recommends that future timetables and roadmaps center squarely and realistically on the key, long-term strategic pillars of the agreement, which should determine the organizational structure of implementation. These pillars are: (i) the creation of a new governance architecture for Mali; (ii) the reconstitution and redeployment of a representative, national army, including the demobilization of former combatants; and (iii) the creation of a Northern Region Development Zone. The Malian parties should avoid becoming bogged down by preliminary issues tied to short-term priorities. Supporters of the implementation process are encouraged to help the parties maintain focus on these key items and consistently redirect the attention of parties to the true core of the agreement.
- Headed by the government, the parties urgently devise a communication strategy to make the agreement a shared national project.
- Considering the urgent need for disarmament, which is the priority of civil society, especially women, the Independent Observer notes with deep concern that the release of the movements' lists of combatants eligible for DDR is, for various reasons, continually postponed. The Independent Observer recommends that the movements act promptly to fulfill their responsibility to provide lists of combatants.
- The government take special and urgent steps to provide the interim authorities with the financial, material, and human resources needed to fulfill their mandate, namely the provision of basic social services and participation in the organization of elections.
- The CSA employ the totality of the tools at its disposal in Article 60. In this vein, the Independent Observer recommends that the CSA develop mechanisms allowing it to fulfill its mandate in the period between monthly sessions.
- The CSA, within the framework of its mandate to coordinate implementation, develop mechanisms allowing the actors listed in Article 51 – namely the political class and civil society, especially women, youth, the media, traditional communicators, and traditional and religious authorities – to provide their full support to achieve the agreement's objectives.

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- The CSA assess whether the grievances expressed by dissident splinter groups merit special consideration and/or ways to maximize the inclusion of Malian communities in its discussions. Dissident splinter groups threaten to resort to violence unless granted enhanced participation in the implementation process. The cynical paradox of the dissident splinter groups resorting to violence to advance implementation of the agreement calls into question the groups' sincerity yet, at the same time, conditions have been created, particularly due to delays in implementing the agreement, which appear to give these groups leverage.
 - The working methods used in the implementation process be reconsidered, especially so that workshops and coordination sessions do not serve as substitutes for decision-making. Given that the government is the main actor, it should fully own, over the long term, its leadership of the consensual implementation of the agreement. In this regard, the Independent Observer recommends that, in place of a multitude of workshops, the focus be on consensus-based decision-making centered around meetings organized by the high representative of the president for the implementation of the agreement.

Report of October 26, 2018

- That the government further clarify the missions and responsibilities of the implementing structures and ensure the systematic involvement of the signatory parties. In this framework, the government could, for example, reactivate the technical cells which would constitute the core of day-to-day coordination of implementation.
- That future timetables be structured around the principal provisions of the agreement, setting out priorities, their sequence, and the final objectives.
- That future timetables and roadmaps incorporate budgetary considerations.
- That, to ensure transparency, predictability, and accountability, regular exchanges be established between the CSA, the government, and partners on the financing of the implementation of the agreement,
- That the working methods of the CSA be reinvigorated, considering the following points:
 - In line with Article 44 of the agreement, the agenda could be diversified to allow for periodic exchanges, for example, with technical and financial partners. The CSA could also meet with humanitarian actors and others supporting the implementation of the agreement.
 - The subcommittees could meet more regularly, at a rate of twice a month between the plenary sessions, and coordinate their activities with the activated technical cells.

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- The president of the CSA could designate an eminent person based in Bamako to supervise the activities of the subcommittees between plenary sessions.

 - The CSA could, at regular intervals, establish a direct dialogue with civil society organized with the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

 - The CSA could hold sessions in locations other than Bamako to bring it closer to the population.

 - That the issue of inclusivity be permanently referred to the good offices of the International Mediation, which could also make any necessary decisions related to this issue.

 - That the International Mediation revitalize its role. In this respect, the leader of the International Mediation could appoint an eminent person in Bamako to assist in the daily responsibilities of the Mediation.

 - That the government adopt special measures to provide the interim authorities with the financial, material, and human resources necessary for the exercise of their functions.

 - That the CSA adopt special, enforceable measures by setting a firm deadline for the fulfillment of the commitments by the signatory movements, accompanied by a CSA monitoring mission carried out to the respective MOC battalions.

 - That the National DDR Commission launch the general DDR operation as soon as possible, given the availability of nearly complete lists of eligible combatants. Movements that have not yet done so could complete their lists as they are able.

 - That the selection and integration of former members of the army and security forces be completed expeditiously, as an additional method of confidence-building.

 - That the CSA begin to face the challenge to implementation posed by criminal economic activity. For example, the CSA could request that the government, as well as the United Nations and ECOWAS, commit to considering, with the idea of taking action on, a coordinated process centered on Mali.

Annex 2 – Recognition of Selected Interlocutors

**The Independent Observer wishes to thank its Malian and international interlocutors for their availability and support, which were critical to the fulfillment of its mandate; a selection of interlocutors is listed below.*

I. Malian parties

a. Government of Mali, including the following services involved in the implementation and follow-up of the agreement:

- Cabinet of the president of the republic
- Chief of staff of the FAMa
- Directorate-General of *Collectivités Territoriales*
- Directorate-General of Territorial Development
- Embassy of the Republic of Mali in the United States of America
- Governors (Gao, Kidal, Menaka, Timbuktu and Taoudeni) and special advisors
- High representative of the president of the republic for the implementation of the agreement on peace and reconciliation
- Mayor of Mopti
- Mediator of the republic and president of the National Conference of Understanding (*Entente nationale*)
- Ministry of Defense and Veterans
- Ministry of Economy and Finance
- Ministry of Foreign Affairs, International Cooperation, and African Integration
- Ministry of Justice
- Ministry of Land Management and Population
- Ministry of Security and Civil Protection
- Ministry of Social Cohesion, Peace, and National Reconciliation
- Ministry of Territorial Administration and Decentralization
- Office of the prime minister
- Permanent Mission of Mali to the United Nations

b. Signatory movements

- CMA
- Coordination of Movements and Patriotic Front of Resistance (CMFPR II)

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- Coalition of People for Azawad (CPA)
 - Platform

II. Bodies and mechanisms established by the agreement

- CN-DDR
- CN-SSR
- CSA and its subcommittees
- CTS
- CVJR
- Integration Commission
- Interim authorities (Gao, Kidal, Menaka, Taoudeni, Timbuktu)
- International Investigative Commission
- International Mediation
- MOC

III. International community

a. Diplomatic services in Mali

- Embassy of Burkina Faso
- Embassy of Canada
- Embassy of the Federal Republic of Germany
- Embassy of the Federal Republic of Nigeria
- Embassy of the Grand Duchy Luxembourg (Dakar, Senegal/Bamako, Mali)
- Embassy of the Islamic Republic of Mauritania
- Embassy of the Kingdom of Belgium
- Embassy of the Kingdom of Denmark
- Embassy of the Kingdom of Netherlands
- Embassy of the Kingdom of Sweden
- Embassy of the People's Republic of Algeria
- Embassy of the People's Republic of China
- Embassy of the Republic of France
- Embassy of the Republic of Niger
- Embassy of the Russian Federation
- Embassy of Switzerland
- Embassy of the United Kingdom

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- Embassy of the United States of America

b. Organizations from countries partnering with Mali

- Global Affairs Canada
- Department for International Development (DFID)
- *Die Bundesregierung*
- Office of the President of the French Republic
- Ministry of Foreign Affairs of the Republic of Germany
- Ministry of Foreign Affairs of the Republic of France
- Mission of the Congress of the United States of America
- Permanent Mission of the Kingdom of Sweden to the United Nations
- Permanent Mission of the Republic of France to the United Nations

c. International organizations

- African Union Mission for Mali and the Sahel
- Delegation of the European Union in Mali
- European Union special representative for the Sahel
- EUCAP Sahel - Mali
- Economic Organization of West African States (ECOWAS)
- United Nations
 - Assistant Secretary-General for Peacebuilding Support
 - Sanctions committee established per Resolution 2374, and its Group of Experts
 - Department of Peacekeeping Operations
 - Department of Political Affairs
 - Under-Secretary-General for Peace Operations
 - United Nations Foundation

MINUSMA

- Special Representative of the Secretary-General
- Deputy Special Representatives of the Secretary-General
- Force Commander
- Deputy Force Commander
- Civil Affairs Division
- Disarmament, Demobilization, and Reinsertion/Security Sector Reform Unit
- Gender Division

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- Human Rights Division
 - Mediation Support Unit
 - MINUSMA’s Regional Offices
 - MOVCON
 - Political Affairs Division

IV. Political parties

- Convention of the Presidential Majority (CMP)
- Opposition political parties and their representatives

V. Civil society

- Azawad Women’ Association
- Association of Women for Peace Initiatives (AFIP)
- Civil Society Citizen Coalition for Peace, Unity and National Reconciliation in Mali (CCSC/PURN)
- National Coalition for Peace and the Fight against the Proliferation of Light Weapons (CONASCIPAL)
- *Collectif des ressortissants du nord du Mali* (COREN)
- National Youth Council
- National Council of Civil Society in Mali (CNSC)
- Regional Youth Council (Gao, Timbuktu, Menaka)
- Civil Society Coordination (Mopti)
- Coordination of Women’ Associations and NGOs of Mali (CAFO)
- Coordination of Women’ Associations of Azawad (CAFA)
- Regional Coordination of radio broadcast and independent radios in Mali (URTEL)
- *Djina Dogon*
- Force G
- High Islamic Council of Mali
- Malian Institute of Action Research for Peace (IMRAP)
- Media
- *Members, Notables* (Gao)
- *Tabital Pulaaku Mali*
- Union of the Youth of Azawad
- Youth of Mali National Network (RENAJEM)

VI. Other Actors

- Amnesty International (Mali)
- Barkhane
- Centre for Humanitarian Dialogue (HD)
- Centre for Strategic and International Studies (CSIS)
- Cultural Center Toumasta
- Conflicts and Peace in Africa
- *Cooperation Sud Organisation* – Mali (CSO)
- Danish Institute for Human Rights (DIHR)
- Friedrich Ebert Foundation
- *Gesellschaft für Internationale Zusammenarbeit* (GIZ)
- G-5 Sahel
- Maison du Droit
- National Democratic Institute (NDI)
- Promediation
- Sahel and West Africa Club/OECD
- Seton Hall University