

THE
CARTER CENTER



Report of the Independent Observer

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

Observation period: May 1 to September 30, 2018

October 26, 2018



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Annex A – List of Recommendations



Terms of Reference and Summary

In this second report, covering the period from May to September 2018, the Independent Observer reviews current progress in the execution of the Agreement on Peace and Reconciliation in Mali, emanating from the Algiers Process, and sets forth recommendations with a view to supporting accelerated implementation. It is important to read this report in conjunction with the Independent Observer's first report of May 28, 2018, whose observations and recommendations remain applicable.¹

- The observation period was marked by modest but real progress as well as by a significant pause in implementation caused by the presidential election. While progress has been made in disarmament, demobilization, and reintegration (DDR), other obstacles remain, particularly the establishment of the Interim Authorities and the Operational Coordination Mechanism (*Mécanisme opérationnel de coordination - MOC*) as fully operational. Despite their continued commitment to the agreement, this mixed record underlines the fact that the Malian parties (government of Mali, *Coordination des mouvements de l'Azawad [CMA]*), and the *Plateforme des mouvements du 14 juin d'Alger [Platform]*) remain reluctant to advance quickly.
- In a context of hard-won progress also marked by the pressure of new deadlines, the Independent Observer believes that the rapid resolution of inefficient practices that impede progress – in other words, structural and chronic obstacles – could put the parties on the path to accelerated implementation.
- The Independent Observer highlights the following obstacles:

Among the various government-led organs in charge of implementation, overlapping responsibilities inadvertently limit the government's leadership of the process. The fact that these structures do not systematically include the signatory movements (CMA and Platform) is another obstacle.

¹This report is based on direct observation of more than 40 meetings in the implementation process, including those of the Monitoring Committee (*Comité de suivi – CSA*), its thematic sub-committees, the National Commission for Disarmament, Demobilization, and Reintegration (*Commission nationale de DDR*), the Technical Security Commission (*Commission technique de sécurité – CTS*), the informal negotiating framework organized by the high representative of president of the republic for the implementation of the agreement, and other events. In addition, the Independent Observer has held more than 75 meetings in Bamako, Mopti, Timbuktu, Gao, and Kidal with representatives of the Malian parties, members of the International Mediation, the international community, and civil society actors covered by Article 51 of the agreement, including political parties, youth, women, media, non-governmental organizations, and traditional and religious leaders.



Key documents, such as the timetables and roadmaps, generally stem from the particular interests of the parties and do not lay out strategic steps leading to the achievement of the main provisions of the agreement.

In general, implementation planning insufficiently considers budgetary issues, making the process unpredictable and uncertain.

The working methods and pace of the Monitoring Committee (*Comité de suivi* - CSA) leave it increasingly out of sync with developments in the implementation process.

- Due to various forms of inaction, the signatory parties and supporting structures (the CSA and International Mediation²) have not finalized the actions for the period of May – September as set out in the March 22, 2018 roadmap, several of which are crucial to the implementation process.
- In addition to these obstacles, two challenges external to the agreement itself impede progress – the crisis in central Mali and criminal economic activity. The crisis in central Mali could overtax the resources initially earmarked for the execution of the agreement, while the “criminal economy” – whose link with the implementation of the agreement has been sufficiently documented by the report of the group of experts established pursuant to United Nations Security Council Resolution 2374 (2017) – slows and discourages implementation.
- Based on these obstacles and with the aim of advancing implementation, the Independent Observer has formulated concrete options and recommendations for consideration by the parties to the agreement in order to advance implementation.

I. General Observations

A. STRUCTURAL AND CHRONIC OBSTACLES TO IMPLEMENTATION

➤ **THE MALIAN STRUCTURES**

²To recall, the CSA is composed of representatives of the government of Mali, the CMA, and the Platform as well as the International Mediation (Algeria, as leader, Burkina Faso, Mauritania, Niger, Chad, the ECOWAS, the United Nations, the Organization of Islamic Cooperation, the African Union, and the European Union). The permanent members of the United Nations Security Council are invited to participate in the CSA (Article 58 of the agreement).



The Independent Observer welcomes the letter of Sept 17 from the prime minister to the president of the CSA, clarifying that the Ministry of Social Cohesion, Peace and National Reconciliation oversees the government’s involvement in implementation, represents the government before the CSA, and exercises authority over the institutions and resources dedicated to the agreement. Nevertheless, the attention of the Independent Observer has been drawn to the overlapping terms of reference of the various bodies dedicated to implementation. There is an inadvertent overlap, for example, between the missions entrusted to the high representative of the president for the implementation of the agreement and the inter-ministerial committee for the monitoring and evaluation of the agreement, respectively. Established by decree in June 2016, the high representative develops plans and periodically assesses actions related to implementation, while the inter-ministerial committee, established by decree in August 2016, is tasked with supervising the execution of commitments and periodically evaluating the status of implementation. The role of the signatory movements in these organs is not clear. To these obstacles can be added the absence of a technical (“working level”) coordination structure to prepare implementing actions.

RECOMMENDATION

- ❖ *That the government further clarify the missions and responsibilities of the implementing structures and ensure the systematic involvement of the other signatory parties. In this framework, the government could, for example, reactivate the technical cells which would constitute the core of the day-to-day coordination of implementation.*

- **TIMETABLES AND ROADMAPS**

Key documents, namely the timetables and roadmaps, have become a mixture of items chosen based on events and the interests of the parties. They do not reflect a strategic vision that articulates a sequence of actions, the thematic links between items, and the final objectives. To cite one example: The eight elements of the roadmap that concern defense and security are not clearly linked together in a manner leading to the main objective of building a representative, reconstituted, and redeployed national army.

RECOMMENDATION

- ❖ *That future timetables be structured around the principal provisions of the agreement, setting out priorities, their sequence, and the final objectives.*

- **THE LINKAGE BETWEEN FINANCIAL RESOURCES AND ACTIONS**

The Independent Observer notes that, in general, the implementation plans presented and discussed at the CSA level do not include budgetary considerations. The budget related to



commitments and possible sources of financing is identified or pursued not in the planning stage, but at the time an action is undertaken. Understandably, this practice has generated uncertainties and obstacles. This is particularly the case for the DDR process – a centerpiece of the agreement – for which all available information indicates that only a portion of the planned actions can be covered by current budgets, even though the process continues to be discussed as if it were fully resourced.

RECOMMENDATIONS

- ❖ *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.*

B. DIFFICULTIES RELATED TO THE ROLE OF SUPPORT AND GUARANTEE MECHANISMS

➤ **THE ROLE OF THE MONITORING COMMITTEE**

Functioning of the CSA

Normally scheduled monthly, only three CSA sessions were held during the five-month observation period, due in large part to the presidential election. These sessions lasted only a single day, and sometimes just a few hours. During these sessions, a blockage on a particular topic occasionally led to the suspension or end of a session. The CSA ratifies, often without discussion or formal decision, the actions or agreements made by the parties.

The thematic sub-committees meet during the two days preceding each CSA session. Generally, they review the current situation in their respective areas without designing or planning implementation, which is currently almost exclusively carried out by the Malian parties.

Participation in the CSA

The appointment of the minister of social cohesion is a significant clarification of the government's presence in the CSA. At the same time, the Independent Observer notes that senior officials of the CMA, based in Kidal, regularly call into question the conclusions or decisions negotiated by representatives in Bamako. The Platform coalition is often marked by wide differences between its members, which impact and slow decision-making. The most recent example was the blockage of the appointment of the Interim Authorities in three *cercles*



in the Taoudéni region (Arawane, Boujbeha, and Foum-Alba), as Platform members were unable to reach agreement on the issue.

Inclusivity Issues

In a letter to the president of the CSA dated Sept 14, 2018, the *Coordination des mouvements et Front patriotique de résistance-2* (CMFPR-2) and the *Coalition du peuple de l'Azawad* (CPA) requested, in the name of inclusivity, participation in the CSA alongside the signatory parties. The Independent Observer notes that, thanks to previous efforts by the CSA and other parties, the two movements and other dissident groups are already integrated into the MOC, the National DDR Commission, the National Integration Commission, and the Interim Authorities, and have also submitted lists of their combatants eligible for the DDR process.

Civil Society

Civil society increasingly considers the CSA to be a “closed club” removed from everyday realities. It is important to clarify that, in general, civil society actors do not necessarily aspire to become part of the structures of the CSA. Rather, in accordance with Article 51 of the agreement, they wish to support the agreement by engaging in a dialogue with the CSA or its sub-committees about how implementation is experienced by the population.

A number of civil society associations receive funding from various partners to undertake actions or monitor the execution of the agreement. For example, the *Institut malien de recherche-action* (IMRAP) addresses DDR issues, the reintegration of combatants who were formerly members of the Malian defense and security forces, and the MOC; while the Balazan Foundation compiles the opinions of actors covered by Article 51 on the implementation of the agreement. The absence of a link between such initiatives and the CSA contributes to the low level of ownership of the agreement by the Malian population.

RECOMMENDATIONS

❖ *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 with, for example, technical and financial partners. The CSA could also meet with humanitarian actors and others supporting the implementation of the agreement.*
- *The sub-committees could meet more regularly, at a rate of twice a month between the plenary sessions, and coordinate their activities with the activated technical cells.*
- *The president of the CSA could designate an eminent person based in Bamako to supervise the activities of the sub-committees 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.*

➤ THE ROLE OF THE INTERNATIONAL MEDIATION

Since the beginning of its mandate, the Independent Observer notes that the International Mediation, as a whole, does not fully carry out the role defined in articles 52 and 53 of the agreement, such as offering its good offices, acting as arbiter of last resort in case of acute disagreements between the parties, and other commitments in favor of Mali. For example, the relative absence of the International Mediation from the resolution of the blockages related to the MOC, the effective functioning of the Interim Authorities, or the nomination of Interim Authorities for the *cercles* is striking.

RECOMMENDATION

- ❖ *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 fulfilling the day-to-day responsibilities of the mediation.*



Specific Observations and Recommendations

A. THE ROADMAP OF MARCH 22, 2018

1. Political and Institutional Issues

REACTIVATE THE REVIEW OF THE MALIAN CONSTITUTION (*deadline: 2019*)

The Independent Observer welcomes the government's decision to move ahead expeditiously with preparations for the revision of the 1992 Constitution, which is scheduled for 2019 in the roadmap. Meeting with the members of the International Mediation on Sept. 17, 2018, the prime minister announced the establishment in October of an inclusive technical team to develop proposals for the revision of the constitution.

EFFECTIVE FUNCTIONING OF THE INTERIM AUTHORITIES (*deadlines: April 2018 for the provision of financial and material resources; December 2018 for the establishment of Interim Authorities in cercles and communes*)

At the regional level, Interim Authorities have been established officially in Kidal (February 2017), Gao and Ménaka (March 2017), and Timbuktu and Taoudéni (April 2017). However, none are in fact operational because they lack budgets to carry out their missions, including the provision of basic services. The government acknowledges that 8 billion CFA francs (approximately US\$14 million or 12 million euros) have been officially allocated to support the Interim Authorities in 2018. Yet administrative hurdles to the transfer of these funds, such as the absence of qualified administrators or the need to follow specific procedures for public projects, still have not been overcome.

Over and above these specific obstacles, the Independent Observer expresses concern about the lack of initiative shown by the government to empower the Interim Authorities. Because of the absence of a budget and activities, the Interim Authorities are gradually being undermined and the government's good faith called into question.

RECOMMENDATION

- ❖ *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.*



CREATE TERRITORIAL COLLECTIVITES (*deadlines: April and May 2018, respectively, for the completion of the Ménaka and Taoudéni territorial collectivités and the decree transferring decentralized services to them*)

In June, the National Assembly passed laws creating the new territorial *collectivités* of Ménaka and Taoudéni. The Independent Observer notes that the decree transferring decentralized services to the new territorial *collectivités* has not yet been issued.

ORGANIZE THE PRESIDENTIAL ELECTION (*deadline: August 2018*)

During the presidential election conducted on Jul 29 and Aug 12, the signatory movements contributed to the security of electoral operations in accordance with the commitments in the roadmap. The Independent Observer welcomes this example of collaboration and understanding between the Malian parties.

2. Defense and security

ACTIVATE THE OPERATIONAL COORDINATION MECHANISM (*deadline: March 2018*)

At present, the MOC battalion in Gao, which has 725 soldiers, has only six heavy weapons, all provided by the government. While providing various justifications, the signatory movements have not fulfilled their commitment to contribute heavy weapons, for which the initial deadline set by the roadmap was March 2018. According to the Technical Security Committee, the shortage of heavy weapons means that the MOC camp in Gao is insufficiently protected. In addition, the joint patrols, which were interrupted in February 2018 and resumed in mid-September, have not contributed to calm or proven able to protect the cantonment sites for the DDR process. On the contrary, the population complains of growing insecurity and tends to attribute the increase in banditry and crime to the presence of MOC members.

The MOC contingents in Kidal and Timbuktu are not operational. They have 176 and 170 combatants, respectively, out of the expected 600 for each. The signatory movements have neither submitted lists to supplement their personnel nor provided agreed-upon heavy weapons. For its part, the government submitted its lists of additional combatants on Sept 29 and, in response to the movements' refusal to contribute, has also begun to provide vehicles to the Kidal and Timbuktu contingents.



RECOMMENDATION

- ❖ *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 to the respective MOC contingents.*

IDENTIFY THE COMBATANTS ELIGIBLE FOR THE DISARMAMENT, DEMOBILIZATION AND REINTEGRATION PROCESS (deadline: April 30, 2018)

There has been significant progress in the submission of lists of combatants who are candidates for DDR. At the September meeting of the CSA, the president of the National DDR Commission announced that he had developed a list of 32,908 registered persons, including 13,019 candidates for integration into the army and security forces, 4,998 for reintegration into civilian life, and 14,891 undecideds. However, there remains disagreement over the deadline for some signatory movements, namely the *Coordination des mouvements et Front patriotique de résistance-1* (CMPFR-1), the *Mouvement arabe de l’Azawad* (MAA-Platform), and the *Mouvement arabe de l’Azawad* (MAA-CMA), to complete their lists.

In addition, the announcement by the president of the National DDR Commission that the parties had agreed on an accelerated, combined DDR and integration process, which would take place from Nov 5 to 30, 2018, was a step forward. Accelerated DDR would specifically apply to the MOC battalions, which would form the basis of a representative, reconstituted, and redeployed national army.

The Malian parties’ agreement on the criteria for the integration of combatants from the movements into the army and security forces represents further progress. The criteria include an age limit and requirements of Malian nationality, knowledge of French or Arabic, and a minimum level of education; the agreement also covers the procedures for submitting the application for the integration process. Resulting from negotiations between the parties, the agreement on the criteria for integration must still be confirmed by official government actions.

RECOMMENDATION

- ❖ *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.*



REFORM THE SECURITY SECTOR (*deadline: March 2018 for the organization of a high-level workshop on the RSS*)

Following the high-level workshop held March 27-29, 2018, as provided for in the roadmap, there have been further positive developments, including the parties' agreement on the strategy for national security sector reform that was then approved by the National Council for Security Sector Reform.

IDENTIFY AND REDEPLOY FORMER COMBATANTS OF THE ARMY AND SECURITY FORCES (*deadline: April 2018*)

The process of identifying former army combatants eligible for integration has been completed, as announced by the president of the National Integration Commission, who specified the definitive figure of 537 combatants. The combatants will be submitted for evaluation by the Joint DDR-Integration Commission, which is supported by MINUSMA, with the aim of redeployment to their assigned units. In addition, the parties have agreed on the selection criteria, which include an age limit, the skills and qualifications of the candidate, the candidate's eligibility for retirement, and whether the candidate was a member of terrorist groups or criminal organizations or has any known links to human rights abuses.

RECOMMENDATION

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

3. Socio-economic and cultural development

CREATE THE NORTHERN DEVELOPMENT ZONE (*deadline: October-November 2018 for the adoption of the texts relating to the creation of the zone*)

Prior to the preparation and adoption of the texts provided for in the roadmap, the parties agreed to undertake study tours to Morocco and Congo (Brazzaville) to draw on comparative experiences in establishing development zones.

4. Justice, Reconciliation, and Humanitarian Issues

The Independent Observer notes that the roadmap devoted limited attention to justice, reconciliation and humanitarian issues and that the thematic CSA sub-committee covering these subjects did not meet during the observation period.



III. External Impediments to the Agreement

A. THE IMPACT OF THE SITUATION IN CENTRAL MALI

Stable at the time of the Algiers negotiations, central Mali is today undeniably in crisis. The current situation is characterized by the presence of armed terrorist groups, the weakening presence of the government and its decreased capacity to provide basic services, an increase in inter-communal conflict, a proliferation of weapons and the emergence of armed self-defense groups, violations of human rights and humanitarian laws, and the population's sense of abandonment.

This situation has both direct and indirect effects on the implementation of the agreement. A significant part of the government's attention and resources has been diverted to central Mali in the form of the Integrated Security Plan for the Central Regions announced in February 2017 as well as a specialized DDR process for the Mopti region. Meanwhile, MINUSMA has also had to redirect part of its planned resources to central Mali, as have development partners.

B. THE IMPACT OF CRIMINAL ECONOMIC ACTIVITY

The Aug 8, 2018, report of the group of experts established pursuant to U.N. Security Council Resolution 2374 sufficiently demonstrates the links between the implementation process and criminal economic activity, including drug trafficking, in northern Mali. In this context, the Independent Observer notes that combatants' slow pace of registration for the DDR and integration process, which would lead in time to demobilization or integration into the Malian army and security forces, was in part explained by their continuing ties to the "criminal economy." Similarly, recent difficulties in the appointment of Interim Authorities for the *cercles* were, according to several sources, partly due to disagreements related to control over local criminal economic activity.

RECOMMENDATION

- ❖ ***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.***



Conclusions

By providing stakeholders with input to overcome current obstacles, this second report of the Independent Observer seeks to encourage progress in the implementation of the agreement. The observations and recommendations are illustrative. In the period ahead and before the next report, the Independent Observer will continue to exercise its mandate, as defined by Article 63 of the agreement and reiterated by UN Security Council Resolution 2423 (2018), in support of the implementation of the Agreement on Peace and Reconciliation in Mali, emanating from the Algiers process. The Independent Observer welcomes a continued dialogue concerning the observations and recommendations set forth in the first two reports.



ANNEX A – List of Recommendations

GENERAL RECOMMENDATIONS

- ❖ *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 sub-committees could meet more regularly, at a rate of twice a month between the plenary sessions, and coordinate their activities with the activated technical cells.*
 - *The president of the CSA could designate an eminent person based in Bamako to supervise the activities of the sub-committees 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.*

SPECIFIC RECOMMENDATIONS

- ❖ *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.*