Report of the Independent Observer

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

April 2020

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 period from January to March 2020.

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ACRONYMS AND TERMINOLOGY

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EXECUTIVE SUMMARY

In this report, the Independent Observer draws the attention of the Malian Parties (Parties), the public, and the international community to two themes slowing implementation of the Agreement on Peace and Reconciliation in Mali, emanating from the Algiers Process: (1) the recurring issue of administrative and electoral redistricting, which has led to the under-representation of northern regions in the legislative elections in March and April 2020; and (2) the persistent inconsistencies and disagreements that risk undermining the deployment of the reconstituted army.

These two themes illustrate the Malian Parties' divergent approaches to the agreement. The government's priority appears to be Title III (defense and security issues), namely disarming the Signatory Movements (Movements) and re-establishing the national army's presence in the north, which, for the government, represents a re-imposition of national authority over the area at the center of the 2012 rebellion. The Movements, in contrast, prioritize Title II (political and institutional reforms), specifically decentralization and power-sharing through the increased representation of the northerners in national institutions.

The recurring, critical issue of redistricting has not received sufficient attention from the parties and the international guarantors of the agreement. The redistricting

negotiations among the parties. To date, 1,000 of the 1,325 integrated soldiers have deployed, but, mostly because of the parties' disagreement about the integrated soldiers' command structure, none of the reconstituted units are fully operational, according to the latest information available.[5] Critical steps must be taken before the reconstituted army reaches the target of 3,000 soldiers on the ground by June 2020 and achieves full operational capacity.[6] Furthermore, the deployment of the units recently integrated into the Malian Armed Forces (FAMa) must be seen in light of the simultaneous and contradictory apparent expansion of the territorial reach of the Coordination of Azawad Movements (CMA) in northern Mali.[7]

In its previous reports, the Independent Observer highlighted the significant gap between the attention devoted to political solutions and the attention given to security challenges. Indeed, the lack of mediation and engagement by the international guarantors and the Malian Parties on redistricting and legislative elections contrasts sharply with the significant attention paid to the deployment of the integrated forces. The lack of progress on political reform could jeopardize the tentative and fragile progress in the security sector, particularly if the political root causes of the Malian conflict continue to be neglected. Without a more balanced approach, implementation will most likely remain stalled, or fail altogether.

CONTEXT

Before moving forward, it is important to carefully define redistricting terminology. In Mali, territorial organization refers to the establishment of overlapping governance structures: on the one hand, there are regions, which are administrative entities, and on the other, *collectivités territoriales*. The regions are further divided into *cercles* and municipalities. In legal terms, one law establishes the region, whose leaders are appointed, while another law creates *collectivités territoriales*, whose leaders are elected. The Organic Law and the Electoral Law establish *cercles* and municipalities as electoral districts.

The regions of Taoudéni and Ménaka were established according to the legal process, but their *collectivités territoriales* are not yet operational because within the new regions there has been no administrative or electoral redistricting, meaning that voting districts have not been established. A secondary factor is that they at times lack the administrative buildings and personnel to conduct business. For these reasons, the Taoudéni and Ménaka *collectivités territoriales* cannot elect the national-level representatives they are entitled to.

On the Malian political scene and during the Inclusive National Dialogue (DNI), which concluded in December 2019, a debate arose: One side favored holding legislative elections immediately, given the expiration on May 2 of the National Assembly's already-extended mandate; the other insisted that the regions of Taoudéni and Ménaka should, as per Malian law and in the spirit of Article 6 of the agreement, participate fully in the elections and have the opportunity to elect their rightful representatives as *collectivités territoriales*.[8]

The DNI recommended that the elections be held as soon as possible to enable the new legislative term to begin by May 2. The DNI also committed to undertake in 2020 an administrative and electoral redistricting process in Mali and the diaspora. Although the CMA participated in the DNI, it did not fully agree with the DNI's recommendations and registered its concerns about holding the elections so soon. On Jan. 26, it issued a statement refusing to participate in the legislative elections. The CMA called for expediting the redistricting process and highlighted the repeated postponement of political and institutional reforms called for in the agreement.

The CMA contributed to the first round of elections, held on March 29.[9] Nevertheless, the CMA's involvement and the holding of the elections mostly without violence should not be the sole criterion used to assess the elections. As stipulated in Article 6, "enabling wider participation of

apparent expansion of the CMA's territorial reach, which is taking place alongside the redeployment of the first integrated Malian Armed Forces (FAMa) units, exemplifies the fragile and contradictory disarmament, demobilization, and reintegration (DDR) process, as well as the ad hoc nature of the entire security sector. These inconsistencies are due, in part, to the drawn-out implementation process, which has prevented progress toward a coordinated, nationwide system of security and defense.

OBSERVATIONS

level representation. By continuing to exclude part of the population from the country's political life, the current legislative elections run counter to the objectives of the agreement.

The Independent Observer reiterates its position, expressed in its report in January 2020, that, apart from the establishment of the Senate, all political and institutional reforms provided for in the agreement could be implemented relatively quickly by revising or reinterpreting existing laws or adopting new laws.

elections by the end of the year.[21] At the Feb. 27 CSA meeting, the government announced the imminent start of discussions with the Movements on relaunching the redistricting process. As of the end of March, however, no meeting had taken place. This inaction reinforces the Movements'

Redeployment of the Reconstituted Army

A. Fundamental Texts

Regarding the creation and redeployment of the reconstituted army, the agreement provides for:

- The Movements' submission to the Technical Security Committee (CTS) of certified lists of their combatants. The CTS would then determine the combatants eligible for DDR. (Annex II)
- Cantonment. (Annex II)
- Disarmament followed by integration into the FDS or the demobilization of combatants and their reintegration into civilian life. (Annex II)
- Gradual redeployment of the reconstituted army, "led by the Operational Coordination Mechanism (MOC), with the support of MINUSMA [United Nations Multidimensional Integrated Stabilization Mission in Mali]." (Article 21)
- "The redeployed force shall include a substantial number of persons from the Northern Regions, including in positions of command, in order to facilitate the return of confidence and of security in these regions." (Article 22)

The parties have not followed these procedures and have instead developed alternative steps. These alternatives have, however, created inconsistencies and contradictions that impact redeployment and the DDR process generally.

B. Divergent Approaches to DDR and the Reform of the Defense and Security System

In signing the agreement, the Malian Parties undertook a shared commitment to disarm ex-combatants from the Movements and integrate those who wish (and are deemed fit) into the reconstituted national army. Yet in implementing this commitment, significant differences emerged. The government prioritizes disarmament, while the Movements link progress in the security arena to political and institutional reforms. Thus, the implementation process has become a series of calculations and maneuvers by the parties based on their respective aims. For instance, in early 2019 the government moved rapidly, in the face of some resistance from the Movements, to complete the reintegration of former FAMa soldiers who had defected during the rebellion (approximately 660 in total). The Movements' leaders, for their part, are generally reluctant to accept a clear severing of command and control over

Mechanism (MOC), thus theoretically allowing the rapid integration of 1,840 combatants into the reconstituted national defense and security forces.

But there has been significant difficulty in advancing accelerated DDR over the past 18 months. The principal reason for this is the lack of fundamental agreement on the reform of the defense and security system. The Movements constantly refer to their disappointing experience with the implementation of past agreements and are particularly concerned that once disarmament is complete, the other commitments in the agreement will be forgotten. Beyond integration itself, they seek a more inclusive security and defense system that guarantees them a role in securing the northern region.

C. Inconsistencies in the Redeployment Process

Against the backdrop of these divergent approaches, the procedures and mechanisms of redeployment have become confused, generating inconsistencies and frictions that further slow implementation. The straying from the procedures stipulated in the agreement has created a

Disagreements on the Redeployment Plan and Number of Soldiers Deployed

The government's initial redeployment plan did not include Kidal. Its proposal seemed at odds with the government's stated priority of returning national forces to that city. Once the redeployment plan was adopted in September 2019, the parties disagreed about the appropriate site in Kidal for the integrated unit's camp. That quarrel was followed by another, about whether the parties were respecting the principle of equal representation in the new units.[32]

- Issues Related to the Lack of Government Resources

The government points to a lack of funds to explain the delay of redeployment, citing the absence of individual equipment for combatants (sleeping bags, food rations). Of the 60 vehicles planned for transporting the Kidal battalion, only 40 were made available. The government also raised the problem of lack of fuel. MINUSMA has committed to provide fuel, as well as rations, for three months.

One of the main objectives of the agreement is the return of the Malian army to the north. Almost five years after the signing of the agreement, the Independent Observer can only conclude that the early phase of the redeployment operation was not well planned or e g05274uq0.o3abat