

Report of the Independent Observer

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

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THE
CARTER CENTER



This report presents the observations of The Carter Center as the I

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TABLE OF CONTENTS

SUMMARY	1
OBSERVATIONS AND RECOMMENDATIONS	4
A. Principal Blockages Impeding Implementation and Recommendations.....	4
B. Observations and Recommendations on Title V of the Agreement.....	7
1. Reconciliation and Transitional Justice	7
2. Reform of the Justice System	10
3. Refugees and Internally Displaced Persons	11
4. Humanitarian Questions	12
CONCLUSIONS	13

SUMMARY

In the first trimester

On March 8, the government in turn issued two decrees on military affairs.⁵ The decrees created special operations units and announced *Operation Dambé*, an effort designed to reassert military presence in the Ségou, Mopti, Timbuktu, Gao, Kidal, Taoudéni, and Ménaka regions.⁶ The government's unilateral measures, like those of the CMA (which contravened the principle of national unity), constituted a violation of the agreement, namely the articles concerning the reconstituted army and its redeployment to the north (e.g., articles 21, 22 and Annex 2). Following the announcement of *Operation Dambé*, the CMA declared its temporary withdrawal from the tripartite consultation framework (*cadre de concertation*), currently the main intra-Malian forum to advance implementation. The divisions within the Platform of Movements

integration of movement ex-combatants into government administration, including the army and security forces.

Despite these constructive measures, the authority of the Ministry of Social Cohesion, Peace, and National Reconciliation, which is responsible for coordinating the government's implementation effort, appears ambiguous. This ambiguity manifests itself in the ministry's apparent lack of influence on the decision-making of sibling ministries responsible for implementing aspects of the agreement and in its inability to implement effectively agreements on specific issues reached by the Malian parties in the *cadre de consultation*. The disagreements over *Operation Dambé*, or in late 2018 over the process of re-districting, illustrate that the Ministry of National Reconciliation is not empowered to decide key issues and that the *cadre de concertation*

OBSERVATIONS AND RECOMMENDATIONS

A. Principal Blockages Impeding Implementation and Recommendations

The Independent Observer considers the following to be key impediments to the implementation of the agreement:

Ø WEAKNESS OF DECISION-MAKING MECHANISMS

The president of the republic, as well as the former prime minister, have repeatedly reiterated the high priority of the implementation of the agreement. The designation of a ministry (i.e., the Ministry of National Reconciliation) to coordinate the government's action and funding for implementation, in combination with the establishment of the tripartite *cadre de concertation* under its auspices, were welcomed enthusiastically by the accompanying parties. Yet, as implementation

As accelerated DDR resumes, it is important to recall that it concerns roughly 1,500 combatants who, once engaged in the integration process, will still have to be trained, equipped, and deployed, a process likely to absorb most of 2019. In addition, the Independent Observer notes that the question of the future of the MOC as an entity, once its members have been integrated in the national army and security forces, has been raised several times in the CSA without the emergence of a clear consensus or decision.

- *DDR Process*

The Independent Observer is concerned that the registration of eligible combatants in the overall DDR process, which under the March 2018 Roadmap was scheduled to close in April 2018 but remains in progress, appears to be endless. As the CN-DDR announced at the March meeting of the CSA, the current total is 63,000 eligible combatants, with the prospect of more to come. Four years after the signing of the agreement, on a matter of critical importance and a key test

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RECOMMENDATION:

That the Monitoring Committee, which in January began to modify its working procedures, deepen its deliberations about the responsibilities of guaranteeing the agreement, drawing on the agreement itself, the "Pact for Peace," and the recommendations of the Independent Observer.

Ø CRISIS IN CENTRAL MALI

The crisis in central Mali began in 2015 and continued to intensify in the first quarter of 2019, marked on the one hand by the terrorist attacks on the FAMa camps in Dioura and Guiré and on the other by the upsurge in inter-communal conflict, such as the massacre of 160 civilians, including women and children, in Ogo

amnesty enshrined in Article 46, the approach to personal and legal accountability for war crimes and crimes against humanity remains ambiguous; to date, no individual has been identified or brought to justice.

In the course of its field missions, the Independent Observer has found that the establishment and initial activities of the CVJR – the body primarily responsible for transitional justice, and thus for laying the foundation for reconciliation – created hope and expectations. Yet over time, because of the limited objectives set by the CVJR, victims are increasingly voicing disappointment and frustration, which could potentially lead to loss of credibility for the CVJR.

The following obstacles must be overcome to advance national reconciliation through transitional justice focused on victims and their communities:

As its mandate makes clear, the CVJR is not a judicial institution. Yet its relatively circumscribed objectives, combined with the persistent weakness of the judicial system, particularly in the north, mean that the commission is unlikely to be able to meet victims' expectations or address reconciliation more broadly. Indeed, it is important to note that the provisions of the agreement concerning traditional justice mechanisms, which are indispensable to the process of national reconciliation, are yet to be fully implemented.

Ø DISPARATE, UNCOORDINATED RECONCILIATION EFFORTS

The implementation of the Article 46 commitments concerning national reconciliation requires the same attention as that applied to other provisions of the agreement. The Independent Observer notes that the multiple ongoing reconciliation 81 0 0 612 92 0 612at

traditional justice mechanisms, and the ERAPs, as well as formal legislation, such as the Law of National Understanding and the Reparations Act. It will be critical to clearly define the treatment of individual responsibility for crimes and the implementation of the “non-amnesty” provision in Article 46.

2. That the CVJR clarify the anticipated next steps for victims’ depositions and share the policy with the public. The CVJR’s mandate, which has expired, should be renewed



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forum or systematic dialogue, the Malian parties' and communities

statements and the adoption of a meaningful, binding calendar, robustly enforced by the international mediation, the U.N. Security Council, and the agreement's guarantors.

To recover lost ground, the leadership of the government and the signatory movements will need to act boldly. They will have to work more closely and regularly together while demonstrating the resolve needed to break longstanding impasses. For their part, the international guarantors and accompanying parties must clarify the scale and parameters of their commitments, particularly regarding DDR, and devote focused attention to implementation as Mali enters an extremely difficult period.

ENDNOTES

¹ Based in Washington, D.C.

² Some acronyms are sed