

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: January 15 to April 30, 2018

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Terms of Reference & Summary

- This report covers the period from mid-January to the end of April 2018 and represents the first published report of the Independent Observer since assuming its role. The Agreement on Peace and Reconciliation in Mali, emanating from the Algiers Process (agreement), in Article 63, creates the Independent Observer to identify blockages in the implementation process and recommend steps to advance the agreement. The agreement's Monitoring Committee (CSA) designated The Carter Center as the Independent Observer, a move welcomed by the United Nations Security Council in Resolution 2391 (December 2017). All information, observations, and recommendations are based on the information provided by the Malian signatory parties, civil society, and members of the international community engaged in Mali.
- It is important to consider this first report in the context in which it was written: The absence of direct combat between the signatory parties is a testament to the agreement's validity. Despite considerable delays in implementation, the parties continue to adhere to the agreement, and the atmosphere among them is conducive to substantive discussions, creating the potential for significant advances. There continue to be, however, important underlying tensions, especially between the Coordination of Azawad Movements (CMA) and the Platform of Movement Signatories to the Declaration of June 14, 2014 (Platform), and likewise between these two groups and splinter dissident groups. Splinter dissident groups have threatened violence unless they are included in a more significant way in the implementation of the agreement. Finally, conditions in Mali have also been marked by the significant deterioration of security due in particular to the increase in terrorist threats.
- The observation centered around the "Timetable of Priority Actions" (timetable) agreed upon by the Malian parties (Government, CMA, and Platform) and endorsed during the 23rd session of the CSA. The timetable was subsequently reworked in the "Roadmap for Implementation of the Timetable of Priority Actions" (roadmap) signed on March 22 and endorsed in the 24th session of the CSA.

The Independent Observer noted a tendency to focus on preliminary and interim elements, such as the installation of the Operational Coordination Mechanisms (MOCs), the Interim Authorities, or the operationalization of new regions, rather than on the three core tenets of the agreement, namely (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. In addition, the Independent Observer noted that two of the titles of the agreement, "Social/Economic and Cultural Development" (Title IV) and "Reconciliation, Justice and Humanitarian Issues" (Title V), were not among the main considerations of the Malian parties during the observation period.

The CMA and the Platform (together referred to as the Movements) generally appeared to assume little responsibility for proactive implementation of the agreement. At the same time, the government has not sufficiently owned its leadership of the implementation process and has



not consistently provided the means, structures, and strategy necessary for its responsibilities. Examples of the effect of both attitudes could be seen in the Movements' ever-changing rationales for unwillingness to provide lists of their combatants and in the government's lengthy list of excuses for not providing funds to the Interim Authorities, installed since February 2016, so that the latter can fulfill the responsibilities of their office.

- The CSA largely restricts itself to serving as a monitoring body to the detriment of its other functions under Article 60 of the agreement.
- Through multiple and varied discussions with the population and key actors in Mali, the Independent Observer noted that a clear understanding of the agreement is lacking throughout the country – a factor which, if left unaddressed, could undermine implementation.

The lack of participation by civil society in the implementation process also undermines the objectives of the agreement. Article 51 calls for civil society – especially women, youth, the media, the political class, traditional communicators, and traditional and religious authorities – to support implementation.

- The parties, as well as the political class and civil society, share the feeling that the international community is not fulfilling its role, especially those governments which committed themselves as guarantors of the agreement. For their part, international actors engaged in Mali express the view that they are making significant investments in an extremely difficult context. The Independent Observer recognizes a need for enhanced mutual communication.
- The Independent Observer recommends that the Malian parties and international stakeholders urgently devote greater attention to the central objectives of the agreement, specifically addressing the three core pillars in the next timetable or roadmap.
- The Malian parties should together develop a public communication strategy to build awareness of and support for the agreement among all Malians, a critical step if the agreement is to be the cornerstone of sustainable peace in Mali.
- The recent actions to accelerate implementation, including the prime minister's visit to Kidal and the registration of Malian army (FAMA) soldiers in the mixed unit there, are encouraging signs of a potentially improving dialogue among the Malian parties. These steps represent meaningful progress, despite significant delays in the implementation of the timetable and the roadmap. More broadly, the parties need to set realistic targets centered on the pillars of the agreement, which represent the core elements of sustainable peace in Mali.



Introduction

The Carter Center started work as the Independent Observer at the 23rd session of the CSA on Jan. 15-16, 2018. Since that date, the Independent Observer has worked to fulfill its mission according to Article 63 of the agreement. Article 63 stipulates that the Independent Observer “publish[es] an exhaustive quarterly report on the implementation status of the commitments made in this agreement, identifying any hindrances, identifying the responsibilities, and making recommendations on the steps to be taken.”

The Independent Observer’s efforts are led by Special Advisor Bisa Williams, a former ambassador and career diplomat with the United States Department of State, supported by Deputy Special Advisor Jean Ntole Kazadi, former principal political counselor and head of the political unit for the African Union Mission for Mali and the Sahel (MISAHEL). The Independent Observer established an office in Bamako, with additional support from the Center’s headquarters in Atlanta, to monitor the multitude of activities in the implementation of the agreement.

The Independent Observer considers, first and foremost, the commitments made by the Malian parties to the agreement: the government, the CMA, and the Platform. It also follows the fulfillment of the responsibilities of organs and actors charged with providing guarantees and support: the CSA, the international mediation team (Mediation), and the international community. The Independent Observer likewise engages the actors that Article 51 calls upon to support the achievement of the objectives of the agreement: the political class and civil society, including women, youth, the media, traditional communicators, and traditional and religious authorities.

The Independent Observer’s approach is based on:

- Regular contacts with the Malian parties and with all the other organs and actors mentioned above
- Attendance at the consultations among the Malian parties
- Direct contact with the institutions and persons responsible for the execution of specific points in the timetables or roadmaps for the implementation of the agreement
- Attendance at the meetings of the CSA and its subcommittees
- Meetings with the actors listed in Article 51, both in Bamako and in the southern, central, and northern regions (e.g., Gao, Kidal, Timbuktu, Mopti, and potentially Ménaka, Ségou, Sikasso, etc.), as well as with the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and international and national nongovernmental organizations.

Lastly, the Independent Observer takes into consideration documentation from the CSA, the Malian parties individually or collectively, civil society, and the international community, in particular the resolutions of the United Nations Security Council and the reports of the secretary-general, as well as the communiqués of the Peace and Security Council of the African Union.



The Carter Center would like to thank all the people and actors mentioned here for their openness and availability, which have facilitated the fulfillment of its mission.

The observations contained in this first report relate to the period from January 15 to April 30, 2018. The Independent Observer largely measured progress based on the timetable endorsed by the CSA, reworked in the roadmap, and further defined in the “Tasks Indicated by the Roadmap for the Implementation of the Timetable of Priority Actions” (tasks indicated).

General Observations

A NEW TIMETABLE: The Independent Observer’s first working day corresponded with the adoption of the “Timetable of Priority Actions.” The Independent Observer noted on this occasion a mixture of enthusiasm and skepticism among the Movements and members of the international mediation. The Movements expressed some enthusiasm, welcoming the new prime minister’s “fresh vision and working methods.” The international mediation team shared a cautious optimism, viewing the timetable as a pragmatic guidance tool after several months of inaction.

Other observers, however, expressed skepticism, wondering how long the new timetable would hold and doubting that the prime minister would be able to direct effectively the ministries responsible for executing the timetable. Since 2015, Mali’s international partners have witnessed multiple timetables, understandings, and other arrangements signed by the parties, which were only partially implemented or abandoned completely.

The timetable of the Malian parties endorsed by the CSA could be a step forward, but needs to be accompanied by a significant change of mindset, working methods, and relations between and among the parties.

LOW CONFIDENCE, RESPONSIBILITIES AND LEADERSHIP: All the Malian parties continue to declare their full and ongoing adherence to the agreement. There remain, however, many challenges before the evident goodwill can be transformed into concrete achievements. Among these challenges are:

- The continued low level of trust among the parties and the lack of demonstrated will to jointly pursue common goals and fulfill in a systematic, rigorous manner the commitments made in the agreement.
- The tendency towards inertia and tactical maneuvering. Often, initiatives are taken in reaction to or under the perceived pressure of events. Once the perceived pressure dissipates or events pass, enthusiasm wanes and work on implementation slows.
- The failure of the parties to fully own the agreement, and their failure to communicate it to the rest of the population or to involve civil society stakeholders in the process of implementation, particularly those actors mentioned in Article 51 of the agreement. The political class and civil society reproach the parties for failing to make the agreement a truly national concern.



- The tendency of the parties to set largely unrealistic deadlines. While observers have been pleased to see a sincere, open, and intense dialogue among the parties, the Independent Observer remains concerned that it took three months to move from the timetable endorsed by the CSA in January to the roadmap of March 22, and then to the tasks indicated of April 5, with relatively few concrete actions during that timeframe.
- The ability, especially of the Movements, to overcome longstanding tensions. The Independent Observer has been encouraged over the past four months by the collaboration and coordination between the CMA and the Platform. Nonetheless, major underlying tensions persist, particularly relating to access to the city of Kidal. These tensions were illustrated by the vehement statements by members of the Platform at the time of the prime minister's April visit to the northern regions, and in a letter from the "Signatory Movements Protesting Transgressions in the Peace Process" addressed to the chairman of the CSA during the 23rd session.
- The recent declaration by splinter dissident groups, which threatened to "use all measures, including force" to impede implementation if their concerns were not addressed, poses a direct threat to peace in Mali and is an obvious example of tensions between and within the Movements. This threat illustrates the cynical paradox of the dissident splinter groups who claim to resort to violence to advance implementation of the agreement, and calls into question their sincerity.

The Movements frequently appear to assume little responsibility for the implementation of the agreement. The CMA and the Platform generally await proposals from the government. At the same time, they set conditions and prerequisites to requests made by the government and the CSA, and often appeared to resist requests made in the common interest. This was illustrated by the extended series of debates over the disposition of heavy weapons and the contribution of Movement-associated vehicles for use by the MOCs in Kidal and Timbuktu. It often takes several technical meetings and consultations for the Movements finally to perform what for several months they profess to have already done. The CMA and the Platform display at times weak coordination between the representatives in the technical committees and the political leadership, which results in the Movements' leadership re-litigating in high-level forums such as the CSA solutions already identified at the technical level. The growing gap observed in the field between the Movements and the local population, due in large part to the Movements' inability to demonstrate concrete progress based on the agreement, is another serious challenge to implementation.

All the actors – the government, the Movements, the CSA, and the international community – recognize that the government is the leading stakeholder responsible for providing consistent impetus for implementation of the agreement. The Independent Observer considers, however, that the government has not sufficiently owned this responsibility and has not consistently provided the means, structures, and strategy necessary for its leadership of the process. The Independent Observer has observed senior government officials disavow their own signature on agreements negotiated with the Movements. In January, the government's participation in the CSA was inconsistent. It sent different, minimally-informed lead representatives to the CSA meeting. Since then, however, its approach appears to have improved.



The government advanced a number of legislative or administrative texts that were subsequently challenged by the Movements as out of compliance with the agreement. The subjects of the texts were then re-opened for discussion within the framework of the current roadmap. While this step demonstrated the government's openness to negotiation, the failure of the government to collaborate with the Movements in drafting relevant agreement-related legislation in the first place has given rise to an atmosphere of confusion and distrust about the government's commitment to implementation. The leading example is the Law on Free Administration and the Codes on Territorial *Collectivités*.

Fortunately, the prime minister's firm determination to prioritize and boost implementation of the agreement, announced at the National Assembly on April 22 and the following day to the CSA, was a welcome response to these concerns. The energetic guidance exercised by the high representative of the president of the republic for the implementation of the agreement, within the framework of the coordination discussions he hosts, also proved constructive.

NEGLECT OF THE FUNDAMENTALS OF THE AGREEMENT: The key topics of the agreement – namely, (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 – seem to have been largely abandoned in favor of elements that are temporary or preliminary, such as the Interim Authorities, the MOCs, and the operationalization of the regions of Ménaka and Taoudénit. These topics have dominated the parties' debates and have partially paralyzed the CSA and the implementation process.

The Independent Observer notes that the themes of "Social/Economic and Cultural Development" (Title IV of the agreement) and "Justice, Reconciliation and Humanitarian issues" (Title V of the agreement) have been only briefly mentioned in the roadmap. Although security constraints certainly continue to exist, the minimal reference to these two themes is notable.

SUPPORT FOR IMPLEMENTATION: In conversations with members of the CSA, the Independent Observer noted that CSA members express reluctance to intervene too directly with the government or the Movements to resolve differences. This approach does not sufficiently help drive implementation forward and has given the Malian parties the impression that CSA members are not fully committed to the agreement. It would be constructive for implementation of the agreement if the CSA worked more actively to fulfill all aspects of its mandate under Article 60, namely its role to "provide the monitoring, verification, supervision and coordination of the effective application by the Parties of all provisions of the Agreement" as well as "where necessary, [to] reconcile the Parties' positions."

LACK OF COMPREHENSION OF THE AGREEMENT AND THE IMPLEMENTATION PROCESS, AND LACK OF INVOLVEMENT BY CIVIL SOCIETY: A recurrent theme in the Independent Observer's consultations was the insufficient understanding of the agreement by the Malian public and the lack of involvement of the actors cited in Article 51 in the implementation process. Without an appropriate communication strategy, it will remain difficult to address anxieties about the agreement in the south, center, and north. The government is not the sole target of complaints. The Movements are often criticized for failing to inform the populations they profess to represent about how the agreement would benefit them, how the implementation process works, of



issues under discussion, or of the rationale behind decisions. Consequently, populations in Bamako and especially the north describe feeling estranged not only from their political leadership, but also from the agreement. They distrust the current peace process and possess a growing mistrust of their representatives.

Civil society, especially youth and women, believes that two years of political discussions at the CSA have served as a substitute for genuine decision-making. In short, they feel the implementation process has become more important than the objectives of the agreement, which was itself arrived at after considerable sacrifice. This sense of CSA dysfunction has led to frustration and disappointment that was expressed by all segments of civil society with whom the Independent Observer engaged. Time and again, the Independent Observer was reminded by civil society, especially youth, that the goal of the agreement was to address long-standing grievances, such as unemployment, lack of services, and rampant violence. The priority, especially for women in northern Mali, is the disarmament and demobilization of armed men.

The launch of the Independent Observer's mission was welcomed by the parties, the CSA, and local actors, who expressed the hope that the Observer would stimulate progress in the implementation of the agreement. However, there remains widespread confusion about the distinction between the Independent Observer's role and that of the sanctions committee established under United Nations Security Council Resolution 2374 (September 2017). The Independent Observer is distinct from this committee and has no authority to impose sanctions.

LACK OF PEACE DIVIDENDS AND NEGLECTED PRIORITIES: Another of the most prevalent themes in the northern regions is the absence of peace dividends. There is a general lack of awareness of development projects undertaken to support peace, a fact that is reinforced by the growing insecurity, an absence of the government institutions and services, and the lack of progress in implementing the agreement. The Independent Observer is aware of the efforts of Mali's development partners, in an especially difficult situation, to support access to water, electricity, education, and healthcare in distressed communities. Unfortunately, local populations do not appear to recognize the linkage between such projects and the implementation of the agreement. They harbor resentment toward the international community for this perceived failure to provide the significant realization of peace dividends.

PERCEPTION OF THE ABSENCE OF THE INTERNATIONAL COMMUNITY: The representatives of the government, the CMA, and the Platform, as well as the political class and civil society, share the feeling that the international community – especially those governments that are engaged as guarantors of the agreement – is not adequately fulfilling its role. Interlocutors expressed a strong desire for the international community to play a more proactive role.

Specific Observations

The following observations focus on the parties' commitments in the roadmap that were planned for the months of March and April 2018. As of the conclusion of the Independent Observer's current period of observation, only one of these commitments had been fully realized.



CREATING THE TERRITORIAL-ADMINISTRATIVE ENTITIES (COLLECTIVITÉS) IN THE MENAKA AND TAOUDENIT REGIONS (Deadline: April 2018) – The draft law on the creation of the territorial-administrative entities (*collectivités*) in the Taoudénit and Ménaka regions has been finalized and is scheduled for the current session of the National Assembly. As of April 24, the date announced by the government for the passage of the law by the National Assembly, the text had not been adopted.

EFFECTIVE OPERATION OF THE INTERIM AUTHORITIES (Deadline: April) – The budget for the Interim Authorities – nine billion CFA – has been adopted by the government, and the distribution table transmitted to the high representative for transfer to the members of the CSA. The disbursement of the budget is conditioned on, among other things, the existence of human and material resources for the Interim Authorities. On April 30, the minister of *collectivités territoriales* addressed a letter to the Interim Authorities asking them to share by May 31 their human-resource needs so that he could launch the recruitment process through public exams. In addition, the financial resources for the rehabilitation/construction of the offices of the Interim Authorities have been approved, but not dispersed. Considering that the recruitment of human resources through public exams generally takes significant time, it appears that funds for the Interim Authorities may not be dispersed for several months.

STRENGTHENING THE CAPACITY OF THE MOC BATTALION IN GAO BY PROVIDING HEAVY WEAPONS (Deadline: March-April) – The government announced that six heavy weapons intended for the MOC in Gao were stocked in a warehouse at the regional military headquarters. The Platform and the CMA committed to furnish their first set of heavy arms for the MOCs in Gao, Timbuktu, and Kidal once administrative, logistical and other move-in issues (e.g., tents) are settled.

OPERATIONALIZING THE MOCs IN KIDAL AND TIMBUKTU (Deadline: March-April) – On April 30, the unit designated by the Malian army (FAMa) was present in Kidal. However, out of a total of 51 anticipated members, only 43 were registered (each party was to submit 17 members). The Independent Observer notes the disappearance of a large portion of material (uniforms, tents, etc.) designated for the MOC in Kidal. Regarding the installation of the MOC battalion in Timbuktu, the lists have been shared but the combatants have not yet arrived.

IDENTIFYING AND REDEPLOYING COMBATANTS FORMERLY MEMBERS OF FAMa (Deadline: March-April) – Already discussed by the Technical Security Commission (CTS), this issue was again raised at the high-level workshop on April 26-28. Because the parties could not reach agreement on the single issue of the ranks to be attributed to reintegrated former FAMa combatants, a decision was yet again postponed until the meeting of an ad hoc commission set for May 15.

REGISTERING COMBATANTS ELIGIBLE FOR INTEGRATION OR FOR DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION (DDR) (Deadline: March-April) – The government announced it would receive the registration of eligible combatants on April 28. That deadline was not met. Indeed, the parties have not come to agreement on the procedures for registering combatants. The government committed to continue discussions, and the CMA, in particular, requested a postponement of one month to resolve the issue.



POSTPONING REGIONAL ELECTIONS (Deadline: April 2018) – The postponement, generally anticipated by the political class, was confirmed by the formal announcement of the presidential and legislative elections.

ORGANIZATION OF A HIGH-LEVEL WORKSHOP ON SECURITY SECTOR REFORM, INCLUDING THE RECONSTITUTED ARMY (Deadline: March) – The high-level workshop on security sector reform was held March 27-29 and covered the security and defense strategy, territorial police, and reconstituted army. The results were transmitted to the government. Although the workshop occurred, no concrete measures were taken by the parties, and key decisions were postponed to a future date.

Recommendations

The Independent Observer is satisfied that the parties continue to support the agreement as a cornerstone of sustainable peace in Mali. Initial observations are that, despite considerable delays, the parties have created a timetable and generally remain on track to implement it. Especially over the past two months, the working climate among the parties has improved, paving the way for potentially significant progress.

The Independent Observer's most important recommendation is that the Malian parties quickly resolve problems related to preliminary and temporary goals in order to focus resolutely on the essential pillars of the agreement, on which sustainable peace, stability, and reconciliation ultimately depend.

At this stage, the Independent Observer recommends that:

- 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 true core of the agreement.
- The parties, headed by the government, urgently devise a communication strategy to make the agreement a shared national project.
- The Movements act promptly to fulfill their responsibility to provide lists of combatants, 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 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.
- 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.

Conclusion

The recent actions to accelerate implementation, including the prime minister’s visit to Kidal, the registration of 43 combatants for the mixed unit there, and the submission of lists of combatants for the MOC in Timbuktu, are encouraging signs of a potentially improving dialogue among the Malian parties. These steps represent meaningful progress, despite significant delays in implementing the roadmap and, more broadly, the need to set realistic targets centered on the pillars of the agreement, which represent the core elements of sustainable peace in Mali.

This report represents the observations of the Independent Observer over the four months of January through April 2018. Between now and the next report in August, the Independent Observer will continue to be in contact with stakeholders and to observe the meetings, workshops, and consultations related to implementation of the agreement, with the objective of fulfilling its mandate and supporting the 2015 Agreement on Peace and Reconciliation in Mali, emanating from the Algiers Process.