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Assisting Peacebuilding in Mali: Avoiding the Mistakes of the Past

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Executive Summary

On 23 May 2013, The Hague Institute for Global Justice convened a select group of high-level experts and policymakers to discuss the latest developments in Mali and the response of the international community. The roundtable concluded that urgent action is needed, not only to maintain and improve security in Mali, but also to address the drivers of conflict, which include tense relations between the north and the south, the spread of criminal and terrorist groups in the north, and pervasive corruption and state involvement in criminal activities. This brief builds on the conclusions of the roundtable. It argues that these underlying problems received too little attention in earlier efforts to stabilize the country and spur development. In addition, the brief argues that the approach adopted by the donor community in providing assistance and, in particular, the almost exclusive reliance on central state institutions to channel aid, deepened a number of these problems. The brief concludes by sketching the contours of a comprehensive peacebuilding agenda for Mali, with directions for initiatives to be undertaken at the political level and in terms of security, transitional justice, good governance, rule of law, and economic development. In addition, recommendations outline how donors can avoid contributing to instability and help ensure that the logic and purpose of the comprehensive agenda are maintained over time.

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Disclaimer

This policy brief reflects the opinions of the authors and not necessarily those of The Hague Institute for Global Justice. For questions or comments, please contact the authors.

Introduction

Until recently, the Republic of Mali was a donor darling. It was poor but stable, democratically governed, and seen to be making progress. Then, within a very short time, criminal and terrorist activity escalated, the army overthrew the government, civil war threatened the capital, and a foreign military intervened. The international community is now preparing itself to assist Mali with its postconflict reconstruction. A major conference of donors in Brussels, held on 15 May 2013, raised an amount beyond expectations—3.25 billion euro. The question is how this massive assistance package should be organized and structured.

In this regard, it should be recognized that this is neither the first crisis that the country has suffered, nor the first time that the international community steps has stepped in to foster peace and development. This policy brief identifies two important shortcomings of previous assistance: first, though the intention was certainly there in the beginning, in practice, the efforts made to address the underlying causes of Mali's recurrent instability were insufficient and, increasingly, the emphasis came to be on addressing the security problem through military solutions, and, second, assistance was channeled almost exclusively through central state institutions, which represent only part of Malian society.

Mali's instability is often presented as essentially a problem of external origin that should be dealt with accordingly. Indeed, a push by the Algerian military and security forces drove groupings of Islamist militants to the south of that country and over its borders into northern Mali. In addition, armed fighters coming back from Libya after the fall of Muammar Qaddafi instigated a new wave of crime and violence. Still, these groups moved into this area and were able to engage in and continue with their criminal and terrorist activities largely because the Malian government is unable to effectively control the area, provide security, and guarantee the rule of law. A lack of economic opportunities for the general population in the north and a succession of droughts also helped create fertile breeding ground for the rebellion. To deal effectively with the country's instability, these homegrown problems need to be well understood and addressed.

Deep state complicity in crime and laxity towards terrorism arguably goes a long way to explain why the government was generally slow to act or did not act in any meaningful way to restore order and security. It also explains why the underlying problems of a weak rule of law and institutional capacity, which in fact allowed the trade to flourish, were never seriously addressed.

North-South Tensions and Failed Peace Agreements

Tensions between Mali's north and south are not of recent origin. The Tuareg have resisted and fought against the central authorities in Bamako since before independence. The current crisis is, in fact, the fourth violent episode in this history of tensions since the 1960s. The parallels between the most recent crisis and the rebellion of the early 1990s are particularly striking. As in 2012, the rebellion of those years was set against the background of long-standing resentment by the Tuareg of their continued and increasing marginalization, severe and prolonged droughts that resulted in famine, and the influx of Tuareg fighters returning from Libya's war with Chad. President Moussa Traoré, unable to quash the rebellion with force, negotiated a peace deal with the rebels in the Algerian town of Tamanrasset that foresaw a substantial reduction of the presence and role of the army in the north.

The peace accord foundered amidst resentment by the army over the concessions made, general mistrust by the rebels, growing popular unrest, and escalating violence. This provided the stage for a coup by the army that brought Lieutenant Colonel Amadou Toumani Touré to power. The transitional government he installed reopened negotiations with the rebel movements, which were joined by representatives of southern pro-democracy movements. This led to the adoption of the National Pact in 1992. The provisions of the pact are important because they are neatly reflected in the options currently on the table.

They included

- substantial devolution of power from Bamako to the north;
- reduced presence of the army in the north;
- disarmament, demobilization, and reintegration of combatants;

- investment in the economic development of the north; and
- the institution of commissions to investigate abuses committed during the rebellion.

The government, with help from the international community, got off to a good start implementing the pact, but long-term results were disappointing. The investigative commissions never became functional; disarmament, demobilization, and reintegration of combatants proved difficult and contentious; and the efforts made to develop the north were insufficient to meet both needs and expectations.¹ Most important, the decentralization program, though long the hallmark of Malian democratization, fell short of northern demands for autonomy. The difficulty in raising taxes locally and the reluctance to transfer substantial funds and responsibilities from the center, meant that local decision-making powers were effectively limited. Even if levels of participation did increase, the main beneficiaries were existing northern local elites relying on their client networks.²

Especially in the second half of the 2000s, the situation was aggravated by an increase in criminal and terrorist activity in the North.³ The Algerian terrorist resistance movement Groupe Salafiste pour la Prédication et le Combat (GSPC), which later became al-Qaeda in the Islamic Maghreb (AQIM), and its predecessor the Groupe Islamique Armé (GIA) had long smuggled cigarettes through the Sahel region and groups based in the north of Mali, including Tuareg movements, were reportedly associated in this trade.⁴ In the early 2000s, the GSPC also started kidnapping tourists in Algeria's south. In response, the Algerian government launched an offensive against the movement that drove it into Mali's north, where it continued kidnapping Westerners.⁵ Partly because of the reduced presence of the Malian military in the region, an outflow of the National Pact, other groups of criminals and Islamic extremists were able to establish themselves in the region and copied these practices.⁶ This further undermined development and reconstruction efforts and, in particular, had devastating effects on tourism.

In May 2006, tensions again came to a boil following a new period of drought. Armed Tuaregs attacked

military outposts in the Kidal and Gao regions. The revolt was appeased through Algerian mediation. The Algiers Accord of the same year stipulated that Tuareg fighters would be integrated in the Malian army and that Tuareg units would patrol Tuareg areas in the north. It also specifically provided for development projects in the Tuareg-majority Kidal region. Like the 1991 Tamanrasset Accord, however, the Algiers Accord was stillborn: very little was done to implement its key provisions. Smuggling and kidnapping continued unabated and eventually even increased. At the same time, the Tuareg resistance movements were emboldened and strengthened by fighters returning from Libya, who took weapons from Qaddafi's arms depots.⁸ When, in 2012, under increasing international pressure, Malian authorities sent the army back to address the problems of terrorism and crime, civil war broke out and rebels proclaimed the independent state of Azawad in the north. The army, angered by the way in which the authorities handled the insurgency and, arguably, by a loss in illegal revenue, overthrew the government. As the rebels moved farther south, France decided to intervene.

Role of the Malian Government

Assuaging the long-standing tensions between the north and the south and bringing security and development to the north are formidable challenges. But if the implementation of the National Pact and the Algiers Accord was unsuccessful, it was not merely because of the intractability of the issues at stake. Ultimately, the conclusion that the Malian government was not fully committed to the implementation of these agreements cannot be avoided. This conclusion is explained by the fact that state institutions were heavily implicated in the criminal activities expanding to the terrorism that scourged the north of the country.⁹

As mentioned, illegal trading initially consisted primarily of smuggling cigarettes bound for the Algerian and Libyan markets. To avoid paying duties, merchants established informal arrangements with customs officials. Similarly, to ensure safe passage of their goods, they also involved members of the security forces and the military. These practices and arrangements paved the way for an expansion into the trade in illegal goods, mainly cocaine from South America bound for Europe and cannabis from Morocco bound for the Levant. The Malian leadership used its close involvement in this trade primarily in an attempt to exert influence in the north and to keep Tuareg rebel movements in check. It did so by forming alliances with northern business leaders and elites (including Tuareg) who competed with (other) Tuareg groups linked to the secessionist forces. Some set up government-supported militias to protect their interests. This form of collusion between state and local business leaders and elites also played a role in the kidnapping business of the AQIM. These agents assisted the Malian and European governments in ransom negotiations and, allegedly, reserved a share of the proceeds for themselves and their masters in Bamako in case of success.¹⁰

This deep state complicity in crime and its laxity towards terrorism arguably goes a long way to explain why the government was generally slow to act or did not act in any meaningful way to restore order and security. It also explains why the underlying problems of a weak rule of law and institutional capacity, which in fact allowed the trade to flourish, were never seriously addressed. Eventually, given the very large profits to be made, the rivalries between the groups involved in these activities spiraled out of control and led to the escalation of violence and insecurity that preceded the coup and the civil war.

Role of the International Community

Some of the ways in which the international community sought to provide assistance with the implementation of the National Pact and the Algiers Accord tended to compound the problems. Two elements stand out. First, as the events of the early 1990s grew more distant, the need to work on a comprehensive and structural solution to underlying causes of Mali's recurrent instability was allowed to gradually slip to the background of donors' attention. Development programs were more and more framed simply in terms of poverty reduction, and attaining UN Millennium Development Goals, rather than as an integral and indispensable part of the solution to the complex problem of the north. That donors allowed the highly sensitive and political question of northern autonomy to be dealt with under the heading of the decentralization program had similar effects. In this way, the issue was narrowed down to a technical matter not specific to the region. In the 2000s, the emphasis came to be more and more on addressing the symptoms of the growing security problems through initiatives intended to professionalize, strengthen, and support the military and security forces. Mostly, in terms of their orientation and management, these initiatives were detached from development programs.

Second, just as security initiatives focused on the military and security forces, development assistance was channeled almost exclusively through central state institutions. Inspired and driven by international debates and resolutions on aid effectiveness, Western donors increasingly provided aid by giving budget support, sector budget support, or other forms of support that gave substantial autonomy to the government. Therefore, even though the main objective of the support that donors had pledged in the 1990s had been to develop and pacify the north, it was increasingly left up to the Bamako government to decide how to disburse the funds. Moreover,

in embassies, politically sensitive dossiers such as civil society and the north were often confided to senior local staff, who, by and large, were drawn from Bamako's ruling elite. Donors adopted these approaches despite high levels of corruption, including substantial embezzlement of government funds,¹¹ and implication of high-ranking government, military, and security officials in organized crime and terrorism.

Ultimately, the lack of a sustained comprehensive effort to address both causes and consequences of instability and the overbearing reliance on a state controlled by elite interests tended to exacerbate the problems. The Special Program for Peace, Security and Development in Northern Mali (PSPSDN), to which several international donors pledged support in 2010, is a case in point. The plan envisaged the creation of eleven development and governance centers in the region, where security forces would be stationed and from which infrastructure projects and other development initiatives were to be carried out. Despite its name, however, the government used the program essentially to reassert state authority over the north by heavily emphasizing its security component. The program, as it was implemented, has been widely criticized for being administered in vertical fashion, for not involving the local population in any way, and for not preparing the local population for an increased presence of southern military units.¹² It has been suggested that the urge to resist the build-up of government forces and the strengthening of their positions was one of the factors that sparked the rebellion in early 2012.¹³

Recommendations

This analysis suggests, first, that key stakeholders in Mali's reconstruction should invest in a comprehensive assessment of the conflict and the factors that could lead to its recurrence and develop an integrated and shared strategy to address it. The rough outline for the strategy that emerges from the analysis shares important features with the 1992 National Pact and the 2006 Algiers Accords.¹⁴ It includes the following elements:

- At the political level, scope should be created for substantial autonomy for the north and, at the same time, real opportunities offered for a wide range of northern groups and actors to take part in the governance of the country as a whole.
- In terms of security, civilian oversight of the army and security forces should be improved and these force professionalized and strengthened, turning them into a more heterogeneous and representative forces, including at the levels of command, to allow them to meet Mali's security threats in an effective and measured way, to bring stability, and to improve human security.
- In terms of transitional justice, mechanisms to address war crimes, human rights violations, and other abuses committed during the conflict need to be instituted and implemented.
- In terms of governance and rule of law, power should be dispersed among a wider group of actors and institutions including civil society and the media, fostering a culture of accountability to control the exercise of state power, and strengthening capacities and incentives to bring those who violate the law to justice in both the north and the south (see box 1).
- In terms of economic development, basic services and infrastructural improvements in transport and agriculture should be provided, both of which also contribute to building confidence in the peace and restoring the legitimacy of the state. Similarly, entrepreneurship and building skills and capacities in both rural and urban areas should be fostered, to allow people to increase control over their lives and reduce dependency on assistance and patron-client networks.

Developing such an assessment and strategy requires a national dialogue to build consensus and support among a wide range of relevant stakeholders and representatives brought together in a nonhierarchical way. More is needed, however, to avoid the problems that prevented the peace agreements of the 1990s from being implemented. Donors, in particular, should find ways to ensure that the logic and purpose of the strategy are maintained over time and to avoid these being eroded by evolving and diverging group interests or evolving institutional objectives. The following guidelines are intended to help achieve this aim:

- First, the consultative process should be repeated, if need be in reduced form, at regular intervals—such as every three or four years—to assess progress in implementing the strategy, including from the grassroots perspective, and to focus future efforts.
- Second, coordination is of the essence. To some extent, fragmentation is inevitable, given that different stakeholders will work on the basis of different mandates, paradigms, and incentives that will change over time. But the strategic frameworks used by the UN integrated missions are an effective instrument to delineate roles and objectives of national and international actors and to ensure that, as much as possible, stakeholders' operational objectives are complementary and contribute to overall priorities.¹⁵
- Third, donors should carefully avoid working through one side, group, or faction within the Malian political constellation, so as not to fuel tensions. Modalities for the disbursement of funds and ways in which programs are implemented and managed should reflect the overarching objective to create a pluralistic society and should provide scope and, where appropriate, support for transparency and accountability.
- Fourth, in each of the spheres, programming should be informed by a thorough understanding of the context and the way it is evolving.¹⁶ This applies, in particular, to the rule of law context and the problems with corruption and impunity, the effects of which for the population remain under-researched. Incorporating views and input of local experts in such assessments is critical

to act in a conflict sensitive manner¹⁷ and avoid unanticipated effects. To make this possible, investments are needed in partnerships between local and international knowledge centers and organizations.

Key stakeholders in Mali's reconstruction should invest in a comprehensive assessment of the conflict and the factors that could lead to its recurrence and develop an integrated and shared strategy to address it.

Box 1.

Working with ICT to Improve Government Accountability

To combat corruption and the involvement of state officials in crime and terrorism, the Malian legal system needs to be strengthened and a rule of law culture must be fostered. But, as we have seen, the country's problems run deeper and require a broader response. The fundamental problem is that government has no substantial checks and balances. To improve transparency, participation, and accountability, efforts will have to be stepped up to strengthen civil society and especially the media and NGOs that monitor government policies. At least in the short term, however, such programs will not have dramatic effects because capacity gaps in this field are enormous. Moreover, in the past, civil society organizations (including the media) have been closely connected to government in a way that limits their incentives to engage in vigorous scrutiny. For this reason, it is advisable also to examine the possibilities of fostering more direct forms of participation relying on information and communication technology.¹⁸ It is true that penetration of both mobile telephony and the Internet in Mali is still low by African standards and primarily restricted to the upper classes, but indications are that this form of civilian oversight can make a difference. During the recent elections, for example, presidential candidates entered into dialogue with citizens using Facebook. Other, further reaching, examples from various countries on the continent that could be emulated include easily accessible services and platforms to collect and spatially display real-time information on election results, quality of basic service delivery, the performance of elected leaders, and civil unrest and instances of violence (such as the Kenyan-based www.ushahidi.com, www.twaweza.com, and www.daraja.org in Tanzania).¹⁹ Other initiatives aim to make the workings of government better understood, so as to improve citizens' capacity to monitor their government (such as www.yourbudget.com in Nigeria, which aims to translate the government budget and expenditure patterns in easily understood formats).

Endnotes

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- 12 | Ibid.; Lacher, "Organized Crime and Conflict," n3; Stephen Ellis, "Briefing: The Pan-Sahel Initiative," *African Affairs* 103, no. 412 (2004): 459-64; David Gutelius, "Islam in Northern Mali and the War on Terror," *Journal of Contemporary African Studies* 25, no. 1 (2007): 59-76.
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- 15 | See "Principle 3, A Network Response," in The Hague Institute for Global Justice, *The Hague Approach: Six Principles for Achieving Sustainable Peace in Post-Conflict Situations*, 28 August 2013, <http://thehagueinstituteforglobaljustice.org/index.php?page=Publications&pid=179>.
- 16 | See "Principle 6, The Responsibility to Learn," in The Hague Institute for Global Justice, "The Hague Approach", n17.
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