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## Report of the Independent Observer

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

June 2022

*This report presents the observations of The Carter Center in its role as the Independent Observer of the implementation of the Agreement on Peace and Reconciliation in Mali, resulting from the Algiers process,*

for the period between September 2021 and June 2022. The Independent Observer carries out its mandate through observation of meetings and activities related to the implementation of the agreement, including the Agreement Monitoring Committee (CSA in French) sessions, the CSA subcommittees, and the Technical Security Committee (CTS in French). It maintains ongoing contact with the key stakeholders involved in the implementation and monitoring of the agreement, as well as with members of civil society, researchers, nongovernmental organizations, and Mali's international partners. The Independent Observer team also draws on official documents and other materials relating to Mali's situation and the agreement's implementation. The Independent Observer thanks all Malian and international stakeholders for facilitating its work, meetings, and access to relevant information.

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## ACRONYMS

ANR	Assises nationales de refondation   National Conference for the Rebuilding of the State
BATFAR	Bataillons des forces armées reconstituées   Battalions of the Reconstituted Armed Forces
CCI	Conseil consultatif interrégional   Inter-Regional Consultative Council
CMA	Coordination des mouvements de l'Azawad   Coordination of Azawad Movements
CSA	Comité de suivi de l'Accord   Agreement Monitoring Committee
CSP	Cadre stratégique permanent   Permanent Strategic Framework
CTS	Commission technique de sécurité   Technical Security Committee
DDR	Désarmement, démobilisation et réinsertion   Disarmament, Demobilization, and Reintegration
DNI	Dialogue Inclusif National   Inclusive National Dialogue
FAMa	Forces armées maliennes   Malian Armed Forces
FDD	Fond de développement durable   Sustainable Development Fund
MINUSMA	Mission multidimensionnelle intégrée des Nations Unies pour la stabilisation au Mali   United Nations Multidimensional Integrated Stabilization Mission in Mali
MOC	Mécanisme opérationnel de coordination   Operational Coordination Mechanism
PAG	Programme d'action gouvernemental   Government action plan

## TERMINOLOGY

Agreement	The Agreement for Peace and Reconciliation in Mali, resulting from the Algiers Process
CSA	Created in July 2015, per Chapter 19 of the Agreement on Peace and Reconciliation in Mali, the CSA is responsible for monitoring, supervising, and coordinating implementation. It comprises the government, the Signatory Movements, and the Mediation Team. It is chaired by Algeria and includes Burkina Faso, Mauritania, Niger, Chad, the Economic Community of West African States (ECOWAS), the United Nations, the Organization of Islamic Cooperation, the African Union, and the European Union. Permanent members of the United Nations Security Council are invited to participate in its work.
Integration	Refers to the process of integrating ex-combatants from the movements, once disarmed and demobilized, into government institutions, including the national defense and security forces. It is distinguished from socio-economic reintegration for ex-combatants seeking to enter civilian life outside of the public sector within the framework of the socio-economic component of DDR.
International Mediation	Members of the international community referred to in Article 58 of the agreement.
Signatory Movements (Movements)	Coordination of Azawad Movements and the Platform of the Signatory Movements of the Algiers Declaration of 14 June 2014, the two coalitions that signed the agreement in 2015.
Malian Parties (Parties)	The government of Mali, the CMA, and the Platform.
Platform	The Platform of Signatory Movements of the Algiers Declaration of June 14, 2014, a coalition of movements.
Transition	The governing framework established after the Aug. 18, 2020, coup, beginning with the inauguration of the President of the Transition on Sept. 25, 2020. Following the second coup on May 24, 2021, the governing bodies of the transition are the president, the cabinet, and the National Transitional Council. As announced by the government on June 6, 2022, the transitional period is now set for 24 months starting from March 26, 2022.

## EXECUTIVE SUMMARY

On the seventh anniversary of the signing of the Agreement on Peace and Reconciliation in Mali, resulting from the Algiers process, implementation is at an unprecedented impasse. **For nearly a year, the signatory parties, the government of Mali, the Coordination of Azawad Movements, and the Platform have made no meaningful progress. Key bodies in the implementation process have virtually stopped functioning. Meanwhile, accelerated recruitment, rearmament, and military activism, undertaken outside of the framework of the agreement, increased the possibility of a return to armed hostilities.** Yet, publicly, all parties continue to reiterate their commitment to the agreement.

There are multiple reasons for the current situation. Sharp recriminations between the signatories during the October 2021 meeting of the Monitoring Committee, disagreements about the Permanent Strategic Framework initiative, and deteriorating relations between the leaders of the movements and the transitional government all played a part.

Covering the period from September 2021 to June 2022, this report focuses on another key and often-overlooked factor in the breakdown in implementation: The controversy over revising the agreement. **The idea of revising the agreement contributed significantly to the impasse, heightening uncertainty about the future of implementation, exacerbating the already fragile trust among the parties, and fueled the Malian public's growing misgivings about the agreement.**

Drawing on more than four years of day-to-day observation of the implementation process, this report stresses that revision of the agreement is an issue that is unnecessarily undermining implementation. The agreement is a broad, flexible framework rather than a textual straitjacket. **In the course of implementation, the signatory parties have regularly and consensually modified the agreement to adapt to changing circumstances. The agreement itself provides multiple ways to do so.** Calls for a revision of the agreement overlook those tools. All sides are entrenched in rigid positions – for or against revision – inconsistent with their own past practices.

**The parties and the bodies supporting implementation will need to draw on their own track record of pragmatism to overcome the current impasse and realize the peace agreement's promise of peace and reconciliation in Mali.**

## I. INTRODUCTION

### 1. The Unprecedented Impasse in the Implementation Process

On June 20, 2022, the Agreement on Peace and Reconciliation in Mali, resulting from the Algiers process, ends its seventh year of implementation in a state of unprecedented impasse. For nearly a year, the Malian parties have made no meaningful progress in implementing the agreement. In addition, the activities of the agreement's monitoring and implementation bodies have been largely inoperative since October 2021, when sharp recriminations erupted between the signatory parties during a meeting of the Monitoring Committee (*Comité de suivi*, CSA). The CSA and its subcommittees and the Inter-Malian Framework for Implementation (*Cadre de concertation inter-malien*) have also stopped meeting.<sup>1</sup>

At the same time, indications of possible political and military escalation are visible. Accelerated recruitment, rearmament, and military activism by all sides have raised fears among some Malians and international analysts of a resumption of hostilities.<sup>2</sup> Responding to the gravity of the situation in January 2022, the international mediation, which had been largely inactive in late 2021, resumed its activities. But weariness, frustration, and a perceived lack of leverage to spur implementation are also clearly observable among Mali's international partners.

The Malian parties continue reaffirming their commitment to the agreement in public statements. Dialogue among the parties has not entirely ceased. The dialogue between the government, the Coordination of Azawad Movements (CMA), the Platform, and the Movements of Inclusivity continued on two topics. The parties discussed the Permanent Strategic Framework (*Cadre stratégique permanent*, or CSP), the initiative between movements that emerged in April 2021 in parallel to the implementation process, although this dialogue failed to resolve disagreements over the CSP.<sup>3</sup> The parties also continued to dialogue about holding the High-Level Decision-Making Meeting on defense and security issues, which has been planned and highly anticipated since January 2021. The success of the high-level meeting is considered central to revitalizing the implementation process.

In parallel to these developments, a key change during the period covered by this report was the acceleration of the campaign to revise the agreement, which contributed significantly to the current impasse in implementation. Launched in 2019, the effort to revise the agreement – which is known by various terms, ranging from “revision” (*relecture*) to “intelligent revision” (*relecture intelligente*) to “intelligent implementation of the agreement” (*mise en oeuvre intelligente*) – has had a clear detrimental impact on the overall climate of implementation and public support for the agreement.<sup>4</sup> *Relecture* is continuously evoked but with little clarity or consensus on precisely what

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<sup>1</sup> Note that the Technical Security Commission (CTS in French) which is in charge of monitoring the cease-fire, investigating potential violations, and monitoring security arrangements, continued to meet on March 31 and June 16, 2022.

<sup>2</sup> On June 17, 2022, a meeting took place in Menaka where the Malian armed forces (FAMa) informed the signatory movements that the Movements must relocate their positions outside of the town of Menaka, beginning June 20. For several years, the Movements have been involved in securing Menaka, including through the initiative known as “Menaka Without Arms.” See U.N. Secretary-General's Report on the Situation in Mali, March 2022, pp. 1 and 6; excerpt from El Ghassim Wane's speech, at the presentation of the Secretary-General's Report on the Situation in Mali, April 7, 2022, <https://www.un.org/press/fr/2022/cs14856.doc.htm>; end-of-mission report of the outgoing president of the National Commission for Disarmament, Demobilization, and Reintegration (CNDDR), Zahabi Ould Sidi Mohamed, presented May 16, 2022, pp. 19 and 30-35.

<sup>3</sup> The differences involve disagreements over the financing, leadership, and objectives of the CSP.

<sup>4</sup> The *relecture* idea is included in the Government Action Plan, February 19, 2021, Axis 1.1, “Diligent revision, ownership, and implementation of the Agreement for Peace and Reconciliation in Mali, resulting from the Algiers process,” and the Government Action Plan 2021-2022, July 2021, Axis 2.1.2 and 2.1.3, “Intelligent revision of the

revision of the agreement would entail, how it would be applied, and its ultimate objective. The concept has also drawn attention away from the implementation process itself, progressively undermining the parties' motivation and further weakening the already fragile trust between them. The potential revision of the agreement has also stoked negative public attitudes toward the accord, including among members of the political class. For these reasons, the revision or *relecture* of the agreement and its impact on implementation are the main focus of this report.

The above-described developments in the agreement's implementation have unfolded as Mali faces other immense challenges. When the transition began, significant hope existed in some circles that the transitional government would be, compared to its predecessor, better able to effectively lead implementation and forge consensus with the signatory movements. That hope has yet to be borne out. In addition, security challenges are nearly all-absorbing. In the period covered by this report, violence against civilians significantly increased, particularly in central and northern Mali, and Mali's relations with its traditional international partners became increasingly precarious, with some withdrawing their support for stabilization and the fight against terrorism.<sup>5</sup> The government also faces a highly challenging economic situation, caused in part by sanctions imposed by the Economic Community of West African States (ECOWAS) because of delays in the restoration of constitutional and democratic rule as well as the overall deterioration in the subregional and international context due to the COVID-19 pandemic and the war in Ukraine, among other factors.<sup>6</sup>

## 2. The Independent Observer's Recent Enhanced Support to Implementation

Given the gravity of the current impasse, the Independent Observer since early 2022 has enhanced its efforts to highlight the crisis and encouraged the parties to reengage, particularly through dialogue about the Independent Observer's recommendations. The seminar organized by the Independent Observer in February 2022 represents perhaps the most concrete attempt to advance implementation since the October 2021 meeting of the CSA.<sup>7</sup> The seminar brought together over 90 stakeholders in the implementation process, including senior representatives from the signatory parties, members of the international community, and representatives of the government ministries responsible for implementing the agreement. Participants discussed the implementation and, using the Independent Observer's recommendations since 2018 as a starting point for reflection, proposed consensual steps to break the current impasse and relaunch implementation.<sup>8</sup>

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Agreement for Peace and Reconciliation in Mali, resulting from the Algiers process and Intelligent Implementation of the Agreement.”

<sup>5</sup> Monthly security report ([Mali Security Data Highlights – May 2022](#)) developed by the Carter Center Conflict Mapping Project in Mali based on data from the Armed Conflict Location & Event Data (ACLED) project, social media, news articles, and local sources. ACLED data is publicly available at [ACLED \(acleddata.com\)](#).

<sup>6</sup> Final Communiqué of the 6<sup>th</sup> Extraordinary Summit of the ECOWAS Heads of State and Governments Conference on the situation in Mali, Guinea, and Burkina Faso, June 04, 2022; “Rise of basic needs’ prices in Mali: Causes and consequences,” September 2021, World Food Program, January 2022, <https://reliefweb.int/report/mali/mali-hausse-des-prix-des-produits-de-premiere-necessite-au-mali-causes-et-cons-quences>.

<sup>7</sup> The seminar on the Independent Observer's reports, organized in close collaboration with the Ministry of Reconciliation and the High Representative of the President of the Transition for the implementation of the active contribution of movements and international mediation.

<sup>8</sup> Final report of the seminar on the Independent Observer's reports and recommendations, organized in Bamako, February 16 and 17, 2022. [https://www.cartercenter.org/resources/pdfs/peace/conflict\\_resolution/mali-](https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/mali-)



In light of the continuing crisis, the Chair of the Board of Trustees of The Carter Center, Jason Carter, along with Board of Trustees member C.D. Glin, traveled to Bamako in May to meet with stakeholders in the implementation process, including the President of the Transition, colonel Assimi Goïta, sharing their concerns about implementation. In their meeting, President Goïta clearly affirmed his commitment to implement the agreement.<sup>9</sup> The Carter Center's Special Advisor on Mali and the head of the Independent Observer, Ambassador (ret.) Bisa Williams, also conducted a mission to meet with leaders in Algeria (the chair of the CSA) and Mauritania (a Vice-Chair of the CSA) to share the Independent Observer's observations and recommendations and underline the risks of the current situation.

### 3. The Potential Revision of the Agreement

The campaign to revise the agreement has seeped steadily into Malian political discourse, stoking tensions among the parties and raising questions about the future of the agreement. The terms *relecture*, *relecture intelligente*, and *mise en oeuvre intelligente* are increasingly widespread in both day-to-day conversation and official statements. Now deeply embedded in Malian political discourse and civil society, the potential revision of the agreement casts a shadow over the implementation process and, broadly speaking, threatens the future course of implementation.

For the government, the revision of the agreement often appears to constitute a priority condition for further implementation. This position is stated explicitly in two Government Action Plans (PAG in French). On the other hand, the CMA insists that *relecture* is a nonstarter. Complicating matters further, many politicians and public opinion leaders view the agreement's content, combined with its supposed status as “un-modifiable,” as threatening Mali's unity. In addition, the lack of clarity about what any potential revision would entail has weakened the bodies mandated to support implementation, such as the International Mediation and the Independent Observer. Given the impact of these differences, the possible revision of the agreement needs to be squarely addressed, lest it undermine a sustainable restart to implementation.

Thus, in this report the Independent Observer aims to clarify the origins and development of the idea of the revision of the agreement and describe the issues surrounding it. The report also offers a reminder of the methods established within the agreement itself to consensually adjust implementation to changing circumstances. Finally, the report highlights multiple examples of the parties' pragmatic, consensual modification of the agreement since the start of implementation in 2015.

## II. OBSERVATIONS

### 1. The Agreement: A Framework, Not a Straitjacket

Rather than a comprehensive or prescriptive plan, the agreement establishes a framework within which the signatory parties can consensually adapt implementation based on shifting circumstances. Indeed, the agreement contains a host of measures to adapt implementation in

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[independent-observer-report-feb-2022.pdf](#). A short video on the seminar is also available in French here: <https://youtu.be/7OmVGCR0nEE>

<sup>9</sup> <https://twitter.com/goitaassimi/status/1522317198144020480?s=21>

real time. Each signatory is represented in the organs of the implementation process, allowing them to continue to voice views on necessary adjustments and steps.<sup>10</sup> The signatory parties also established the intra-Malian framework for implementation for the same reason, to allow for consultations and context-adapted implementation. In short, the agreement's content is not set in stone. Depending on the context and needs, the agreement allows room for pragmatic, consensual actions and requires dialogue when the time comes for implementing specific measures, such as legislative texts, or whenever the signatory parties differ on how to interpret or apply a particular commitment.

In addition, in Article 60 the parties agreed that should there be disagreement between them, they would allow the CSA to interpret provisions and clarify the signatories' commitments. Further, in Article 52 the signatories agreed that the International Mediation could offer its good offices to resolve differences as a last resort in the case of grave difficulties. Finally, the agreement provides for its own formal revision. Article 65 establishes that with the "express consent of all parties and [with] the CSA's approval," the agreement can be amended. In sum, a range of specific mechanisms exists to ensure that the parties can respond flexibly to changes in Mali.

## **2. Revising the Agreement: A Controversy that Endangers the Future of Implementation**

### **A. The Emergence of the Idea of Revising the Agreement**

In a speech on Mali's independence day on September 22, 2019, former Malian President Ibrahim Boubacar Keïta made the first official proposal to revise the agreement, echoing earlier comments by some in his government. Keïta's statement evoked the "necessary revision" of certain sections of the agreement with the aim of removing the "obstacles impeding the implementation."

The treatment of the agreement in the National Inclusive Dialogue (DNI in French) marked the next step in the rise of the idea of revising the agreement. Held in December 2019, the DNI, after passionate debate, expressed support for the revision of the agreement and introduced the term *relecture*. The DNI recommended the "*relecture* [revision] of certain provisions of the agreement, using the mechanisms provided for in Article 65."

Following the successive coups in August 2020 and May 2021, the idea of the *relecture* of the agreement gained momentum, becoming omnipresent in discussions about the agreement. As mentioned, two successive Government Action Plans listed the agreement, including its "intelligent revision," as among the government's top priorities. In its September 2021 report, the Independent Observer warned that the focus on the revision of the agreement, combined with increasingly heated rhetoric against it by leaders in government and civil society, would lead to a deterioration in relations among the signatory parties, further hindering the implementation process.<sup>11</sup>

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<sup>10</sup> See the CSA's Rules of Procedure (July 21, 2015), as well as the texts creating or reorganizing the commissions stipulated in the agreement, including the November 20, 2017, Decree N° 2017-0914/P-RM establishing the membership of the National Council for Security Sector Reform.

<sup>11</sup> In the presentation of the Government Action Plan before the National Transitional Council by Prime Minister Moctar Ouane on February 19, 2021, the peace agreement's revision (*relecture*) is listed as the number one priority; see pp. 5-6. In the transitional government's updated action plan of July 26, 2021, Axis 2: Political and Institutional Reforms, the "Intelligent *relecture* of the Agreement on Peace and Reconciliation resulting from the

These trends have accelerated further since the National Conference for the Rebuilding of the State (ANR in French), held from December 11 to 30, 2021. Confirming the government's leanings, the ANR recommended "revising the Algiers agreement, adding an addendum, and accelerating implementation." Unlike the DNI's recommendation, however, the ANR and the post-coup governments largely ignored Article 65. The fading of references to Article 65 further increased uncertainty surrounding the concept of the *relecture* of the agreement.

On June 7, 2021, President Goïta adopted similar rhetoric during remarks at his inauguration before the National Transitional Council, when he called for the "intelligent and efficient implementation" of the agreement. Yet, more than one year later, the meaning, scope, and specific changes envisaged by those calling for *relecture* remain unclear.

## **B. The Impact of the Idea of Revising the Agreement**

Controversy over *relecture* halted the implementation process once before, in 2019 and 2020. President Keita's September 2019 declaration immediately raised tensions. The Platform accepted the possibility of revisions, provided Article 65 was respected, while the CMA opposed any revision of the agreement. After initially boycotting, the CMA eventually joined the DNI on the condition that it not seek to alter the agreement. It was in this tense context that the government requested an indefinite postponement of the September 2019 CSA session scheduled in Kidal, a highly symbolic action because the meeting would have been the CSA's first-ever meeting outside of Bamako.<sup>12</sup> On September 17, 2019, the CMA and the Platform met in Kidal, without the government, and called on the government "not to yield to the temptation to deviate from the agreed framework for peace and reconciliation."<sup>13</sup> The CMA subsequently suspended its participation in the implementation bodies of the agreement for six months. The impasse sparked by calls for the revision of the agreement was only finally resolved in March 2020.<sup>14</sup>

Since October 2021, history is repeating itself with new factors contributing to the impasse. On all sides, the rhetoric around *relecture* has hardened and positions have become more entrenched. While the government advocates generally favor revising the agreement, the CMA's opposition to any revision remains unchanged. The CMA argues that, although imperfect, the agreement is a key pillar of unity and stability in Mali and constitutes the primary link between the government and the movements. The CMA has demanded that the government clarify its position on the revision of the agreement and threatened to "draw the necessary conclusions" based on the

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Algiers Process (APR)" appears as the second priority (Action: 2-1-2), after the holding of the National Conference on the Rebuilding of the State).

<sup>12</sup> The dialogue is "supposed to lead to institutional and constitutional reforms and accelerate the implementation of the Peace Agreement," *Jeune Afrique* (October 10, 2019). Thus, after the September workshop to validate the terms of reference of the dialogue, the DNI held meetings in *cercles*, communes, and the district of Bamako October 14-15, followed by consultations at the regional level October 21-22.

<sup>13</sup> Joint Communiqué: CMA-Platform meeting in Kidal held September 17-18, 2019.

<sup>14</sup> CMA spokesman Almou Ag Mohamed said, "Following the cancellation of the CSA meeting in Kidal, we are asking to meet with the government on neutral ground so that we can speak truthfully and decide whether to continue with this peace agreement, or whether it should be declared null and void," *Jeune Afrique*, September 18, 2019.

government's position.<sup>15</sup> The Platform's position has evolved over the past three years.<sup>16</sup> Initially in favor of revision using the mechanisms established in the agreement, it has shifted its position, instead arguing that what is needed to accelerate implementation is simply greater efforts by the parties. In sum, each side has dug deeper into its position while, as anti-agreement rhetoric continues to gain ground, the peace process gradually loses nearly all momentum.

The most virulent discourse in favor of the *relecture* of the agreement comes from groups that are part of Mali's political class and civil society and argue that the agreement paves the way for Mali's breakup.<sup>17</sup> Since 2021, the *Front du Refus de l'Accord*, a civil society association, has frequently criticized the agreement in the national media.<sup>18</sup> Other civil society organizations also call for revising the agreement. Some believe that the government, in a position of weakness during the negotiations in Algiers, conceded too much. Others, such as the *Coalition Citoyenne de la Société Civile pour la Paix, l'Unité et la Réconciliation Nationale* (CCSC-PURN), led by former Prime Minister Ahmed Mohamed Ag Hamani, believe revision is necessary to improve nation-wide buy-in and, thus, implementation. In its October 2021 annual report, CCSC-PURN argued that "regionalization and decentralization reforms will be very important following a revision of the agreement."<sup>19</sup> Other civil society actors want a revision of the agreement to include civil society as a signatory party.

The potential revision of the agreement also shapes politics outside of Bamako, including in the north. Virtually every interlocutor met by the Independent Observer holds a position for or against revision. In Gao, for instance, the representatives of youth and traditional authorities met in February 2022 stated that certain provisions of the agreement need to be revised, namely those on elections and the executive powers of the presidents of the regional assemblies, which they view as threatening national unity. In Kidal, by contrast, the *relecture* of the agreement is generally perceived as a precursor of a government break from the agreement.

In summary, every party perceives the proposed revision of the agreement differently with different objectives and fears. In this context, the Independent Observer has identified the following main interpretations of the *relecture* of the agreement: 1. Outright rejection of the

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<sup>15</sup> Communiqué N° 02/BE/CMA/2022 of the ordinary session of its Executive Bureau, January 22, 2022. In another communiqué, dated March 3, 2022, the CMA stated that the implementation of the agreement "has suffered from the bad faith of the Malian government despite its inclusion in the Transitional Charter" and lamented the "bellicose and defamatory media posture" of high-ranking government officials. The CMA maintains that the government's attitude is "likely to create confusion" about the implementation of the agreement and has asked the Malian government to "clarify its final position in a clear and official manner."

<sup>16</sup> In response to President Keïta's speech in 2019, Fahad Ag Almahmoud stated that the agreement itself provides for "its *relecture*" and that the international community has indicated that if there are difficulties in the implementation of the agreement, "solutions must be found." In June 2021, the Platform opposed the *relecture* of the agreement and Haballa Ag Hamzatta said: "If we enter into a *relecture* of the agreement, we are going to block the implementation process. Nobody knows where such a revision process would lead us." See "Peace agreement: Revision could be 'fatal,' warns the CMA," Studio Tamani, June 21, 2021.

<sup>17</sup> To recall, the agreement's preamble and Article 1 enshrine the national unity, territorial integrity, and sovereignty of the state of Mali, as well as its republican form and secular character, as core principles of the agreement.

<sup>18</sup> Among current political stakeholders, one of the agreement's most vocal critics is former Prime Minister Soumana Sacko, president of the Cnas Faso Hère party, who once called the agreement "a document that undermines national unity and dismantles the armed and security forces."

<sup>19</sup> See Sixth Alternative Citizen Report on the Multidimensional Crisis in Mali, September 2021, CCSC-PURN, with the support of the Friedrich Ebert Stiftung. The CCSC-PURN is a federation composed of several civil society associations, with the specific objective of observing, monitoring, and providing alerts on the implementation of the agreement.

agreement; 2. Calls for a comprehensive renegotiation; 3. Renegotiation of a list of specific provisions that are contested or ill-adapted to the current context, along with the addition of an addendum; 4. Refusal to make changes to the agreement to avoid the risk of reopening the proverbial Pandora's box of issues already negotiated in Algiers; 5. Moving forward with implementation based on the practice of addressing issues on a case-by-case basis; or 6. A revision in accordance with the procedures established in Article 65.

Faced with the uncertainty surrounding the issue of the *relecture* of the agreement, neither the CSA nor the International Mediation have officially taken up the controversy. The United Nations has occasionally highlighted the issue. In his March 2021 report, the Secretary-General noted the repeated calls to revise the agreement and urged the signatory parties to address the issue within the framework of the agreement and in a spirit of mutual trust. The U.N. group of experts on Mali in its August 2021 report stressed that “successive Malian governments have yet to clarify for the public the meaning of the *relecture de l'Accord*, thus opening avenues for speculation and various interpretations, especially by persons hostile to the agreement.”<sup>20</sup> The group thus highlighted the negative impact of the ambiguity surrounding *relecture* on both trust among the parties and Malians' buy-in to the agreement.

### C. The Pragmatism of the Implementation Process: Multiple and Consensual Adaptations to a Shifting Context

In this section, the Independent Observer examines the *relecture* issue against the backdrop of the parties' actual practices in the implementation process. Those practices show that the parties have consistently worked by consensus to modify the implementation of the agreement, adapting the process to their specific needs and Mali's changing situation. Hardline positions on *relecture* are thus at odds with the parties' demonstrated pragmatism in day-to-day implementation. The government's position in favor of revision fails to acknowledge adaptive, pragmatic practices it has long endorsed, while the CMA's position ignores the flexibility that both it and other parties have repeatedly shown.

Examples of pragmatic, consensual adaptation of the agreement include:

#### ➤ Political Institutional Reform Issues

The issue of the interim authorities represents the earliest example of the parties' constructive, consensual adaptation of the agreement. Annex I broadly calls for the “establishment, where necessary, of administrative authorities in northern municipalities, *cercles* and regions during the interim period.” The agreement further stipulates that their “appointment, responsibilities, and operational procedures will be consensually established by the parties.” In 2015 and 2016, the parties' differing interpretations of this provision led to the first major disagreement in the implementation process. After an impasse of several months, in June 2016 a meeting of senior representatives of the signatory parties resulted in the Agreement on the Establishment of the Interim Authorities, which included several practical adaptations and compromises:

- The creation of interim authorities for the existing regions, *cercles*, and municipalities of Gao, Kidal, and Timbuktu and the establishment of transitional colleges in the new regions of Menaka and Taoudeni.

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<sup>20</sup> Final report of the Group of Experts created by United Nations Security Council Resolution 1374 (2017) concerning Mali, August 6, 2021, paragraphs 26-28.

- The representation of all signatory parties in the interim authorities and transitional colleges.
- The appointment of special advisors from the movements to the governors in the northern region, a measure not foreseen by the agreement.<sup>21</sup>

### ➤ Defense and Security Issues

Faced with an inability to reach agreement on a comprehensive demobilization, disarmament, and reintegration (DDR) process, from 2015 through late 2021 the parties agreed to a number of steps that differ from the provisions of the agreement. These adaptive measures, which represented steps forward in the implementation process, included “accelerated DDR integration,” a concept entirely absent from the agreement. Accelerated DDR-Integration involved:

- Abandoning the cantonment process, due largely to security-related concerns. When cantonment was stopped, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) had already built eight transit camps.
- Altering the initial mission of the Operational Coordination Mechanism (MOC in French) and instead drawing on MOC combatants as the first integrated soldiers in the reconstituted defense and security forces. Through accelerated DDR, the parties agreed that the MOC, a mechanism stipulated in the agreement, would effectively cease to exist.<sup>22</sup>
- Broadly, building the first units of the reconstituted army by essentially bypassing the DDR cycle envisioned in the agreement. As mentioned, cantonment was abandoned and MOC combatants were repurposed to serve as the first soldiers in the reconstituted army. These adaptations allowed the ex-combatants from the movements to join the Battalions of the Reconstituted Units (BAFTAR), new units deployed to Gao, Kidal, Menaka and Timbuktu. The BATFARs – the key outcome of the DDR process to date – are not mentioned in the agreement.
- Assigning the registration of ex-combatants to the National DDR Commission (CN-DDR) while the agreement calls for the Technical Security Commission to play this role.<sup>23</sup>
- Assigning the determination of the quotas for ex-combatants to be integrated into the national defense and security forces, as well as the ranks for senior officers, to the High-Level Meeting on Defense and Security Matters rather than the National

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<sup>21</sup> Agreement on the Establishment of the Interim Authorities: <https://maliactu.net/mali-entente-sur-la-mise-en-place-des-autorites-interimaires-texte-integral/>

<sup>22</sup> Per Annex II, the original objectives of the MOC were: (1) Create confidence between the parties by forming contingents comprising combatants from the Malian army, the CMA, and the Platform; (2) plan and conduct joint patrols; (3) plan and coordinate all actions and movements of combatants; (4) secure the cantonment and DDR process; and (5) establish a detailed plan and timetable for the redeployment of the reconstituted security and defense forces.

<sup>23</sup> Per Annex II, within 60 days of the signing of the agreement, the movements were to submit to the CTS a final and certified list of their combatants and weapons.

Integration Commission (CNI) and the National Council for Security Sector Reform (CNRSS), as stipulated in the agreement.<sup>24</sup>

➤ **Economic Development Issues**

- In response to grievances about the agreement's creation of a Northern Development Zone dedicated exclusively to the economic development of northern Mali, the National Assembly adopted a law establishing the option of creating development zones in every region of the country. Only after this step did the National Assembly adopt a law specifically creating the Northern Development Zone, as required by the agreement.<sup>25</sup>
- Altering the Sustainable Development Fund's (FDD in French) initial objective, which was, per the agreement, to finance the Special Development Strategy for the Regions of Northern Mali. In a change, the FDD's scope was broadened by law so that it could finance projects throughout Mali.<sup>26</sup>
- Establishing the Inter-Regional Consultative Council (CCI in French) with representatives from the interim authorities rather than representatives of the regional assemblies, as stipulated in the agreement.
- Including the directors of the Regional Development Agencies, with a consultative voice, in the CCI's sessions.

This partial list highlights multiple examples of the parties' long-standing practice, within the broad framework provided by the agreement, of consensually and pragmatically adjusting the specific steps of implementation to the needs of the moment.

### III. Conclusion

While some political stakeholders may have introduced the idea of the revision of the agreement with the aim of fostering a renewed dialogue and improved nationwide buy-in into the peace process, others saw in the concept of *relecture* an opportunity to place an additional brake on implementation. In this report, the Independent Observer underlines that, overall, the controversy over the potential revision of the agreement has negatively impacted implementation. Without details about its scope, procedures, and ultimate end goals, the idea of revising the agreement has deepened mistrust among the parties, provided new opportunities for opponents of the agreement to win public support, and contributed significantly to the current impasse in the implementation process.

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<sup>24</sup> The December 2019 High-Level Meeting brought together officers from the FAMA and the movements, resulting in concrete recommendations on the attribution on ranks. Following the High-Level Meeting, Decree N° 2019-09611 of December 12, 2019, addressed the appointment of officers. Decree N°2019-0184/P-RM of March 5, 2019, established the criteria for integration. Per Annex II, the management of integration is the mandate of National Commission on Integration in cooperation with the National Commission for Security Sector Reform.

<sup>25</sup> Law No. 2019-040 of July 24, 2019, establishing the basic principles for the creation, organization, and oversight of development zones in Mali; Law No. 2019-041 of July 24, 2019, establishing, organizing, and overseeing the Northern Development Zone.

<sup>26</sup> See Law No. 2018-008 of February 12, 2018, establishing the Fund for Sustainable Development. In its Article 2, the law specifies that the FDD is intended to finance development projects in a balanced manner in all regions of the country.

In his May 2022 meeting with Jason Carter, chairman of the board of The Carter Center, the president of the transition shared his views on the revision of the agreement. President Goïta stated clearly that the “intelligent implementation of the agreement” means: “We implement the agreement. Whenever difficulties or differences arise, we seek solutions among [Malian] brothers.” This statement, which aligns with both the spirit and letter of the agreement, could offer a guiding light to begin to resolve the debilitating debate over the *relecture* of the agreement, which potentially jeopardizes not just the agreement itself but the broader process of peace and reconciliation among the signatories.

Beyond measures such as these, the issue of revision is rooted in Malians’ ownership of the agreement. Vigorously responding to opposition and publicly supporting the agreement are key to reviving implementation. More broadly, fostering nationwide buy-in to the wider process of peace and reconciliation will need to be a top priority for the signatories, and those assisting them, in order for the Agreement on Peace and Reconciliation to continue to hold the promise of lasting peace in Mali.