

Report of the Independent Observer

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

16 September 2019

THE
CARTER CENTER



This report presents the observations of The Carter Center as the Independent Observer of the implementation of the Agreement on Peace and Reconciliation in Mali, emanating from the Algiers Process, for the period from May to August 2019.

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PERSONNEL OF THE INDEPENDENT OBSERVER

BAMAKO

SPECIAL ADVISOR

AMBASSADOR (RET.) BISA WILLIAMS¹

DEPUTY SPECIAL ADVISOR

JEAN NTOLE KAZADI

COORDINATOR

LAURENCE BARROS

ANALYST

DEO MBUTO

ADMINISTRATIVE AND FINANCIAL OFFICER

BAKARY DIARRA

ATLANTA

CEO, THE CARTER CENTER

AMBASSADOR (RET.) MARY ANN PETERS

VICE PRESIDENT, PEACE PROGRAMS (*interim*)

CRAIG WITHERS

DIRECTOR, CONFLICT RESOLUTION PROGRAM

HRAIR BALIAN

ASSOCIATE DIRECTOR, CONFLICT RESOLUTION PROGRAM

JOHN GOODMAN

ASSOCIATE DIRECTOR, COMMUNICATIONS

SOYIA ELLISON

ASSOCIATE DIRECTOR, OFFICE OF INTERNATIONAL SUPPORT

JAYANTHI NARAIN

SENIOR ASSOCIATE DIRECTOR, DEVELOPMENT

JANET SHIN

SENIOR PROGRAM ASSOCIATE, CONFLICT RESOLUTION PROGRAM

KATE KNAPP

FINANCIAL ANALYST

RUBY JUDIT-KOCHENDERFER

ACRONYMS AND TERMINOLOGY

ACRONYM*	DEFINITION
CN-DDR	National Commission for Disarmament, Demobilization and Reintegration
CMA	Coordination of Azawad Movements
CREMT	Medium-Term External Resources Framework
CSA	Monitoring Committee
CTS	Technical Security Committee
DDR	Disarmament, Demobilization, and Reintegration
FAMa	Armed Forces of Mali
FDD	Sustainable Development Fund
FDS	Malian security and defense forces
MAA	Arab Movement of Azawad
MIEC/Nord Mali	Joint Evaluation Mission for Northern Mali
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MOC	Operational Coordination Mechanisms
OCHA	Office for the Coordination of Humanitarian Action
PSIRC	Integrated Security Plan for the Central Regions
PTF	Technical and Financial Partners
SHA	Aid Harmonization Secretariat
TERMINOLOGY	DEFINITION
International Mediation	Members of the international community referred to in Article 58 of the Agreement for Peace and Reconciliation in Mali, Emanating from the Algiers Process
Signatory Movements	Coordination of Azawad Movements and the Platform of Movements – Algiers Declaration, June 14, 2014
Malian Parties Platform	Government of Mali and the signatory movements Platform of Movements – Algiers Declaration, June 14, 2014

*The French acronyms are used, as is common practice in the context of the implementation process.

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SUMMARY OF THE PERIOD FROM MAY TO AUGUST 2019

In the period between May and August 2019, the implementation of the 2015 Agreement for Peace and Reconciliation in Mali was shaped largely by four factors. First, the resurgence of armed conflict between the signatory parties, namely clashes in May in Talataye and in July in Lerneb, broke the ceasefire in place since September 2017.² Second, the uncertainty about the future of the United Nations' mission in Mali contributed to the already slow pace of implementation. On June 28, the U.N. Security Council approved Resolution 2480, extending the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) for one year and identifying 12 priority objectives to be achieved by June 2020. Third, the government reshuffle in April, which grew from a wider socio-political crisis, further slowed implementation. Finally, although the Malian parties took the important step of integrating slightly more than 1,000 ex-Movement combatants, each party at times blocked progress, and in general there has been a lack of realistic planning. Indeed, it appears that political will and attention continue to dwindle despite the urgings of the international community and the needs of the Malian people.

This report highlights new or persistent deadlocks that could potentially undermine the implementation of both the most recent roadmap, adopted by the parties on July 12, and the achievement of the objectives set by Resolution 2480 (June 2019).

Activities from May to August 2019

- Through the accelerated Demobilization, Disarmament, and Reintegration (DDR) process, 1006 Movement combatants were integrated into the Malian defense and security forces (FDS). This step is the first sign, more than four years after the signature of the agreement, of the (re)establishment of representative FDS.
- The National Assembly adopted two important laws: the law creating the Northern Region Development Zone and the Law on National Understanding (*Entente nationale*). The latter affirms the principle of non-amnesty for war crimes, crimes against humanity, and serious human rights violations, but it also offers an exemption from current or future criminal prosecutions for individuals who committed crimes during the 2012 crisis. The law also establishes a Day of National Forgiveness and a week of national reconciliation.³
- The government organized 17 training courses for the interim authorities. The courses covered various technical fields, with the aim of strengthening the skills of the interim authorities at both the regional and *cercle* level. The July roadmap envisages an effort between July and December to further bolster the interim authorities, especially to assist them in implementing their *programmes d'action prioritaires* in light of the recent transfer of government services to the regions.⁴

Challenges and Obstacles to Implementation

Political-institutional issues: The constitutional reform process launched with significant promise in early 2019 is in many respects at a standstill. (The referendum to approve the new constitution

was planned for June 2019 but didn't occur.) Discussion of constitutional reform has been subsumed within the Inclusive Political Dialogue, which aims to garner increased support for the reform effort within both the political class and the Malian public. On June 25, the president appointed three prominent figures to lead the dialogue, which had not yet been completed at the time of the publication of this report. **Constitutional reform is thus, in essence, suspended, and preparations remain at a very early stage.**

Restoration of government authority and decentralization: The incidents of July 17 in Kidal, including the desecration of the Malian flag, exacerbated the growing mistrust among the Malian parties and represented a new setback for the return of government-provided basic social services to the city.

Defense and security sector: A July audio recording allegedly made by FAMa general El Hadj Ag Gamou, the head of the Imghad Tuareg Self-Defense Group and Allies (GATIA), in which he described preparations for a potential armed confrontation with the Coordination of Azawad Movements (CMA), significantly increased tensions between the Movements.⁵ The acute, ongoing crisis within the Arab Movement of Azawad (MAA-Platform) further slowed progress. The MAA has been unable to designate which of its members should represent it on the Monitoring Committee (CSA) and which members, within the Timbuktu Joint Operational Mechanism (MOC) unit, should participate in accelerated DDR.

The slowness of accelerated DDR is particularly important because of the security needs in central Mali, which is suffering from terrorist attacks, inter- and intra-communal violence, and atrocities and crime. The situation in central Mali impairs implementation of the agreement. Launched in October 2018, the DDR component of the government's "Integrated Security Plan for the Central Regions" (PSIRC) has at times been executed with insufficient planning, producing unintended consequences, including the proliferation of arms because the conditions for participation in the process incentivized the acquisition of weapons.⁶ In Resolution 2480 (June 2019), the Security Council enlarged the mandate of MINUSMA to support the government's stabilization efforts in the central region. **Without supplementary resources, MINUSMA's expanded operations could in time handicap its ability to support the implementation of the agreement.**

Title IV (Socio-Economic and Cultural Development) and Title V (Reconciliation, Justice and Humanitarian Issues): The law establishing the Northern Region Development Zone and the Law of National Understanding represent steps forward but are not ends in themselves. Notably, the agreement stipulates that the development zone be administered by regional assemblies and the Inter-Regional Council, neither of which has yet been created through the constitutional reform process. Likewise, the ultimate efficacy of the Law of National Understanding depends to a significant degree on the reform of the justice system as prescribed in Title V.

The international community continues to pressure the Malian parties to advance implementation more quickly. The high-level meeting of the Monitoring Committee, held on June 17 under the chairmanship of the Minister of Foreign Affairs of the People's Democratic Republic of Algeria, with the participation of his counterpart from the Republic of Niger, stressed the need to accelerate implementation. Among the key outcomes of the meeting was the Monitoring Committee's support

for the Independent Observer’s recommendation to create a framework wherein critical, unresolved issues are brought directly before decision-makers in the government and the Movements. To date, this mechanism has not been created and is not among the parties’ priorities. Like the August 7 report of its sanctions committee, in Resolution 2480 (June 2019) the Security Council highlights the pressing need to accelerate implementation before the review of MINUSMA’s mandate in 2020.

National political scene: The Independent Observer has noted significant divisions within the political class and civil society over the Inclusive Political Dialogue, as well as the public’s growing skepticism about constitutional reform and even the implementation of the agreement.

THEMATIC OBSERVATIONS AND RECOMMENDATIONS

➤ DDR

Accelerated DDR - The Integration of the First Combatants of the Reconstituted Army Despite the Parties’ Delaying Tactics

Since June, MINUSMA has transferred 1,006 Movement combatants, including one woman, from the MOC units in Gao and Timbuktu to three training centers: non-commissioned officers and soldiers to Banangoro and Bafo, and officers to Koulikoro. After two months’ training, the combatants were integrated officially into the Malian defense and security forces and are awaiting redeployment. Although long-delayed, this step represents the first concrete sign of the rebirth of the national, representative army envisaged in the agreement. In addition, a group of roughly 200 combatants (from both the CMA and the Platform) from the MOC unit in Kidal, who had not participated in accelerated DDR, were transported to Gao in late August, with the expectation that they will soon enter the training centers.

Several reasons have been put forward for the delay in transferring the Kidal combatants. The National Commission for DDR (CN-DDR) pointed to logistical problems, while the CMA cited security concerns should the MOC units be withdrawn from Kidal. The slow arrival of the Kidal combatants contributed to mounting frustration among the soldiers already in Banangoro, Bafo, and Koulikoro, who felt they had been treated unequally.

As of the publication of this report, none of the recently re-integrated Movement combatants has been redeployed. It should be noted that the July roadmap envisioned the adoption of a deployment plan by July 2019, with redeployment to begin progressively from that point.

Overall, accelerated DDR was slowed by the parties’ delaying tactics. One example was the dispute, dating back to January 2019, over Movement combatants initially declared medically unfit by the Ministry of Defense and Veterans. After months of negotiations, the majority of the “unfit” (229 out of 375) were slowly re-accepted into the process.

During the period covered by this report, accelerated DDR was further complicated by the question of excluding Movement combatants accused of committing human rights violations in the past.

MINUSMA identified three such individuals among the eligible combatants, while the government put forward a list of 28; the CMA, alleging a government attempt to remove its officers from the DDR process, objected to the government's list. While the review of combatants' human rights records is entirely legitimate, the Independent Observer nevertheless considers the government's proposed list a delaying maneuver, given that it was introduced late in the accelerated DDR process, which was initiated in November 2018 and for which the list of eligible combatants has been available since January 2019.

While the government opened the issue of the medically unfit, which resulted in a months-long deadlock and contributed to the climate of mistrust in 2019, the CMA took advantage to delay the DDR process as much as possible. Other examples of the CMA's tactics include: the dispute that dominated the launch of accelerated DDR, wherein the CMA approved procedures for the stocking of the Kidal MOC unit's weapons during a meeting of the Technical Security Committee (CTS), only to reverse course later by insisting that its combatants retain their personal arms; the CMA's unexplained withdrawal from the August meeting of the CTS; and the variety of justifications for long delaying the transport of its combatants in the Kidal MOC unit for participation in accelerated DDR. These actions make evident the CMA's often reluctant approach to DDR.

Chronic delays and the accumulation of deadlocks on specific issues negatively impacted the working climate and the implementation process generally. The totality of blockages has become a strategic problem. **To achieve more consistent progress in the future, leaders at the highest levels would need to demonstrate more decisive and strategic action. This is especially the case for the redeployment, as soon as possible, of the recently integrated combatants standing ready to serve Mali.** Such action would respect the commitments undertaken in the July roadmap and Article 21 of the agreement.

In addition to the reasons listed above, the accelerated DDR process has also experienced delays for the following important reasons:

- The unpredictability of the budget;
- Radical elements from all sides who raise obstacles to hamper a smooth and rapid completion of the accelerated DDR process – and by extension to the establishment of the reconstituted, representative Malian army.

General DDR – Persistent Uncertainty

The Independent Observer noted the closing of the lists of combatants eligible for the general DDR process. The government and MINUSMA have announced a final figure of 63,000.⁷ The president of the CN-DDR estimates, however, that rigorous screening could reduce the number of candidates fit for integration into government bodies, including the armed forces and security forces, to 15,000, and the number eligible for socio-economic programs leading to reintegration into civilian life to 5,000. Combined with the obstacles described above, the extremely high number of potential

beneficiaries (many of whom may ultimately be denied eligibility) could mean that the tactical maneuvering that delayed accelerated DDR will recur in the general DDR process.⁸

RECOMMENDATIONS

TO THE GOVERNMENT:

1. *That, in keeping with the July roadmap, the government take measures to redeploy recently integrated combatants without delay.*

TO THE MONITORING COMMITTEE, THE UNITED NATIONS SECURITY COUNCIL,
AND THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION:

2. *See below, “Leadership.”*

➤ LEADERSHIP

Weak Leadership and the Continual Decline in the Parties’ Mutual Confidence

In its February 2019 report, the Independent Observer called the longstanding cessation of armed conflict between the parties one of the primary achievements in the implementation of the agreement. That is no longer the case. In May 2019, clashes in Talataye in the *cercle* of Ansongo between the CMA and the Movement for the Salvation of Azawad-Daoussak (MSA-D) claimed more than 10 lives. More recently, only one day after the signing of an agreement negotiated on July 24 under the auspices of the Minister of Social Cohesion, Peace, and National Reconciliation, fighting erupted between the Arab Movement of Azawad-Platform and the Arab Movement of Azawad-CMA in Lerneb, near the Mauritanian border, leaving eight dead and many wounded. Only the intervention of the president of Mauritania brought the fighting to a stop. It is worth highlighting that, in spite of the ceasefire in place since 2017, neither the Platform nor the CMA condemned the fighting or held their combatants accountable. **It is therefore reasonable to question to what extent the Movements’ leaders control their combatants in the field** and whether they remain capable of implementing the July roadmap or meeting the challenges set by Resolution 2480 (June 2019).

The implosion of the Platform into two bitterly opposed groups (one labeling its rival an instrument of the government; the other calling its opponent an accomplice to terrorists and jihadis) has further eroded the parties’ mutual confidence and currently constitutes a major obstacle to the implementation. The situation disrupted the functioning of the CSA, including its April, May, June, and July sessions, and has delayed since July 2018 the designation of the interim authorities in the Taoudeni region’s three *cercles*. The Independent Observer has also taken note of the International Mediation’s current efforts to find a sustainable solution.

The events that took place in Kidal on July 17 – the desecration of the Malian flag and the assault on public buildings – violated the spirit of the agreement as expressed in Article 1. For the Independent Observer, the **protests raise questions about the discourse of the CMA, which, at**

every stage of implementation, has loudly proclaimed its support for the return of government administration to Kidal. Also noteworthy is the lack of collaboration between the CMA and the government to identify and/or prosecute the actors responsible.

The protests in Kidal are a symptom of the continuing low level of trust among the signatory parties. The July 17 events lent credence to arguments by some in the government who claim that the security situation does not allow for the return of government administration and reinforced the belief in some circles that Kidal residents reject government authority.

Since the designation of the Ministry of Social Cohesion, Peace, and National Reconciliation as the focal point for the government's efforts, the Independent Observer has noted the Ministry's actions to strengthen consensual decision-making by the Parties. **The lack of robust and well-structured government leadership of the implementation process continues, however, to pose an obstacle to implementation.** As the Independent Observer noted in previous reports, despite its mandate, **the Ministry of Social Cohesion, Peace, and National Reconciliation is insufficiently empowered to coordinate implementation government-wide.** Technical ministries often consider the implementation of the agreement a purely administrative task falling exclusively to the Ministry of Social Cohesion. **The technical ministries frequently disclaim virtually any role in implementation, instead placing responsibility solely on the Ministry of Social Cohesion. But that ministry is tasked with coordinating – not single-handedly implementing – the government's actions in support of the agreement.** In the same vein, high-ranking officials in the technical ministries have been increasingly absent from crucial implementation meetings touching on issues within their purview, and these ministries rarely involve the Ministry of Social Cohesion in decision-making on matters related to the agreement. Finally, the leaders of the CSA's subcommittees express dismay at government representatives' recurring absence from meetings.

On August 22, at their request, the Malian parties held a working session, chaired by the Minister of Social Cohesion, Peace and National Reconciliation, with the Independent Observer to examine in detail the latter's recommendations since undertaking its mandate in January 2018. The meeting was the first of its kind and the parties agreed to take a number of actions in the short-term to reaffirm their commitment to the agreement. This initiative was encouraging and, if followed through on successfully, could begin to overcome persistent obstacles to implementation.

RECOMMENDATIONS

TO THE CMA:

3. *That, beyond the statement condemning the events in Kidal on July 17, the CMA collaborate with the government to help find those responsible so that, if appropriate, they may be brought to justice.*

TO THE MALIAN PARTIES:

4. *That the Malian parties undertake a coordinated public communication campaign to foster support for the agreement and the unity and sovereignty of Mali.*

5. That they implement the following recommendation from the high-level CSA in June:

“That a more effective decision-making framework be created through which unresolved issues are brought directly to the President of the Republic for final decision.”

6. That, as recommended at the high-level CSA meeting in June, the government and the CMA agree as soon as possible on concrete steps leading to the gradual return of public administration to Kidal, including basic social services. This agreement should be made public and should also address the display of government symbols in public places.

TO THE MONITORING COMMITTEE, THE UNITED NATIONS SECURITY COUNCIL, AND THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION:

7. That the Monitoring Committee, the U.N. Security Council, and the Africa Union Peace and Security Council recognize that lack of leadership constitutes a persistent obstacle to the implementation of the agreement and, consequently, consider taking appropriate steps to encourage decision-makers to take a more proactive and constructive part in the implementation process.

On DDR specifically: That, given the delaying tactics observed throughout the DDR process, the Monitoring Committee, the Security Council and the African Union Peace and Security Council examine the role of the leaders of the Malian parties and consider imposing sanctions on decision-makers should such tactics continue.

➤ PRIORITIES

Setting of Limited Objectives

In the current stage of the implementation process, the Independent Observer has noted a trend in which both the Malian parties and the international community target important interim goals instead of the ultimate end-points set by the agreement. Security Council Resolution 2480 (June 2019) urges the Malian parties to develop a revised roadmap with a realistic, binding timeline focused on a limited number of priorities. In paragraph four of the resolution, the Security Council lists 12 specific priority measures for the parties to implement before June 2020.⁹ On July 12, the Malian parties adopted the “Revised Roadmap on Priority Actions for the Implementation of the Agreement on Peace and Reconciliation in Mali, Emanating from the Algiers Process, by the End of 2019,” which was in turn endorsed on July 15 by the CSA. The parties’ commitments align generally with the objectives set by the resolution, with the noteworthy exception that the meaningful participation of women in the implementation process is absent from the roadmap, despite being highlighted by the Security Council.¹⁰

Constitutional reform as highlighted in paragraph four of Resolution 2480 is not an end itself, but rather a step towards decentralization, which aims to allow local populations to govern themselves. Likewise, the creation of the development zone, accompanied by a pilot project, as recommended by the resolution, is a step that on its own falls significantly short of the fully functioning zone

envisioned in Title IV. The completion of the legislative commission's work on the role of traditional authorities in the justice sector (Commitment 19 of the roadmap) likewise represents but one element of the justice system reform agreed to by the parties in Title V.

In short, **the achievement of the current objectives set by the Malian parties and the Security Council is not the same as implementing the agreement in its entirety**, as agreed upon by the parties in Article 50 and echoed by the Security Council in Resolution 2423 (June 2018). Given the trend towards stalled implementation and growing skepticism about the agreement, the choice of limited objectives may jeopardize the prospects for lasting peace.

This observation is borne out by the fact that nearly half of the commitments in the July roadmap focus on preliminaries, such as the review or adoption of legislative and constitutional texts, the holding of consultations, or the development of action plans. Indeed, most of the obstacles that impeded the implementation of the March 2018 roadmap – which saw only four of its 21 commitments achieved within the specified timeframes – remain, particularly the absence of the budgetary and financial planning required to meet commitments.

OBSERVATIONS AND RECOMMENDATIONS ON THE IMPLEMENTATION OF TITLE IV OF THE AGREEMENT

This section focuses on the factors and obstacles related to the implementation of Title IV of the agreement. It is not specific to the period between April and August 2019.

According to Article 35, Title IV, which covers socio-economic and cultural development, aims to assist the northern regions in reaching the same level of development as the rest of Mali. The core of Title IV is the establishment of a new institutional architecture to promote development, including a Northern Region Development Zone (Article 33) paired with a Specific Development Strategy (Article 34), both under the leadership of the new regional assemblies and the Interregional Advisory Board (Article 33). In addition, in Article 38 and Annex 3, the Malian parties committed to undertake specific steps to advance development in the short, medium, and long term.

In order to establish a baseline assessment of needs in early post-conflict recovery, poverty reduction, and development, and as context for the financing of the Specific Development Strategy, the agreement calls for two preliminary steps: a joint evaluation mission for northern Mali (MIEC / northern Mali) to be carried out within three months of the signing of the agreement, and a fundraising conference to pool donor contributions while also founding the Fund for Sustainable Development (FDD), the primary tool for providing financial resources to the Specific Development Strategy.

Although these two prerequisites took place, the Independent Observer notes that the commitments at the heart of Title IV have barely begun to be implemented or are not operational.

The Northern Development Zone, which was to be created in 2015, was not created until July 2019. Similarly, the Specific Development Strategy is not operational because of disagreements between the Malian parties on the steering and management bodies of the FDD. The result is that the Malian people continue to complain about the lack of economic dividends from the agreement.

Among the main obstacles to the implementation of Title IV are:

➤ **DIVERGENT PERSPECTIVES ON THE FINANCING OF DEVELOPMENT IN NORTHERN MALI**

Disagreements among the Parties and the Disappointment of the Population

The fundraising conference held in Paris in 2015 resulted in pledges from Mali's international partners of 2,120 billion FCFA (US\$3.6 billion) to support implementation, 397 billion FCFA (US\$672 million) of which was specifically designated for the northern regions. The government announced a parallel contribution of 300 billion FCFA (US\$508 million) for economic development between 2015 and 2018.

As the government noted at the July session of the CSA, and as other reports have indicated, the commitments of the international partners did not constitute new or additional funds created specifically to support the implementation of the agreement, but rather a global sum totaling general assistance from financial and technical partners (PTFs) for already-planned projects. Today, the general perception among the northern population is that few new, meaningful development projects have been implemented since the signing of the agreement.

In general, the international partners have kept their financial commitments. An October 2018 report by the Ministry of Foreign Affairs, International Cooperation, and African Integration found that, based on estimated current disbursements and forecasts of disbursements, 74% of the money allocated for the period between 2015 and 2017 had been delivered.¹¹ According to the 2015-2017 annual reports of the Medium-Term External Resources Framework (CREMT) of the Ministry of Economy and Finance's Aid Harmonization Secretariat (SHA), transfers to Mali have reached 2,085 billion FCFA (US\$3.53 billion), representing 99% of the pledged funds.¹² In his December 2018 report to the Security Council, the U.N. Secretary-General estimated that the total disbursement of pledges made at the Paris Conference would reach 90% by the end of 2018.¹³

The key dispute among the Malian parties focuses on the 397 billion FCFA (US\$672 million) specifically earmarked for the northern region. During the Independent Observer's interviews with various stakeholders, questions were repeatedly raised about the actual amount spent on development for the benefit of communities in the north. Because there is no monitoring mechanism in place to clarify the geographic budgetary distribution, **it has been impossible for the Independent Observer to determine to what extent the 397 billion FCFA from international partners has been invested in the north.**

Further, a number of documents from the Ministry of Economy and Finance, such as the report of Dec. 28, 2018, highlight the government's contribution of 311 billion FCFA (US\$526 million) from 2015 to 2018. But this figure intermingles spending on the politico-institutional, defense, and security components of the agreement with spending to advance development. Thus, regional and presidential elections costing 99 billion FCFA (US\$168 million) are classified as support for implementation of Title IV. The same documents cite the government's contribution to the FDD as 40 billion FCFA (US\$68 million), when the government's contribution is in reality 16 billion FCFA (US\$27 million) to date. Based on these documents, the Independent Observer can only conclude that the government has failed to fulfill its commitment to provide 300 billion FCFA for the economic development of the north.

➤ INSTITUTIONAL ARCHITECTURE

Incomplete Formation

As provided for in the agreement, the institutional framework designed to spearhead the development of the north consists of three components: The Northern Region Development Zone, the Specific Development Strategy, and the Sustainable Development Fund. Today, each is less than fully formed or operational.

1. Northern Region Development Zone

The Independent Observer notes the National Assembly's adoption, on June 27, of the law for the creation and management of the Northern Region Economic Zone, which should in time provide the local population greater economic opportunity. The Specific Development Strategy, which should guide the zone's actions, has been in place since 2017. The significant gap between the adoption of the strategy and the new law illustrates the obstacles and delays impeding the functioning of the development architecture envisaged in the agreement.

Although the development zone has been created, it remains less than fully operational pending politico-institutional reform, including the standing up of the supervisory bodies (e.g., the regional assemblies and the Interregional Advisory Board) intended to administer the Zone. The Independent Observer notes the parties' efforts to plan for the development zone, including study trips to China in November 2018 and Norway in June 2019.

2. Specific Development Strategy

The Specific Development Strategy has a total budget of 2,194 billion FCFA (US\$3.8 billion). This figure must be compared to the total funding of the FDD – the financing tool for the strategy – which is to date 16 billion FCFA (US\$27 million).¹⁴ The FDD's current funding represents 0.007% of the planned budget for the strategy. The specific strategy is thus not genuinely operational.¹⁵

3. Sustainable Development Fund

Formally established in February 2018, the FDD is not operational and is another subject of disagreement between the Malian parties. They disagree on the composition of the management mechanisms and make-up of the steering committee; the dispute concerns even the content of the procedures manual. The Independent Observer has noted a real reluctance in some government departments, including the Ministry of Economy and Finance, to allow the Movements to participate in the management of the FDD. These departments generally believe that, as the Movements are slated to dissolve under the terms of the agreement, the management of the FDD lies strictly with government specialists. This approach stands in contrast with U.N. Security Council Resolution 2480 (June 2019), which prioritizes the inclusive management of the FDD, as well as with the commitment of the Minister of Social Cohesion, Peace, and National Reconciliation in the July roadmap to include “all parties in the management structures” of the FDD. These disputes hamper functioning of the FDD.

The funding of the FDD is another source of disagreement. According to the July 13, 2017, speech of the Minister of Economy and Finance during a workshop with the Movements, the FDD was to be funded annually by the government based on a forecasted budget of 100 billion FCFA (US\$169 million). The minister explained that 60% of the funds would come from mandatory taxes and 40% from government subsidies. In reality, the FDD has to date received budget transfers totaling only 16 billion FCFA (US\$27 million) because tax revenues have been virtually nonexistent for two years, according to the December 2019 report of the Ministry of Economy and Finance.¹⁶ The FDD therefore has received only a fraction of its planned funding.

The parties further disagree on the spending of the FDD to date. The Independent Observer has noted the intense dispute among the parties stemming from the Ministry of Economy and Finance’s December 2018 report cited above, which highlighted 9,199 billion FCFA (US\$15.5 million) in spending to support development in the north, including 4,838 billion FCFA (US\$8.1 million) in 2017 and 4,361 billion FCFA (US\$7.2 million) in 2018.¹⁷ Questions from the CSA Subcommittee on Title IV and others have focused on the exact amount of FDD spending and the remaining balance, as well as on the procedures for selecting projects, given that the steering committee and management mechanisms remain nonoperational. **In short, there is general disagreement between the government and the Movements about the management of the FDD.**

RECOMMENDATIONS

TO THE GOVERNMENT AND PARTNERS:

8. *That the government, in the interest of transparency and accountability, undertake an up-to-date report on the state of the contributions from the Paris Conference for the development of the north. The technical and financial partners (PTF) should take part in developing the report.*

Further, projects that are completed or in progress (e.g., those identified in the Synergy North Platform database) should be cross-referenced with those identified in Annex 3 of the agreement and with those of the Specific Development Strategy. It will be important to identify projects geographically.

TO THE MALIAN PARTIES:

9. *That the Malian parties, and the Ministry of Economy and Finance in particular, adopt an inclusive approach to finalize the mechanisms and procedures of the FDD.*

TO THE GOVERNMENT:

10. *That, with all due haste, the government, in collaboration with the interim authorities, initiate the activities of the development zone (until the fully functioning decentralized supervisory bodies provided for in the agreement can be established).*
11. *That, to address the Security Council's recommendation, new legislative and regulatory texts include transitional provisions allowing the Movements, as well as civil society – including women – to participate in the management of the development zone and the FDD (until fully functioning decentralized supervisory bodies can be established).*

➤ EMERGENCY RECOVERY PLAN FOR NORTHERN MALI

Scant Tangible Impact for the Population

In Article 38 and Annex 3 of the agreement, the Malian parties agreed to carry out urgent measures to restore basic services in the north in the education, health, energy, and water sectors, as well as to revitalize the local economy. The results of those steps were to be the local population's first economic gains from peace and an undeniable sign of the return of government to northern Mali.

To that end, in July 2015 the government presented to the CSA its “Humanitarian Emergency Plan.” In May 2016, the government also shared its “Emergency and Recovery Plan for the Implementation of the Agreement for Peace and Reconciliation during the Interim Period,” with a total budget of 265,554 billion FCFA (US\$449 million) covering the sectors mentioned above as well as the needs of internally displaced persons and refugees.¹⁸ In August 2017, the Ministry of Solidarity and Humanitarian Action published a summary of the implementation of the emergency plan, citing expenditures totaling 281 billion FCFA (\$475 million).¹⁹ **This very general document details neither the projects undertaken nor their location.** In addition, the same ministry presented a new report in December 2018 to the Post-Conflict Rehabilitation Commission. Yet without a baseline, it is difficult to assess the extent of progress in the development of northern Mali. In short, **the Independent Observer has found it impossible to determine the extent to which the**

implementation of the emergency plan responded to the needs of the population or contributed to the restoration of the authority of the state.

The absence of government-provided social services continues to hinder the implementation process. As noted in the December 2018 report of the Office for the Coordination of Humanitarian Affairs' country team, at the close of the 2017-2018 school year, 735 schools throughout Mali remained closed. By the start of the 2018 academic year in October, the situation had further deteriorated – with 797 additional school closings. Menaka is the most affected region, with 56% of its schools closed, followed by Kidal, with 53%.²⁰

The justifications most often cited for the lack of basic social services and public administration are the security situation and the refusal of public servants to occupy posts in the north. Following the high-level CSA meeting in June, the Malian parties plan to hold a series of meetings to develop a workplan to provide social services. While undoubtedly a positive step, the Independent Observer must note that it is a preparatory measure without concrete commitments. We would further add that in a significant number of northern areas (such as the towns of Kidal and Gao), security seems sufficient to at least begin to test the waters for providing services, perhaps through pilot projects.

RECOMMENDATION

- 12. That, pending final resolution of the issue of restoring basic services, the government, in collaboration with the Movements and supported by the PTFs, develop a series of immediate pilot projects for the gradual return of services in northern Mali. For example, the government could send trainers to reinforce the skills of local volunteers currently working in specific areas (education, health, water, etc.).*

CONCLUSION

More than four years after the signing of the agreement, the challenges to implementation and to sustainable peace in Mali remain significant. In late August, at the close of the period covered by this report, the Malian parties reached a milestone in the DDR process by integrating 1006 ex-Movement combatants into the national defense forces, although the soldiers have yet to be deployed. But at the same time, through their delaying tactics, lack of leadership, and persistent disagreements on numerous issues, the parties generally demonstrated insufficient political will to advance implementation. Without more determined action by the leaders of the government and the Movements, chronic foot-dragging will continue, along with the attendant risks for Mali and the region.

Today, politico-institutional reform is on hold in part due to the Inclusive Political Dialogue, which is itself a preliminary to constitutional reform and the eventual standing-up of the decentralized bodies provided for in the agreement. Accelerated DDR progressed slowly and in fits and starts because of the parties' stalling tactics and the lack of budgeting and realistic planning. The outlook for general DDR remains uncertain. In short, the political decentralization and reconstituted, representative national army envisaged by the agreement remain distant.

For the Malian people, the economic dividends of peace have been slim. The implementation of Title IV has been characterized by a lack of both political will and rigor. It has proven impossible for the Independent Observer to collect definitive information on the amounts spent for specific projects in specific, identified locations in the north. In addition, the principal institutions provided for in the agreement to support development in northern Mali are largely paralyzed by disagreements among the parties. This observation helps explain the Malian population's perception that there has been little economic payoff from the agreement, which in turn undermines public support for implementation, including constitutional reform.

The July roadmap and UNSC Resolution 2480 (June 2019) show the way forward but, as we have highlighted, the two documents establish important intermediate benchmarks that would, at best, represent only partial implementation of the agreement. In setting limited objectives, the Malian parties and the international community risk laying a foundation ultimately insufficient for sustainable peace.

In this report, the Independent Observer recommends for the first time that the United Nations Security Council and the Peace and Security Council of the African Union consider incentives to eliminate stalling tactics, stimulate greater progress, and disincentivize counter-productive behavior. That recommendation stems from our observation that despite the international community's significant efforts to date, including its support of MINUSMA and the G-5 Sahel, it will need to take more targeted, firm, and determined action to stem the ebbing of implementation since January 2019.

LIST OF RECOMMENDATIONS – SEPTEMBER 2019

1. That, in keeping with the July roadmap, the government take measures to redeploy recently integrated combatants without delay.
2. [See below, “Leadership.”]
3. That, beyond the statement condemning the events in Kidal on July 17, the CMA, in collaboration with the government, help find those responsible so that, if appropriate, they may be brought to justice.
4. That the Malian parties undertake a coordinated public communication campaign to foster support for the agreement and the unity and sovereignty of Mali.

5. That the Malian parties implement the following recommendation from the high-level CSA in June:

“That a more effective decision-making framework be created through which unresolved issues are brought directly to the President of the Republic for final decision.”

6. That, as recommended at the high-level CSA meeting in June, the government and the CMA agree as soon as possible on concrete steps leading to the gradual return of public administration to Kidal, including basic social services. This agreement should be made public and should also address the display of government symbols in public places.
7. That the Monitoring Committee, the U.N. Security Council, and the Africa Union Peace and Security Council recognize that lack of leadership constitutes a persistent obstacle to the implementation of the agreement and, consequently, consider taking appropriate steps to encourage decision-makers to take a more proactive and constructive part in the implementation process.

On DDR specifically: That, given the delaying tactics observed throughout the DDR process, the Monitoring Committee, the Security Council and the African Union Peace and Security Council examine the role of the leaders of the Malian parties and consider imposing sanctions on decision-makers should such tactics continue.

8. That the government, in the interest of transparency and accountability, undertake an up-to-date report on the state of the contributions from the Paris Conference for the development of the north. The technical and financial partners (PTF) should take part in developing the report.

Further, projects that are completed or in progress (e.g., those identified in the Synergy North Platform database) should be cross-referenced with those identified in Annex 3 of the agreement and with those of the Specific Development Strategy.

9. That the Malian parties, and the Ministry of Economy and Finance in particular, adopt an inclusive approach to finalize the mechanisms and procedures of the FDD.

10. *That, with all due haste, the government, in collaboration with the interim authorities, initiate the activities of the development zone (until the fully functioning decentralized supervisory bodies provided for in the agreement can be established).*
11. *That, to address the Security Council's recommendation, new legislative and regulatory texts include transitional provisions allowing the Movements, as well as civil society – including women – to participate in the management of the development zone and the FDD (until fully functioning decentralized supervisory bodies can be established).*
12. *That, pending final resolution of the issue of restoring basic services, the government, in collaboration with the Movements and supported by the PTFs, develop a series of immediate pilot projects for the gradual return of services in northern Mali. For example, the government could send trainers to strengthen the skills of local volunteers currently working in specific areas (education, health, water, etc.).*

ENDNOTES

¹ Based in Washington, D.C.

² In Talataye, the clashes were between the Coordination of Azawad Movements (CMA) and the Movement for the Salvation of Azawad-Daoussak (MSA-D); in Lerneb, they were between a faction of the Arab Movement of Azawad-Plateforme (MAA-Plateform) and a faction of the Arab Movement of Azawad-CMA (MAA-CMA).

³ Fundamental law on the creation, organization and management of the Northern Region Development Zone, June 27, 2019; Law on the National Understanding, June 27, 2019. Regarding the Northern Region Development Zone, see below, “Observations and Recommendations on the Implementation of Title IV.”

⁴ See, the March 27, 2019, decree transferring national-level administrative services to the *collectivités territoriales*.

⁵ It is notable that Gamu did not deny the attribution of the recording. In August, in another audio recording, Gamu voiced his support for DDR and the implementation of the agreement.

⁶ Those conditions are the possession of an arm, membership in a self-defense militia, or to be a surrendering jihadist.

⁷ According to the latest information collected by the Independent Observer, the figure is 63,000; however, MINUSMA has also cited the figure of 76,000 “pre-registered” combatants.

⁸ The Independent Observer reiterates its previous observations and recommendations concerning the lack of a plan, binding timeframe, or predictable budget for the general DDR process, which lies at the heart of the agreement and is crucial for peace and stability in Mali. The Malian parties have yet to demonstrate a strong motivation to complete the general DDR process.

⁹ (1) constitutional reform; (2) review the law on the code of *collectivités territoriales*; (3) transfer decentralized state services; (4) transfer 30% of government revenues to the north; (5) adopt legislation establishing a regional police force; (6) conceptualize the reconstituted and reformed FDS; (7) train at least 3,000 members of armed groups; (8) develop a plan for the redeployment of the reconstituted FDS; (9) security sector reform; (10) create the Northern Region Development Zone; (11) the operationalization of the FDD and related inclusive management mechanisms and the implementation of a pilot project to be jointly designed by the Malian parties and civil society; (12) ensure the full, effective and meaningful participation of women in the mechanisms established by the agreement.

¹⁰ The Independent Observer notes that the limited priority measures recommended by the Security Council constitute an evaluation instrument to be considered during the potential renewal of MINUSMA’s mandate, whereas the priority actions listed in the July roadmap are intended by the Malian parties to be decisive steps, allowing them to reach the point of no return in the implementation of the agreement.

¹¹ Follow-up Note on the OCDE Conference – Paris (October 22, 2015), Ministry of Foreign Affairs, International Cooperation and African Integration, October 2018.

¹² Rapport of the Medium-Term External Resources Framework, Ministry of Economy and Finance, August 2017 and August 2018.

¹³ Secretary-General’s report on the situation in Mali, December 2018.

¹⁴ In fact, the current balance of the FDD would appear to be significantly less than 16 billion FCFA, given the FDD’s spending to date; See, “Fund for Sustainable Development” herein.

¹⁵ The Strategic Framework for Economic Recovery, 2019-2023 is a potential alternative, but its links with the specific strategy remain unclear. Separately, it is noteworthy that starting in January 2018, the specific strategy was to serve as the main guide to northern development, given that the Emergency Recovery Plan ended in December 2017.

¹⁶ Technical Note-Update on the Implementation of the Agreement for Peace and Reconciliation, Ministry of Economy and Finance, December 2018.

¹⁷ The subcommittee responsible for Title IV has noted, however, that the government has also indicated that it has funded the FDD since 2015, citing spending of 19 billion FCFA in support of the Specific Development Strategy. Minutes, Subcommittee on Economic, Social and Cultural Development, October 2018.

¹⁸ Emergency Recovery Plan for the Implementation of the Agreement for Peace and Reconciliation in Mali, during the interim period, Ministry of Solidarity, Humanitarian Action and Northern Reconstruction, May 2016.

¹⁹ Summary of the current state of execution of the Emergency Recovery Plan for the Implementation of the Agreement for Peace and Reconciliation in Mali during the interim period, Ministry of Solidarity, Humanitarian Action and Northern Reconstruction, Development Agency for Northern Mali, August 2017.

²⁰ Humanitarian Response Plan 2019, Humanitarian Country Team, December 2018.