



The crisis in Mali: current military action and upholding humanitarian law

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Mali has been in crisis since March 2012, when the military overthrew the government of Amadou Toumani Touré. Within weeks of the coup, a coalition of separatist Tuareg rebels and militant Islamist armed groups with links to Al-Qaeda in the Islamic Maghreb pushed the national army out of the north of the country. The coalition split up quickly, leaving the militant Islamists largely in control. A weak and ineffective transitional government has been in existence in the south of the country since April but the north remained beyond its control. In late 2012, it was agreed to create a military intervention force, under the auspices of the Economic Community of West African States (ECOWAS), which would attempt to retake the north, but it was not expected to be battle-ready until September 2013. At the same time, political negotiations began to try and draw parts of the rebel coalition into a political process. However, on 9 January 2013, a sudden military push southwards by rebels appeared to open up the possibility that the entire country might fall to them in the near future. This provoked an urgent French military intervention from 11 January onwards to stop the rebel advance and, indeed, roll it back. This is being achieved. However, the rebels will re-group and turn to insurgency.

Concerns are being raised about the need for French and Malian forces to uphold humanitarian and human rights law during the current military operation in Mali. Malian forces have been accused of serious human rights abuses. As the ECOWAS force, known as AFISMA, assembles and deploys, these concerns will extend to it as well. The EU training mission that has been agreed, along with the UK training initiative for Anglophone troops involved, will need to respond to such concerns. The UK is not currently in a combat role in Mali, although some worry about gradual 'mission creep'.

For further background, see:

[Mali: a political and security overview](#), SN06457, 31 October 2012

[Algeria 2013](#), SN06530, 18 January 2013

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1 Current military action

1.1 Recent French Action¹

France had been pushing for support on intervention in Mali for several months but was consistently clear that it would not act without a UN Security Council resolution authorising the deployment of force.

Initially France had indicated that it would not deploy in a combat role but would work with training and supporting the Malian armed forces and any West African forces involved in the intervention force authorised by the UN in December 2012 ([UNSCR 2085](#)). Paragraph 9 of that resolution authorised the deployment of an “African-led International Support Mission in Mali (AFISMA)”. Paragraph 11 called on others, including “all other interested bilateral partners and international organisations” to “continue to support the planning and preparations for the deployment of AFISMA.” Paragraph 13 called on member states to contribute troops to AFISMA and urged member states to provide support for AFISMA “in efforts to reduce the threat posed by terrorist organisations.”

However an Islamist offensive that captured the town of Konna on 9 January 2013 resulted in the French taking direct military action in order to ensure that the UN-backed intervention could proceed as planned. The French Defence Minister, Jean-Yves Le Drian, stated:

We had to react before it is too late to allow the strategy defined by the resolutions of the United Nations Security Council, African institutions, and decisions of the European Union, to be fully implemented ...The terrorists' objective is obviously to prevent the development of the strategy. They will not succeed.

The UN Secretary-General, Ban ki-Moon supports the current French military operation in Mali (Operation *Serval*), which has been undertaken at the request of the Malian authorities and the UN. He said:

I applaud France for its courageous decision to deploy troops following the troubling move southward by extremist groups.²

Operation *Serval*'s mandate is to support the Malian armed forces in three areas:

- To stop offensives led by terrorist and jihadist groups.
- To prevent any new offensives by these groups in the south and to reduce their capacity for action
- To ensure the safety of 5,000 French and other EU citizens in the country.

There are currently 4,000 French troops deployed on Operation *Serval*, with the majority on the ground in Mali. Ground forces are backed up by troop transport vehicles, tanks and Gazelle helicopters. Initial infantry personnel were deployed from neighbouring Ivory Coast, where France retains a 450-strong military contingent to support the UN peacekeeping mission there. Those forces have since been reinforced by troops of the 2nd and 3rd Marine Infantry Regiments and a detachment of Commandos deployed from France. The tactical HQ is based in Bamako with forces based largely in Bamako, Mopti/Sevare, Timbuktu and Gao.

¹ Information taken from the French Ministry of Defense (<http://www.defense.gouv.fr/actualites/operations>), *Jane's Defence Weekly* and *BBC News Online*

² [Press conference by Secretary-General Ban Ki-Moon](#), 22 January 2013

French Rafale and Mirage 2000D fast jet aircraft have also been deployed to carry out multiple air strikes against terrorist groups in northern Mali. Targets have included training camps, rear base infrastructure and logistics depots. Those aircraft have been deployed from air bases in France and N'Djamena in Chad. Following initial air strikes four Rafale aircraft and two transport/tanker aircraft have been redeployed to N'Djamena.

On 21 January Malian forces, with French air support, re-took the cities of Diabaly and Duentza, which, along with Mopti and Sevare (also in Malian/French hands), represent the main strategic routes towards the capital Bamako. Following a period of airstrikes in and around Gao and Timbuktu, on 24 January Malian and French forces took the airport and bridge at Gao. Several terrorist groups were destroyed during the offensive, while others have been driven further north. Units from Chad and Niger have subsequently been deployed to Gao to reinforce the Malian position there.

French, Malian and African forces took the city of Timbuktu and on 29 January French forces entered the town of Kidal in northern Mali, the last major town left to secure. Efforts by French and Malian forces to secure the town continued ahead of the arrival of 1,800 Chadian forces at the beginning of February.

Terrorist groups have reportedly fled to the mountainous region north of Kidal, an area which has been the target of recent French airstrikes in an effort to destroy insurgent bases and supply depots. Pockets of resistance around the northern city of Gao have also been encountered.³ At the end of February various media reports suggested that Chadian and French troops had killed two militant Islamist leaders during recent fighting in the north: al-Qaeda in the Islamic Maghreb (AQIM) Commander Abou Zeid and Mokhtar Belmokhtar. However, there has been no official confirmation of their deaths with the French Government only suggesting that it was probable.⁴

Initially the French Foreign Minister, Laurent Fabius, suggested that the duration of French operations would be “a matter of weeks”, while the French Ministry of Defense confirmed that “military actions undertaken will be continued as necessary”.⁵ On 6 March 2013 the French Government confirmed, however, that given recent progress French troops would begin withdrawing from Mali in April 2013 as African forces increasingly take over security operations in the country.⁶

1.2 Military Assistance

UK

French operations (Operation Newcombe)

On 12 January the Prime Minister issued a statement on Mali in which he commented:

I welcome the military assistance France has provided to the Malian Government, at their request, to halt this advance. These developments show the need to make urgent progress in implementing UN Security Council resolutions on Mali, and ensure that

³ “Mali conflict: fear overtakes joy in Gao”, *BBC News Online*, 13 February 2013

⁴ “Islamist commander Abou Zeid’s death in Mali ‘probable’”, *BBC News Online*, 4 March 2013

⁵ <http://www.defense.gouv.fr/actualites/operations>

⁶ “Mali crisis: French soldiers to be withdrawn in April”, *BBC News Online*, 6 March 2013

military intervention is reinforced by an inclusive political process leading to elections and a return to full civilian rule.⁷

On the same day he spoke to President Hollande of France, during which he agreed to a French request to provide logistical support to the mission.

On 14 January 2013 the MOD subsequently confirmed that two RAF C17 transport aircraft would provide logistical assistance to Mali, at the request of the French Government. Those aircraft are assisting in the deployment of French personnel and equipment to the country. A small detachment of technical personnel has also been deployed to Bamako airport to assist with the reception of UK aircraft. The Government confirmed that no British personnel would be deployed in a combat role.⁸

On 21 January 2013 the Prime Minister confirmed that further UK assistance was under consideration, although reiterated that UK forces would not be deployed in a combat role:

I can assure the right hon. Gentleman that we are not seeking a combat role in Mali. We believe that we should be supporting the French, who have taken emergency action to stop Mali being overtaken by what is effectively an al-Qaeda-backed group of rebels. Our help for the French will be discussed again at the National Security Council tomorrow. We have lent them two C-17s. We propose to continue with that, and will be looking at other transport and surveillance assets that we can let the French use to help them in what they are doing.⁹

On 25 January the MOD confirmed that the UK's current logistical assistance to French operations in Mali would continue for a further three months and that an additional Sentinel surveillance aircraft would also be deployed. That aircraft will be based at Dakar in Senegal.

Announcing the decision to deploy Sentinel the Defence Secretary, Philip Hammond, commented:

Following discussions with the French, we have now decided to deploy Sentinel, a surveillance capability that has proved its worth in Libya and on an ongoing basis for counter-insurgency operations in Afghanistan.¹⁰

Under the 2010 SDSR, the Sentinel capability was earmarked to be withdrawn in 2015 despite having only entered service in 2008 and having been successfully deployed in Afghanistan and operations in Libya in 2011. At present the future of the platform remains unclear. In answer to a Parliamentary Question in November 2012 the MOD suggested that:

The Ministry of Defence is conducting an investigation into airborne intelligence surveillance targeting acquisition and reconnaissance (ISTAR) capabilities, which will be completed by the time of the strategic defence and security review in 2015 and will inform our future maritime surveillance and maritime patrol requirements, including consideration of relevant in-service platforms, such as Sentinel R1.¹¹

Many analysts have suggested that the capability could be retained in service following this review, a position that may be strengthened by this recent deployment.

⁷ <http://www.number10.gov.uk/news/prime-ministers-statement-on-mali/>

⁸ HC Deb 14 January 2013, c621-22

⁹ HC Deb 21 January 2013, c29

¹⁰ <https://www.gov.uk/government/news/raf-sentinel-aircraft-deploys-to-africa>

¹¹ HC Deb 12 November 2012, c33W

EU Training Mission in Mali and AFISMA Forces

On 29 January 2013 the Defence Secretary set out the UK's commitment to the EU training mission in Mali (see below for details of the mission). In a Statement to the House he confirmed:

The UK is prepared to contribute up to 40 personnel to the EUTM, either in an HQ or training team role. We do not envisage UK personnel fulfilling a force protection role, and it is quite possible that all 40 personnel will not be required, dependent on the contributions from other member states. I can assure the House that we will not allow UK personnel to deploy on any mission until we are satisfied that adequate force protection arrangements are in place.¹²

On the issue of force protection he went on to state:

We are looking for force protection arrangements to be put in place, probably by the French, but certainly by the European Union in relation to the EU training mission.¹³

British forces will subsequently consist of an infantry training team and a mortar and artillery training team, in addition to a small FCO contingent responsible for human rights and gender awareness training. Ireland will also contribute 6 personnel to augment the UK infantry training team.¹⁴

On the training of Anglophone AFISMA forces Mr Hammond confirmed on 29 January:

The UK is also prepared to offer up to 200 personnel to provide training to troops from Anglophone West African countries contributing to AFISMA, although the numbers required will be dependent upon the requirements of the AFISMA contributing nations. To establish those requirements, we have deployed a small number of advisers to Anglophone west African countries that are likely to contribute to the AFISMA mission, to assess their needs and to gain situational awareness [...]

Our preference would be that that training is carried out in the countries that are providing the troops—Nigeria, Gambia, Sierra Leone and Ghana—and if not, that it is carried out in Bamako. It will not be in the forward regions where the fighting is taking place.¹⁵

Negotiations over AFISMA training are still ongoing. In the meantime the UK has provided transport aircraft assistance to Ghana in the deployment of 120 engineering personnel, vehicles and equipment for the AFISMA force in Mali

Following the January statement a number of MPs expressed concern over the potential for mission creep. In response Mr Hammond stated:

I should say, again, that it is not our intention to deploy combat troops; we are very clear about the risks of mission creep and we have defined very carefully the support that we are willing and able to provide to the French and the Malian authorities.¹⁶

¹² HC Deb 29 January 2013, c781

¹³ HC Deb 29 January 2013, c782

¹⁴ MOD press release, 18 February 2013

¹⁵ HC Deb 29 January 2013, c781 and c787

¹⁶ HC Deb 29 January 2013, c783

Overall Deployment of British Forces

Current:

- Bamako – 20 personnel supporting air transport liaison with French forces.
- Dakar, Senegal – 70 supporting ground crew and technical support staff for the Sentinel aircraft.
- A small number of advisers have been deployed to Anglophone West African countries contributing to AFISMA in order to assess their needs and to gain situational awareness.
- 40 personnel for the EU Training Mission – 21 troops from the 1st Battalion The Royal Irish Regiment carrying out infantry training, 12 personnel undertaking mortar and artillery training, 4 headquarters staff and 3 civilian personnel responsible for human rights and gender awareness training.

Planned:

- Up to 200 personnel for the training of AFISMA troops.

Timing and Costs

On the issue of timeframe the Defence Secretary suggested on 29 January:

The C-17 we envisage staying for up to three months. We have not set a time limit for the surveillance capability; it will stay for as long as we can provide it without impact on other operations and as long as it is useful. The training mission has not yet been defined, so it would be premature for me to talk about a time scale, but it clearly will be a finite time scale in preparing the African Anglophone nations' forces for deployment to Mali.¹⁷

In answer to a Parliamentary Question on the costs of the Mali operation, on 25 February 2013 the MOD stated:

The operation in Mali in West Africa has been under way for only four weeks and continues to evolve. Cost estimates are currently being compiled and they will be available in due course. The net additional cost of military operations in Mali in this financial year will be published in the Ministry of Defence's annual report and accounts 2012-13.¹⁸

United States

France formally requested assistance from the US in the areas of planning, logistics and air support. It has not, however, asked for the deployment of combat troops. To date the US is providing transport aircraft, air-to-air refuelling aircraft and intelligence support.¹⁹ A request for unmanned surveillance drones to support French aircraft conducting air strikes in

¹⁷ HC Deb 29 January 2013, c785

¹⁸ HC Deb 25 February 2013, c28W

¹⁹ US airlift support began on 21 January and air-to-air refuelling support began on 27 January. The US is not seeking reimbursement from the US for flight operations, although the French government have agreed to reimburse the US for the cost of the jet fuel provided to French aircraft (Pentagon press briefing, 29 January 2013)

northern Mali, is still reportedly under consideration.²⁰ The US has also agreed to provide airlift support to countries in the region deploying AFISMA forces, including Chad and Togo; while the US State Department has confirmed that it will deploy 100 military trainers, provided by private security firms, to assist countries in the training of AFISMA forces (see below for further information) However, direct US military assistance to Mali, in addition to other types of US foreign aid, is currently prohibited following the military coup in Mali in March 2012.²¹

Other Countries

Canada, and Russia have also provided logistical assistance in the form of transport aircraft; while nine other European partners including Germany, Italy, Denmark, and Belgium have provided France with logistical support, including troop transport, supplies or training for the Malian army. Austria also confirmed at the end of January that it would deploy a team of 10 military medical staff to Bamako.

In October 2012 the NATO Secretary General, Anders Fogh Rasmussen, was asked whether NATO intervention in Mali was a possibility. In response he confirmed that the Alliance had no intention to intervene, and that it would monitor the situation closely.²²

See below for contributions to the EU Training Mission in Mali.

1.3 Deployment of the African-led International Support Mission (AFISMA)

Initial proposals envisaged the deployment of an African-led force of approximately 3,300 personnel in support of the Malian armed forces. Initially it was considered likely that such a force could feasibly deploy in September 2013. Recent French military intervention has, however, put pressure on that force to deploy in a much quicker timeframe. At an emergency meeting of the UN Security Council on 14 January 2013, the French Ambassador to the UN, Gerard Araud, commented:

Our political priority has not changed: it is the quick implementation of resolution 2085 in all its dimensions, especially through the immediate deployment of the African forces. African forces are going to be deployed in the coming days or weeks. The head of the force, a Nigerian General, is already in Bamako and we are grateful to some of our western partners who are providing logistical support to bring African forces to Bamako [...]

In terms of logistical support, we have receive proposals by the US, Canada, UK, Denmark, Belgium, maybe Germany – there are a lot of countries which are providing logistical support. We have to adjust to the new reality but we are in the framework of 2085, so the first thing for the African force is to be a force. We have contingents arriving in Bamako [...]

²⁰ Within the broader context of counter-terrorist operations in West and North Africa, the US is also reportedly considering the establishment of a military presence in Niger, including the deployment of an unmanned air surveillance capability. A Status of Forces Agreement between the US and Niger was signed in January 2013. However the Pentagon has reiterated that the conclusion of this SOFA is not related to events in Mali and has been under negotiation for some time.

²¹ Section 7008 of the FY2012 *Consolidated Appropriations Act* bars State Department or USAID-administered aid to the government of any country in which a military coup or decree has overthrown a democratically elected government.

²² NATO Monthly Press Briefing, 1 October 2012

There is a real question raised by one of the members about how we are going to shift from what is a French emergency operation to the implementation of resolution 2085. First, we are in the context of resolution 2085. Secondly, we want to implant it as soon as possible. So there will be the question of determining if we need a formal transition or not.

As of 11 March 6,300 African soldiers from Nigeria, Niger, Burkina Faso, Togo, Senegal, Benin and Chad have been deployed as part of AFISMA.²³ Nigeria had pledged to send 1,200 troops overall and Chad, which is not a member of ECOWAS, is deploying approximately 2,000 personnel, making these two countries the largest contributors to the African force. At the Extraordinary Session of the ECOWAS Heads of State on 19 January 2013 Ivory Coast, Ghana, Guinea, Liberia and Sierra Leone also outlined their intention to contribute forces to AFISMA.

Given the limited force projection capabilities of regional actors it is expected that the logistical support currently being provided by the UK and other nations will be required for the immediate future. In the longer term, concerns have been expressed over the potential costs of the operation. The ability of both the Malian armed forces and other regional troops to work together and conduct the type of operations required in northern Mali, including following up on French airstrikes and holding ground, has also raised concerns. The fact that insurgents appear to be well trained and better equipped than initially thought has only sought to emphasise this issue.²⁴ The deployment of Chadian troops has been particularly welcomed in this regard as they are well trained and experienced in operating in terrain similar to northern Mali.

As a *Strategic Comments* article has noted:

Mali's security forces are institutionally weak and have limited capabilities. Continuing operations in the manner France has thus far pursued will be dependent on French forces' ability to degrade the rebels' military capacity; the ability of an effective core of Mali's troops to regroup relatively quickly; the timetable to train and equip new troops in the midst of conflict; and the capacity of AFISMA military personnel to engage rebel groups alongside their Malian counterparts. Otherwise it is possible that French military operations might be of longer duration than currently envisaged.²⁵

As outlined above, the UK is expected to deploy up to 200 personnel to train military personnel from Anglophone West African forces that are deploying as part of AFISMA.

The US State Department has also confirmed that 100 military trainers, provided by private security firms under the Department's Africa Contingency Operations Training and Assistance Program, will be deployed to assist those African countries which are contributing personnel to AFISMA. Like the UK contingent, those personnel will not be based in Mali. At a Pentagon press briefing on 29 January 2013 the Department of Defense confirmed that, for the present, the military is not involved in that State Department programme although it could not "rule out support of that kind in the future".²⁶ The State Department has also confirmed:

We will help ECOWAS countries and other African countries to help stabilize the situation, and we will help transport them into the region. But we will not help directly Malian forces. This is what the French are doing. This is what the European training

²³ <http://www.defense.gouv.fr/actualites/operations>

²⁴ See for example "Mali Islamists tougher than France anticipated", *Reuters*, 18 January 2013

²⁵ "France in Mali: rapid reaction", *Strategic Comments*, 18 January 2013

²⁶ Department of Defense Press Briefing, 29 January 2013

mission is going to be deployed to do. Our assistance will be complementary, but it will not be direct in any way to the Malian authorities. And I think that's the great distinction.²⁷

At present it is unclear whether any other countries will commit forces in this capacity.

1.4 EU training mission in Mali

First proposed in October 2012, approval for an EU training mission (EUTM) in the country to help build the capacity of the Malian armed forces was given by EU leaders in December 2012. Given recent events in Mali, however, EU Foreign Affairs Ministers agreed on 17 January 2013 to accelerate the deployment of the mission. Speaking after the meeting EU High Representative, Catherine Ashton, commented:

This situation highlights the need for enhanced and accelerated international engagement in support of the restoration of stability and State authority throughout Mali, in line with UN Security Council Resolution 2085.²⁸

Ministers appointed French Brigadier General François Lecointre as the mission commander and requested that the mission be launched by mid-February 2013 at the latest. In order to achieve that goal a small technical team was deployed on the ground in Bamako on 8 February.²⁹

The objective of the mission will be to provide basic military training as well as train and advise the Malian armed forces on command and control, logistics, human resources in addition to international humanitarian law, the protection of civilians and human rights. It will have a training-only mandate and personnel will not have a combat role. Approximately 500 staff, including 200 military trainers and a protection force, will be deployed for an initial period of 15 months. The mission HQ will be in Bamako and training will take place in Koulikoro.

EUTM-Mali was subsequently launched on 18 February 2013. Twenty two EU Member States are contributing personnel to the mission,³⁰ although the core of the military instructors is expected to come from the UK, Germany and Spain. France and Czech Republic are providing force protection personnel, while Belgium is providing medical evacuation support. Non-EU members Norway and Canada are reported to be considering deploying personnel as part of the EU mission, as third party countries.³¹

Military instructors are expected to be deployed by the end of March and training for Malian soldiers is scheduled to begin in early April. It has been widely acknowledged, however, that rebuilding the Malian army will be an "immense task". EUTM Mission Commander General Lecointre is reported to have stated that "it is the army of a very poor country, and the army is very much underequipped and underendowed in budgetary terms". In particular he highlighted the lack of basic equipment such as arms, vehicles and radios, and a poor ability to plan and execute military campaigns, suggesting that "this army has to be completely

²⁷ <http://www.state.gov/r/pa/prs/ps/2013/01/202942.htm>

²⁸ Council of the European Union press release, 17 January 2013

²⁹ Foreign Affairs Council Press Release 5347/13

³⁰ Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovenia. Spain, Sweden and the UK.

³¹ "EU takes on task of rebuilding Mali army", *Reuters*, 29 January 2013

restructured. Today it acts more as a somewhat disparate set of elements put together on request and on an emergency basis in order to cope with a tough combat situation. It's not an army as such".³²

The EU will also provide €50m for the deployment of AFISMA through its African Peace facility. In addition, the EU is reported to be considering how to expand its training of civil security personnel in the region under its existing mission EUCAP Sahel Niger. That mission already has liaison officers in Mali and Mauritania.³³ The EU Foreign Affairs Council has also called on the High Representative to rapidly appoint an EU Special Representative for the Sahel.³⁴

More information on the EU Training Mission in Mali is available in an EU factsheet: http://eeas.europa.eu/csdp/missions_operations/eutm-mali/final_factsheet_eutm_mali_en.pdf

1.5 The rebel coalition

A fractious coalition of Tuareg rebels and militant Islamist armed groups with links to Al-Qaeda pushed the Malian army out of the north of the country in the immediate aftermath of the March 2012 military coup. Below is a brief inventory of the militant Islamist groups that the current French-led offensive to retake the north faces.

Ansar-e-Dine is an ethnic Tuareg militant Islamist group that emerged in December 2011. It is led by *Iyad ag Ghaly*, who was at the head of a Tuareg separatist uprising in the early 1990s but which subsequently did a peace deal with the Malian state. Ansar-e-Dine was set up in part in response to the establishment in October 2011 of the National Movement for the Liberation of Azawad (MNLA), a secular Tuareg separatist armed group. The MNLA wants independence for the Kidal, Gao and Timbuktu regions of northeast Mali, collectively known as Azawad. Ansar Dine's goal is the creation of an Islamic state under Sharia law throughout the whole of Mali, although some have argued that Iyad ag Ghaly's commitment to militant Islamism may not be that deep.

Soon after the north fell to the rebel coalition in early 2012, Ansar-e-Dine and the MNLA fell out and the latter were decisively defeated on the battlefield. The MNLA has pledged its support for the current offensive to re-take the north. Negotiations overseen by regional mediators with Ansar-e-Dine had also been taking place behind the scenes before the latest crisis, in the hope of bringing the group into a political process. However, Iyad ag Ghaly broke them off and has opted to remain part of the Islamist rebel coalition. On 24 January, a new group calling itself the Islamic Movement for Azawad announced that it had split from Ansar-e-Dine, rejected "all forms of extremism and terrorism" and said that wanted to enter the political process.³⁵

Al-Qaeda in the Islamic Maghreb (AQIM) is a militant Islamist group whose origins are Algerian. It is an outgrowth of the Salafist Group for Preaching and Combat (GSPC), which carried out a low-level insurgency against the Algerian security forces after its formation in 1998. In 2007, having pledged its allegiance to Osama bin Laden the year before, it changed

³² "EU training mission commander calls rebuilding the Malian army an 'immense task'", *The Washington Post*, 5 March 2013

³³ Further information on the mission is available at: <http://www.consilium.europa.eu/eeas/security-defence/eu-operations/eucap-sahel-niger?lang=en>

³⁴ Foreign Affairs Council Press Release 5347/13

³⁵ "Mali's Ansar Dine Islamists 'split and want talks'", *BBC News Online*, 24 January 2013

its name to AQIM. It has been led since 2004 by *Abelmalek Droukdel*, an Algerian. In recent years, it has expanded its operations across the Sahel region, including Mali, funding itself through ransoms paid for the release of Westerners it has kidnapped. In addition, the group's more transnational focus led to the group expanding its operations across the Sahel region. AQIM has been much boosted in the short-term by events in Mali. AQIM directs much of its rhetoric against France, whose policies on restricting the wearing of the veil, among other things, have attracted hostility. The French intelligence service has warned that the threat of a terrorist attack in France is the highest since the mid-1990s, when the country was at risk from Algerian militants. Mauritania, Mali and Niger are particularly vulnerable to AQIM activity. Borders in the region are notoriously difficult to control and the states have limited security capacity. On top of this, difficult relations between North African states have hindered cooperation against terrorist groups.

The Movement for Oneness and Jihad in West Africa (MOJWA – French acronym MUJAO) broke away from AQIM in mid 2011. Some argue that its creation flowed from the dissatisfaction of black African militants with the dominance of Arabs in AQIM. MOJWA has the goal of spreading jihad across West Africa, including Nigeria. Its leader is believed to be the Mauritanian *Hamada Ould Mohamed Kheirou*.

1.6 Background: Western military and security involvement in Mali

France was the colonial power in Mali until the country achieved independence in 1960. Direct French military involvement in Mali has been limited although France has retained a significant regional military presence. For several years French forces have been deployed in Chad (approximately 1,000 troops supported by helicopters, transport aircraft and fast jet aircraft, as part of Operation *Epervier*), Central African Republic (Operation *Boali*), Ivory Coast (450 personnel on Operation *Licorne*), Gabon, and Senegal. While France has been actively seeking to reduce its military footprint in Africa over the last few years, many analysts have argued that retaining this level of forces has provided France with an 'over-the-horizon' capacity for rapid military intervention anywhere in the region should it prove necessary. Indeed, among the arguments set out in a recent RUSI analysis on Mali was the view that "the country's military means and knowledge of the region – the lasting result of its former colonial presence – [has] imparted upon France a responsibility to intervene in the event of an emergency".³⁶

For the last decade counter-terrorism training of the Malian armed forces has largely been undertaken by the United States through its Trans-Sahara Counter-Terrorism Initiative.³⁷ The Initiative has attempted to improve the interoperability and capacity building of the militaries of northern and western Africa. As part of that initiative the training exercise Operation *Flintlock* has been undertaken on a bi-annual basis by participating militaries.³⁸ The exercise was due to be held in Mali in February 2012 but was subsequently cancelled due to instability in the country. The US has also conducted military professionalisation training with the Malian armed forces, which focused on civilian control of the military and respect for human rights. Canada has also provided training to the Malian armed forces through its Military Assistance Training Programme.

³⁶ "France in Mali: what risk for the 'new' Hollande", *RUSI Analysis*, 22 January 2013

³⁷ Developed as a follow-on to the Pan-Sahel Initiative which began in 2003.

³⁸ In August 2010 *Jane's Defence Weekly* published an article which examined the effectiveness of Operation Flintlock.

In December 2007 France and a number of countries of the Economic Community of West African States, including Mali, participated in a joint exercise intended to strengthen the capacity of the ECOWAS Standby Force.

The US also provides significant intelligence to its partners in the region. France was also reported to have supplied intelligence to the Mauritanian armed forces in advance of a raid on al-Qaeda militants in northern Mali in June 2011.

As outlined above, direct US military assistance to Mali is now restricted following the military coup in March 2012. On the back of that coup the utility of previous US military training in the country has been questioned after it emerged that the leader of the coup was a participant in the US military training programme.

2 The Mali intervention and humanitarian law³⁹

2.1 UK

The UK is maintaining its general principle that international humanitarian and human rights law must be respected. However, UK forces are not engaging in combat roles at the moment.

Although the UK has said it has “at the moment, we have no plans to deploy any ground forces to Mali”,⁴⁰ its contribution to ensuring respect for humanitarian and human rights law could involve:

- reinforcing the need for French, AFISMA and any other troops involved to respect humanitarian and human rights law
- supporting UN measures that emphasise the need to respect humanitarian and human rights law (see below)
- providing practical and financial humanitarian relief for people in Mali affected by the fighting

The Government has said that it and the UN will be “concerned about human rights”:

Mel Stride: I met recently with my constituent, Caroline Hart, who, through the Joliba Trust, has done a great deal to alleviate suffering in Mali. One of her and her colleagues' main concerns on the ground in that country is the widespread abuse of human rights on all sides of the conflict. Will my right hon. Friend please set out the steps that the Government are taking to ensure that human rights are at the centre of what we do as we engage in that conflict?

Mr Robathan: My hon. Friend makes a very good point. Mali is not a country that is renowned for good human rights. The rebel forces, who appear to be Islamist and linked to al-Qaeda, are likely to carry out even worse abuses than anything that has been seen before. We are supporting our French allies in Mali, in support of United Nations Security Council resolution 2087. I know that everybody at the United Nations will be concerned about human rights, as is everybody in this Government.⁴¹

³⁹ This section has been subject only to limited updating since 23 January 2013.

⁴⁰ [HC Deb 14 January 2013 c581](#)

⁴¹ [HC Deb 14 January 2013 c580-81](#)

It is involved in both short- and longer-term planning for security and development in Mali, which could include humanitarian and human rights issues:

Government Ministers, alongside the Prime Minister's special representative for the Sahel, my hon. Friend the Member for Eddisbury (Mr O'Brien), will work with the French Government, the region and international actors such as the UN to put in place the short-term resolution to the crisis and the longer term conditions for security and economic development. The UN Security Council will meet again this afternoon to discuss the crisis.⁴²

The UK is providing significant humanitarian aid to the Sahel region, including Mali:

The House will no doubt be concerned about the humanitarian situation in the region and what the UK is doing to alleviate that situation. The UN reports that more than 200,000 people have been displaced inside Mali and another 210,000 have fled as refugees in the region. In addition to the immediate support to France, the UK has contributed £59 million in humanitarian aid to the Sahel region through multilateral organisations. In December 2012, the Department for International Development agreed a further £15 million in humanitarian aid to the region and funds from the UK have been put to work to help the immediate needs of the Malian people.⁴³

2.2 France

The current French military operation in Mali (*Operation Serval*) has been undertaken at the request of the Malian authorities. Some commentators have highlighted the possibility that the French intervention could exacerbate the humanitarian problems in Mali:

The implications of French military operations for humanitarian conditions and for aid workers are uncertain. Although aid groups have been able to work in the north through local staff and partner organizations, security threats to personnel have challenged aid delivery. Regional governments and humanitarian actors reportedly prepared contingency plans in case regional military deployments under AFISMA were to provoke a spike in population displacements, a reduction in access to vulnerable populations, or a possible halt to some humanitarian activities.⁴⁴

French forces operate within the international laws of armed conflict. The International Committee of the Red Cross has published a useful summary, in English, of the [French Manual of the Law of Armed Conflict](#).

On the issue of distinction between civilian and military objects and persons, for example, the *Manuel de droit conflits armés* imposes the obligation to “distinguish between military objectives, which may be attacked, and civilian objects and persons, which must not be made the object of deliberate attack”.

The instructions given to the French armed forces for the conduct of a military operation under the right of self-defence or a mandate of the UN Security Council, also state: “All parties must at all times make a distinction between the civilian population and military objectives in order to spare the civilian population.”

⁴² [HC Deb 14 January 2013 c622](#)

⁴³ [HC Deb 14 January 2013 c622-3](#)

⁴⁴ Alexis Arieff, *Crisis in Mali*, US Congressional Research Service report, 14 January 2013

The *Independent* reported on 28 January that a French air raid on Konna had killed four residents from the same family, three of them children.⁴⁵

2.3 UN

Resolution 2085

[UN Security Council Resolution 2085](#), authorising the use of force in Mali, contains strong support for international humanitarian and human rights law.

The resolution states immediately that the use of force must comply with humanitarian and human rights law:

*Decides to authorize the deployment of an African-led International Support Mission in Mali (AFISMA) for an initial period of one year, which shall take all necessary measures, in compliance with applicable international humanitarian law and human rights law...*⁴⁶

It sets out several mechanisms to protect human rights in Mali including:

- training the Malian Defence and Security Forces on human rights (para 10)
- establishing a permanent UN office in Mali to observe any violations of human rights and international law within military operations in the North of Mali (para 23)
- using vetting to ensure that international support does not risk contributing to further human rights violations in the country (para 18), and
- calling on AFISMA to support national and international efforts – including those of International Criminal Court – in the pursuit of justice for violations of human rights (para 19).

The resolution includes a whole section specifically on humanitarian, human rights and refugee law:

Human rights

17. *Emphasizes* that the Malian authorities have primary responsibility to protect civilians in Mali, *further recalls* its resolutions 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, its resolutions 1612 (2005), 1882 (2009) and 1998 (2010) on Children And Armed Conflict and its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010) on Women, Peace and Security, and *calls upon* all military forces in Mali to take them into account;

18. *Emphasizes* that any support provided by the United Nations, regional and subregional organizations and Member States in the context of the military operation in Mali shall be consistent with international humanitarian and human rights law and refugee law, *further requests* the Secretary-General to ensure the relevant capacity within the United Nations presence as referred to in paragraph 23 below in order to observe adherence to international humanitarian and human rights law with regards to military operations in the north of Mali and include in his regular reports to the Security Council, as referred to in paragraph 24 below, the situation of civilians in the north of Mali and any violation of human rights law, international humanitarian law and refugee

⁴⁵ ["Revealed: how French raid killed 12 Malian villagers"](#), *Independent*, 28 January 2013

⁴⁶ [UNSCR 2085 para 9](#)

law in the north of Mali, as well as to advise on ways to mitigate any adverse impact of military operations on the civilian population, including on women and children;

19. *Calls upon* AFISMA, consistent with its mandate, to support national and international efforts, including those of the International Criminal Court, to bring to justice perpetrators of serious human rights abuses and violations of international humanitarian law in Mali;

The resolution encourages the international community to coordinate actions to help Mali with security, development and humanitarian issues, and paragraph 7 urges states to provide assistance and training for the Malian Defence and Security Forces on human rights and international humanitarian law.

The preamble condemns human rights violations in Mali, and notes that Mali has referred the situation to the International Criminal Court:

Condemning strongly all abuses of human rights in the north of Mali by armed rebels, terrorist and other extremist groups, including those involving violence against civilians, notably women and children, killings, hostage-taking, pillaging, theft, destruction of cultural and religious sites and recruitment of child soldiers, reiterating that some of such acts may amount to crimes under the Rome Statute and that their perpetrators must be held accountable and noting that the Transitional authorities of Mali referred the situation in Mali since January 2012 to the International Criminal Court on 13 July 2012

Secretary-General's actions

In a report in November 2012, the UN Secretary General highlighted the deteriorating humanitarian and human rights situation in Mali, but also raised the potential risks of a military intervention in Mali:

I am profoundly aware that, if a military intervention in the north is not well conceived and executed, it could worsen an already fragile humanitarian situation and also result in severe human rights abuses ... Fundamental questions on how the force would be led, sustained, trained, equipped and financed remain unanswered.⁴⁷

His report ruled out UN funding for a military operation, but did envisage UN human rights monitoring:

in the light of the deteriorating human rights situation, including risks associated with a military offensive in the north, a strong United Nations human rights component should be envisaged as part of a multidimensional United Nations presence to monitor, report publicly and respond to violations of international humanitarian and human rights law by all parties, including by the eventual military operation. The human rights component should contribute to national and international reconciliation, accountability and humanitarian efforts, participate in United Nations efforts to reform the justice and security sector and support the provision of human rights training. To strengthen the independence and effectiveness of such a United Nations human rights component, the same should be deployed separately by any stabilization force. It would also be important to begin planning for the actions needed to accompany or follow any military operation in the north with regard to the extension of State authority, including rule-of-law and security institutions, mine action, regional cooperation, security sector reform, human rights, institutional development, preliminary demobilization, the disarmament

⁴⁷ UN, *Report of the Secretary-General on the situation in Mali*, S/2012/894, 28 November 2012, paras 84 and 86

and reintegration of former combatants and the protection of returning refugees and internally displaced persons.⁴⁸

The Secretary-General emphasised that any UN support would have to comply with human rights rules:

Any support provided by the United Nations to the support mission or the Malian armed forces would have to be in strict compliance with the United Nations human rights due diligence policy, which is intended to contribute to the protection of civilians while enhancing the effectiveness of non-United Nations security forces that receive United Nations support. Under the policy, United Nations support cannot be provided where there are substantial grounds for believing that there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights and refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures. The United Nations would have to carry out such a risk assessment and identify relevant mitigating measures as soon as possible and, in any case, before support is provided. Such support would also need to comply with United Nations defence sector reform policy, which highlights parameters for the provision of United Nations direct or indirect assistance to defence sector institutions. The Secretariat would welcome direction in the mandate from the Council that it should consult all partners and potential recipients of United Nations support in connection with operations in Mali, the purpose of which would be to ensure that the requisite measures are undertaken and mechanisms put in place to ensure the implementation of the human rights due diligence and defence sector reform policies.⁴⁹

In a press conference on 22 January 2013, the Secretary-General outlined the steps he had taken to provide support in Mali:

Over the past weekend, I dispatched to Bamako an advance team of the UN multidisciplinary presence requested by the Security Council in resolution 2085 to assist on both the political and security tracks. Additional staff will deploy in the days ahead.

My Special Representative for West Africa has been in close dialogue with the Malian authorities and our regional partners. Our humanitarian agencies are working to meet the growing needs of a crisis that has forced 350,000 people to flee their homes.

Yesterday, I wrote to the Security Council outlining options for a UN logistical support package to AFISMA. In order for AFISMA to become operational and implement its mandated tasks, the force requires critical logistical support. At the same time, I have flagged the risks for our civilian operations and personnel in the region, and we await the Council's decision.

...

The situation has been getting worse and deteriorating in terms of safety and security for the people in Mali and for humanitarian workers, as well as UN staff working on the ground. That is what I have conveyed to the Member States this morning. That is what I have also said this morning to you.

Therefore, while preparing and delivering my recommendation to the Security Council yesterday on the logistical support package, I have provided some options - three options - to the Security Council for their consideration. In drafting and considering these recommendations one very important point of consideration was how we can

⁴⁸ UN, [Report of the Secretary-General on the situation in Mali](#), S/2012/894, 28 November 2012, para 74

⁴⁹ UN, [Report of the Secretary-General on the situation in Mali](#), S/2012/894, 28 November 2012, para 95

ensure that the safety and security of our staff, as well as humanitarian workers and the civilian population, can be ensured. But again, I would like to make the issues that the United Nations is strongly committed to working together with all international partners to address the extremist elements and to bring constitutional order back to the country. These are priority issues. While we believe that it is necessary to have military operations, measures to address all these armed terrorist insurgent groups with whom dialogue is not possible at this time, our priority should be, in the end, resolution through a political process.

I have deployed, as of Sunday last week – 20 January – a UN political office in Bamako. We will try to deploy more staff who will discuss with the Malian authorities and other key partners who are working and operating on the ground.⁵⁰

The Security Council held a formal meeting and consultations on Mali on 22 January 2013.

2.4 ECOWAS and the AU

ECOWAS (the Economic Community of West African States) and the AU (African Union) are playing leading roles in implementing [UN Security Council Resolution 2085](#). The Resolution authorises the deployment of an African-led force, AFISMA, under Chapter VII of the UN Charter, to resolve the political and security crises in Mali. The Malian government has asked for military assistance.

Resolution 2085 was the latest in a series of resolutions on Mali which had been requested by ECOWAS and the AU. After a series of discussions and planning meetings,⁵¹ ECOWAS and the AU endorsed a Joint Strategic Concept of Operations for the International Military Force and the Malian Defence and Security forces. This envisages a special representative (appointed by the AU in consultation with ECOWAS) to head the mission, and a special representative of the African Union to oversee the military and police personnel in the international force, including humanitarian and human rights issues:

The office of the special representative would include civilian expertise and liaison capacity in such areas as political affairs, humanitarian affairs, human rights, security sector reform, justice and corrections and disarmament, demobilization and reintegration.⁵²

Humanitarian and human rights law are intended to be at the heart of the international force:

The international force would also help the authorities to create a secure environment for the delivery of humanitarian assistance and the voluntary return of internally displaced persons and refugees. Lastly, the force would support the authorities in their primary responsibility to protect the population with regard to international human rights and international humanitarian and refugee law.

[...]

The strategic operational framework allows for the unintended consequences that a military operation might have on the fragile humanitarian and human rights situation in northern Mali and, as a result, on the chances for sustainable peace. The overarching

⁵⁰ [Press conference by Secretary-General Ban Ki-Moon](#), 22 January 2013

⁵¹ See UN, [Report of the Secretary-General on the situation in Mali](#), S/2012/894, 28 November 2012, paras 46-52, and [ECOWAS SETS UP WORKING GROUP FOR IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION ON MALI](#), ECOWAS press release no 002/2013, 11 January 2013

⁵² See UN, [Report of the Secretary-General on the situation in Mali](#), S/2012/894, 28 November 2012, para 52

obligation of the authorities to ensure the protection and security of all citizens, on an inclusive and non-discriminatory basis, should inform the further planning and discharge of the mandated tasks of both forces. The continuing planning process should ensure that such recognition is made operational in the detailed plans, including with regard to the possible increased displacement of persons, with direct consequences for humanitarian operations in neighbouring countries, and the potential to trigger targeted retaliatory attacks. Appropriate training in international humanitarian and human rights law, civil-military coordination, the rights of the child, humanitarian demining and protection against sexual exploitation and abuse, should form part of the preparations in that regard. Internal, human rights and humanitarian law advisory and oversight capacity should be deployed as part of the mission, in order to ensure that measures are put in place for its strict compliance with international law and accountability.⁵³

ECOWAS has held many meetings about the situation in Mali. For example the Heads of State and Government met in Abuja on 11 November 2012, and their communiqué emphasised humanitarian and human rights issues:

Authority reiterates its preoccupation with the flagrant violation of human rights and humanitarian laws in the occupied territory, as well as the humanitarian consequences that may result from the planned deployment. Authority welcomes the fact that the humanitarian angle has been taken into account in the Strategic Concept and the operational planning for the deployment, and appeals to humanitarian agencies and the International Community to continue providing assistance to Mali and the other affected countries in the region.⁵⁴

The ECOWAS protocol on conflict prevention and security emphasises its 15 Member States' commitment to humanitarian and human rights law:

Member States reaffirm their commitment to the principles contained in the Charters of the United Nations Organisation (UNO) and the Organisation of African Unity (OAU) and to the Universal Declaration of Human Rights, as well as to the African Charter on Human and People's Rights, particularly the following fundamental principles:

- that economic and social development and the security of peoples and States are inextricably linked;
- promotion and reinforcement of the free movement of persons, the right of residence and establishment which contribute to the reinforcement of good neighbourliness;
- promotion and consolidation of a democratic government as well as democratic institutions in each Member State;
- protection of fundamental human rights and freedoms and the rules of international humanitarian laws;
- equality of sovereign States;
- territorial integrity and political independence of Member States;⁵⁵

It is this protocol that allows the ECOWAS Mediation and Security Council to “authorise all forms of intervention and decide particularly on the deployment of political and military missions” (Article 10).

⁵³ See UN, *Report of the Secretary-General on the situation in Mali*, S/2012/894, 28 November 2012, paras 57 and 68

⁵⁴ ECOWAS, *Final communiqué of the Extraordinary Session of the Authority of ECOWAS Heads of State and Government*, Abuja, Nigeria, 11 November 2012

⁵⁵ ECOWAS *Protocol relating to the mechanism for conflict prevention, management, resolution, peace-keeping and security*, 1999, Article 2

The ECOWAS states have all ratified the Geneva Conventions and many other international humanitarian and human rights treaties. There is a [table](#) on the ICRC website that shows which countries have ratified humanitarian and related treaties.

The ECOWAS Executive Secretary contributes to training troops in humanitarian and human rights law:

The Executive Secretary, through the departments concerned and, in consultation with Member States, shall contribute to the in training of civilian and military personnel that shall be part of the stand-by units in various fields, particularly in international humanitarian law and human rights.

In this regard, he shall:

support the development of common training programmes and instruction manuals for national schools and training centres;

organise training and proficiency courses for personnel of the units in the regional centres in Côte d'Ivoire and Ghana;

work towards the integration of these centres into sub-regional centres for the implementation of this Mechanism.

take the necessary measures for the organisation of periodic staff and commanders' exercises and joint operations.⁵⁶

ECOWAS member states also have their own training for their armed forces on humanitarian and human rights law, summarised in English on the [ICRC website](#). Nigeria's forces are likely to make up the largest single contingent.

2.5 The EU training mission to build the capacity of the Malian forces

The mission will include training in humanitarian and human rights law:

The hon. Gentleman is absolutely right to highlight the importance of human rights, which will not be surprised to hear is an integral part of the training that will be given to the Malian Government to ensure that they are well aware of the way in which the military should behave when they go into the northern parts of Mali.⁵⁷

The EU Foreign Affairs Council has emphasised the need to comply with humanitarian law:

The EU calls on all the parties to guarantee the protection of civilian populations and to comply with international humanitarian law and human rights. All the parties and individuals involved in Mali will be held responsible for their actions.⁵⁸

The trainers could have a tough job:

15. The team found that the Malian military was highly politicized, bitterly divided and poorly trained and equipped, which threatens the stability of the country and may derail the transition. Nevertheless, some military and security units have maintained a core of professional officers and troops, in addition to a minimum level of functionality.

⁵⁶ ECOWAS *Protocol relating to the mechanism for conflict prevention, management, resolution, peace-keeping and security*, 1999, Article 30

⁵⁷ HC Deb 14 January 2013 c630

⁵⁸ *Council conclusions on Mali*, 3217th FOREIGN AFFAIRS Council meeting, Brussels, 17 January 2013

Furthermore, the military hierarchy appears increasingly determined to reorganize itself to face the immediate threats posed by terrorist and other criminal groups in the north.

16. The team also learned that, in recent years, the Malian defence and security forces had been inadequately trained and poorly equipped and supported. They also lack efficient mechanisms of civilian control and oversight. Many of the team's interlocutors expressed the view that the country's ruling elite had interfered with the process of recruitment and the training and promotions systems, which had caused grave distortions in the chain of command, compromised military professionalism, damaged the esprit de corps and created resentment among officers and the rank and file.⁵⁹

There have been reports that Malian forces are abusing human rights in the current conflict, for instance through arrests, interrogations and torture of those suspected of involvement in rebel activity.⁶⁰ On 24 January the Paris-based International Federation for Human Rights (FIDH) expressed its concern about the increasing number of summary executions and other human rights abuses being committed by the Malian soldiers and called for the "immediate establishment of an independent investigation commission to assess the scope of these abuses and sanction the perpetrators."⁶¹

On 25 January, General Carter Ham of the US Africa Command admitted that in its training of Malian troops prior to the present crisis in the country it had failed to include training on "values, ethics and a military ethos."⁶²

2.6 Red Cross

The International Committee of the Red Cross (ICRC) has been increasingly concerned about the humanitarian situation in Mali, which is now one of its biggest operations.

In a recent [interview available on the ICRC website](#), Jean-Nicolas Marti, head of the ICRC delegation covering Niger and Mali, said that they were in touch with the Malian forces, armed groups and French authorities to remind them of their obligations to comply with international humanitarian law and to establish dialogue between the ICRC and those fighting. He also referred to reports of arrests, and said that visiting detainees was one of the ICRC's priorities.⁶³

An ICRC press release also reminded all parties to the conflict of their obligation to respect international humanitarian law, and stressed the rules that protect the civilian population and people no longer taking part in the fighting, whether because they are wounded or captured.⁶⁴

⁵⁹ UN, *Report of the Secretary-General on the situation in Mali*, S/2012/894, 28 November 2012

⁶⁰ "Mali's army suspected of abuses and unlawful killings as war rages", *Observer*, 19 January 2013

⁶¹ "Abuses committed by Malian military: Urgent need for an independent investigation commission", FIDH, 24 January 2013

⁶² "Mali crisis: US admits mistakes in training local troops", *BBC News Online*, 25 January 2013

⁶³ Jean-Nicolas Marti, *Mali: ICRC aids wounded and displaced as fighting continues* (interview), 16 January 2013

⁶⁴ ICRC news release 13/01, "Mali: disaster looms in central region", 11 January 2013

2.7 International Criminal Court

On 13 July 2012 the Transitional authorities of Mali referred the situation in Mali since January 2012 to the International Criminal Court (ICC).⁶⁵ After an initial examination, the ICC prosecutor, Fatou Bensouda, formally opened an investigation into alleged crimes in January 2013:

At each stage during the conflict, different armed groups have caused havoc and human suffering through a range of alleged acts of extreme violence. I have determined that some of these deeds of brutality and destruction may constitute war crimes as defined by the Rome Statute.⁶⁶

The announcement came just after French troops arrived in Mali.

The investigation is not limited to actions by armed groups in the north – it can cover the whole of Mali, and has no end-date. Because the ICC needs to cooperate with the authorities in order to gain access to Mali, secure arrests and conduct interviews, some criticise the ICC for cooperating with one party to a conflict; but the ICC statute requires the prosecutor to fulfil her functions independently.⁶⁷ Others suggest that the decision to open the investigation could act as a deterrent:

Regardless of the intricacies of how the court's investigations will pan out alongside a multilateral peacekeeping force, a positive consequence of the decision to open an investigation in Mali may be a deterrent effect on the commission of crimes. Helping to stop atrocities is the sharp edge of the court's mandate to gain accountability for crimes that shock the conscience of humanity.⁶⁸

The ICC prosecutor's January 2013 report on Mali lists a large number of allegations against armed groups (including the Aguelhok incident in which Malian troops were reportedly murdered, and the destruction of religious and historical sites in Timbuktu), and a few against government forces (including the alleged shooting dead of 16 unarmed Muslim preachers at an army checkpoint).⁶⁹

3 Concluding observations

French forces on the ground in Mali have said that the militant Islamist rebels encountered were well-organized, more numerous than expected and reasonably well-equipped – although they did not seem to have heavy weapons. Nonetheless, French forces, working alongside their Malian counterparts, have made speedy military progress. The rebels have often retreated, rather than engaging in direct fighting with militarily superior opponents. The first phase of the conflict – recovery of all the towns in the north – appears now to be over. The next phase, in which the rebels shift towards insurgency, has already begun. While terrorist groups have fled to the mountainous region in the north, where the majority of fighting is now focused, pockets of resistance around the northern city of Gao have also been encountered. Given recent progress in the military campaign, French forces are expected to begin drawing down in April 2013. However, big question-marks remain about

⁶⁵ See [referral letter by the Government of Mali](#), 13 July 2012

⁶⁶ ICC press release, ["ICC Prosecutor opens investigation into war crimes in Mali: 'The legal requirements have been met. We will investigate'"](#), 16 January 2013

⁶⁷ ["Mali and the ICC: what lessons can be learned from previous investigations?"](#), *Guardian*, 17 January 2013

⁶⁸ ["Mali and the ICC: what lessons can be learned from previous investigations?"](#), *Guardian*, 17 January 2013

⁶⁹ ICC Office of the Prosecutor, ["Situation in Mali: Article 53\(1\) Report"](#), 16 January 2013

the short- to medium-term capabilities of Malian and AFISMA forces to maintain security. Suggestions that AFISMA should be subsumed into a larger UN peacekeeping force have subsequently emerged.

The domestic popularity of the French role in Mali may also come to be tested if its forces become tainted by association with alleged violations of humanitarian and human rights law committed in the context of military operations to counter the militant Islamist rebels. Ensuring this does not happen will have to be a top priority for the EU mission that is set to train the Malian army. The UK Government will also have to be mindful of this issue as its military personnel undertake training of the Anglophone forces that are part of AFISMA.

The intervention has, in the short-term, left political negotiations to create a more stable, inclusive and democratic Mali in abeyance. But this track will have to be returned to sooner or later. Ansar-e-Dine's decision to reject this track considerably complicates matters in this regard. Analysts are still groping for reasons why the group did so.⁷⁰ The significance of its apparent 'split' in recent days is still unclear, but it does indicate that the rebel coalition is highly disparate. In the worst-case scenario, this could lead to a proliferation of armed groups as in Darfur; in the best-case scenario, this could mean that the armed threat all-but collapses.

It is now widely accepted by the international community that the deep-rooted problems of the entire Sahel region will also need to be addressed, not just the immediate crisis in Mali. In this connection, the UN Special Envoy for the Sahel, Romano Prodi has been tasked with finalising as soon as possible an *Integrated Regional Strategy for Political, Economic, Humanitarian and Human Rights Challenges in the Sahel*. Recent events may afford this strategy, when it emerges, greater international and regional impetus than might otherwise have been the case. But first it needs to offer a nuanced and credible analysis of the region's problems; only then can feasible and appropriate courses of action emerge.

4 Further Reading

A. Arieff, [Crisis in Mali](#), US Congressional Research Service report, 14 January 2013

P. Beaumont, ["Terrorism is just one of many scourges to beset the people of Mali for decades"](#), *Observer*, 20 January 2013

Chatham House, ["Growing Instability in the Western Sahel: Experiences and Responses"](#), transcript of public meeting, 8 December 2011

M. Clark, ["Responses to Sahel Terrorism: Music to Jihadist Ears"](#), *RUSI Analysis*, 22 January 2013

M. Codner, ["The British Military Contribution to Operations in Mali: Is This Mission Creep?"](#), *RUSI Analysis*, 30 January 2013

International Federation for Human Rights, ["Mali: avoiding revenge in order to win peace"](#), 30 January 2013

International Crisis Group, ["Mali: Avoiding Escalation"](#), Africa Report N°189, 18 July 2012

⁷⁰ "Taking the fight to the desert", *Africa Confidential*, 18 January 2013

International Institute for Strategic Studies, "[Extremism spreads across West Africa and the Sahel](#)", *Strategic Comments*, October 2012

J. Keenan, "[How Washington helped foster the Islamist uprising in Mali](#)", *New Internationalist*, 25 January 2013

R. Marchal, "[Is a military intervention in Mali unavoidable?](#)", NOREF report, October 2012

H. Roberts, "Generations of struggle will bring the Sahel no peace", *Financial Times*, 25 January 2013 [Contact the Library for a hard copy of this article]

S. Straus and L. Brottem, "[Looking ahead in Mali](#)", *New York Times*, 18 January 2013

R. Teichman, "The war in Mali: what you should know. An Eldorado of uranium, gold, petroleum, strategic minerals", *Global Research*, 15 January 2013

P. Tinti, "[Intervening in Northern Mali: Don't Forget the Ethnic Dimension](#)", Think Africa Press, 19 November 2012

A. Vines, "[Mali Crisis: Intervention Strategy](#)", Chatham House, January 2013

B. Whitehouse, "[Behind Mali's conflict: myths, realities and unknowns](#)", *Bridges from Bamako blog*, 16 January 2013

B. Whitehouse, "[What went wrong in Mali?](#)", *London Review of Books* 34(16): 17-18 (2012)

[Sahel: Food insecurity, 2011-13](#), Relief Web [regularly updated site with lots of useful sources]