Under the gun

Resource conflicts and embattled traditional authorities in Central Mali

Knowledge Platform Security & Rule of Law

CRU Report

Anca-Elena Ursu

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Contents

Abstract 1

Acknowledgements 2

Executive summary 3

List of acronyms 5

1 Introduction 6

2 Resource management in central Mali 8

Mopti: A contested space 8
Socio-professional groups 10
Traditional management of natural resources 11
Parallel management systems 13
Challenges to traditional justice as resource management 16
Conclusion 22

3 Resource conflict and radical armed governance in central Mali 23

Resources rather than identity 23
Radical armed governance 29
Legitimacy of armed groups 36
Conclusion 41

4 Customary justice under the gun 43

To give up, to give in or to give it all? 44
Monitoring and denouncing wrongdoings 46
Reconciliation efforts 48
Countering armament and radicalisation 51
The way forward 53

5 Recommendations 55

Methodology 65

Bibliography 68

Abstract

In the Mopti region of Mali, the livelihoods of most people depend on agriculture and pastoralism. Here, a variety of socio-professional groups – such as herders, farmers and fishers – coexist amidst the great natural richness of the inner Delta of the river Niger. Over recent years, poor resource management and subsequent conflict over access to these resources has threatened the livelihoods of virtually every community in central Mali.

Formal and traditional justice mechanisms have each often proven incapable of mediating conflicts effectively and bringing justice to the victims and disputants. Moreover, the increase in communal conflicts in central Mali has created a fertile breeding ground for radical, armed groups. These groups have become actively involved in the regulation of access to natural resources, as well as in the mediation of related conflicts, to help create local legitimacy for their rule.

That these groups could exploit conflicts to consolidate their power demonstrates that fighting them will not be enough to stop destabilisation in the Mopti region. Only solutions that address the underlying drivers of instability will enable sustainable peace to emerge. This report explores the lack of governance as a structural driver of resource conflict in the region and identifies a mix of short- and long-term measures to increase the legitimacy of the Malian state.

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Executive summary

In Mali, one of the world's poorest countries, the livelihoods of most people depend on agriculture and pastoralism. This is especially true in the Mopti region, where a variety of socio-professional groups – such as herders, farmers and fishers – coexist amidst the great natural richness of the inner Delta of the river Niger. Over recent years, poor resource management and subsequent conflict over access to these resources has threatened the livelihoods of virtually every Mopti community.

Many of these conflicts are cyclical: agriculturalists accuse pastoralists of not using designated paths for the movement of animals, resulting in ruined crops; herders accuse farmers of encroaching on their rights to passage; fishermen compete for access to waterways. All of these groups compete with outsiders – such as land investors – who add to the pressure on fragile local equilibriums.

Local governance mechanisms have not prevented the increased escalation of such conflicts. Colonisation and postcolonial decentralisation created a local resource governance system involving numerous authorities whose competing and overlapping mandates have often resulted in chaos rather than order. Formal and traditional justice mechanisms have each often proven incapable of mediating conflicts effectively and bringing justice to the victims. Formal justice is commonly perceived as expensive, lengthy, corrupt, unaware of local norms and dynamics, and abusive. Customary justice often lacks enforcement power and the necessary state support to implement decisions that could prevent conflict escalation.

Since 2015, the increase in communal conflicts in central Mali has created a fertile breeding ground for radical, armed groups – some of which have moved down from the country's ungoverned and contested north. These groups have become actively involved in the regulation of access to natural resources, as well as in the mediation of related conflicts, to help create local legitimacy for their rule. So far, this dynamic has not resulted in full local acceptance of their governance because many central Malians reject both the imposition of new, conservative religious rules and the violent governance.

That these groups could exploit conflicts to consolidate their power demonstrates that fighting them will not be enough to stop destabilisation in the Mopti region. Only solutions that address the underlying drivers of instability will enable sustainable peace to emerge. This report explores the lack of governance as a structural driver of resource conflict in the region and identifies a mix of short- and long-term measures to increase the legitimacy of the Malian state.

The Mopti region faces multilayered challenges on at least three interrelated levels: humanitarian, security and governance. Addressing the humanitarian situation will require short-term efforts to ensure that resource conflicts do not escalate further. Moreover, medium-term efforts are needed to improve the security in the region as a precondition for the return of the state and to contribute to local reconciliation. In the long term, decentralisation needs to be completed and a hybrid form of governance established to provide security and manage resources to the satisfaction of the local communities. The report's recommendations build on the needs expressed by local populations and provide concrete, conflict-sensitive steps that decision-makers could follow in their efforts to bring stability to the people of Mopti.

List of acronyms

CFA – West African CFA franc, the currency of eight independent states in West Africa: Benin, Burkina Faso, Guinea-Bissau, Ivory Coast, Mali, Niger, Senegal and Togo.

CRU – The Conflict Research Unit at the Netherlands Institute for Foreign Relations Clingendael

DDR – Disarmament, Demobilisation and Reintegration

EUNPACK – A conflict-sensitive unpacking of the EU comprehensive approach to conflict and crises mechanism

EUTM – European Union Training Mission

FAMa – Forces armées et de sécurité du Mali (Malian armed security forces)

GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit (German Corporation for International Cooperation)

JNIM – Jama'a Nusrat ul-Islam wa al-Muslimin (Group for Support of Islam and Muslims)

MINUSMA – United Nations Multidimensional Integrated Stabilization Mission in Mali

MLF – Macina Liberation Front

MUJAO – Mouvement pour l'unicité et le jihad en Afrique de l'Ouest (The Movement for Oneness and Jihad in West Africa)

PSIRC – Plan de sécurisation intégré des régions du centre (Integrated Security Plan for the Central Regions).

1 Introduction

In the shadow of the ongoing armed conflict in northern Mali, the central regions of the country have increasingly fallen prey to radical armed groups. The absence of law and order and basic services has contributed to the corrosion of public authority and the creation of self-defence militias, which in turn fuel communal conflict. This type of conflict occurs mainly in relation to contested access to and management of natural resources by the different socio-professional groups living in the central regions – such as herders, farmers and fishers. Existing state and traditional governance structures have proven unable to mitigate these conflicts. Traditional arrangements, such as customary tenure regimes, have been increasingly challenged by the number and type of conflicts.[1] Formal state institutions are often scanty, remote, expensive and riddled by corruption.

This is problematic because access to land and water is essential to the livelihoods of the local populations. The uncertainty of such access and the weakness of existing governance systems presented an opportunity for radical armed groups seeking to entrench themselves in central Mali. Left unresolved, communal conflicts in regions such as Mopti offered these groups the opportunity to mobilise communities along ethnic or other fault lines. This dynamic meant that local conflicts fed into the greater insecurity of the country and became themselves destabilising factors. This raises the question whether and how the lack of governance as a structural driver of resource conflict could be addressed to increase the stability of the region.

In attempting to answer that question, this report looks at the historically contested Mopti region. Although Mopti is rich in natural resources, different systems of governance coexist and challenge one another to the detriment of the inhabitants. Rising communal conflicts related to land tenure mismanagement are aggravated by demographic growth, climate change effects and radical armed group violence. Lessons from Mopti can be applied preventively in the south of Mali, where radical armed groups have not yet manifested their presence but similar conflicts are brewing.

1 For this report, the terms traditional authority, customary authority or institution, and chieftaincy will be used interchangeably in the following interpretation: 'traditional authority is an institution that draws its legitimacy, whether wholly or partially, from tribal/ethnic/cultural values of a group of people (wherever they may be) that share them. Traditional authority therefore contrasts with that based on republican values of accession to power by, say, the application of a constitution, which, for example, embraces democratic principles'. See Cheka, C. 2008. 'Traditional authority at the crossroads of governance in Republican Cameroon', *Africa Development*, 33(2), 72.

The report is structured as follows: the first section describes the historical evolution of resource governance in Mopti and the challenges to this governance that existed before the arrival of radical armed groups. Starting with the Dina system in the 19th century and leading up to the early 2000s, both formal and traditional resource governance structures have been subject to numerous imposed readjustments that undermined their power and legitimacy. Thus, as described in the second section, radical armed groups found fertile breeding ground in the region and to try and obtain legitimacy through the imposition of rebel governance – including over resource management.

The third part of the report analyses the response and engagement of customary authorities with these radical armed groups and shows how their presence has influenced traditional governance structures in the region, especially their ability to provide conflict mediation to local populations. It identifies homegrown initiatives to address conflict dynamics and discusses how their potential could be harnessed for greater stability in the Mopti region.

The report concludes with recommendations for the Malian government and its international partners who seek to address the multilayered conflicts that plague the central region of Mopti. Because stability needs to be anchored in the social reality lived by the local population, these recommendations discuss how to better link current stabilisation efforts with the local needs of those affected by the conflict.

2 Resource management in central Mali

Mopti: A contested space

Mopti is the fifth administrative region of Mali and is divided into eight *cercle*s and 108 *communes*.[2] It is bordered by the Tombouctou region to the north, the Ségou region to the southwest and Burkina Faso to the southeast. Located in the inner Niger Delta, an area known as Macina, home to a network of lakes, swamps and channels, it is one of the most fertile areas in Africa. For centuries, the inhabitants of the region have benefitted from and valued Macina's wealth of resources. As one customary chief explained, 'God created a hundred fortunes and he only left one on earth for humankind to enjoy: water. That is why we never have to drag our feet here in Mopti'.[3]

Bestowed with abundant natural resources, then, and situated on one of the main waterways in West Africa, the inner Niger Delta has been an important trade hub throughout history as well as a highly contested space. Between the 9th and 16th centuries, the area was incorporated within the great West African trading empires in control of the north-south axis of trans-Saharan commerce.[4] The main products exchanged along this route were salt, manufactured goods, gold and slaves.[5] By the 17th century, the route moved westwards, following the European settlements on the coast and the new transatlantic and north European trading routes.[6]

2 The administrative subdivision of the Malian territory includes eight regions, which are divided in forty-nine *cercles*. The cercles are further divided in *communes*, the third level administrative unit. The cercles in the region of Mopti are Bandiagara, Bankass, Djenné, Douentza, Koro, Mopti, Ténenkou and Youwaru.

3 Interview 20, May 2018, Mali.

4 Hopkins, T. 1973. *An Economic History of West Africa*. New York: Longman Group.

5 Moorehead, R. 1997. *Structural Chaos: Community and State Management of Common Property in Mali*. Sussex: International Institute of Environment and Development, 57.

6 *Ibid*.

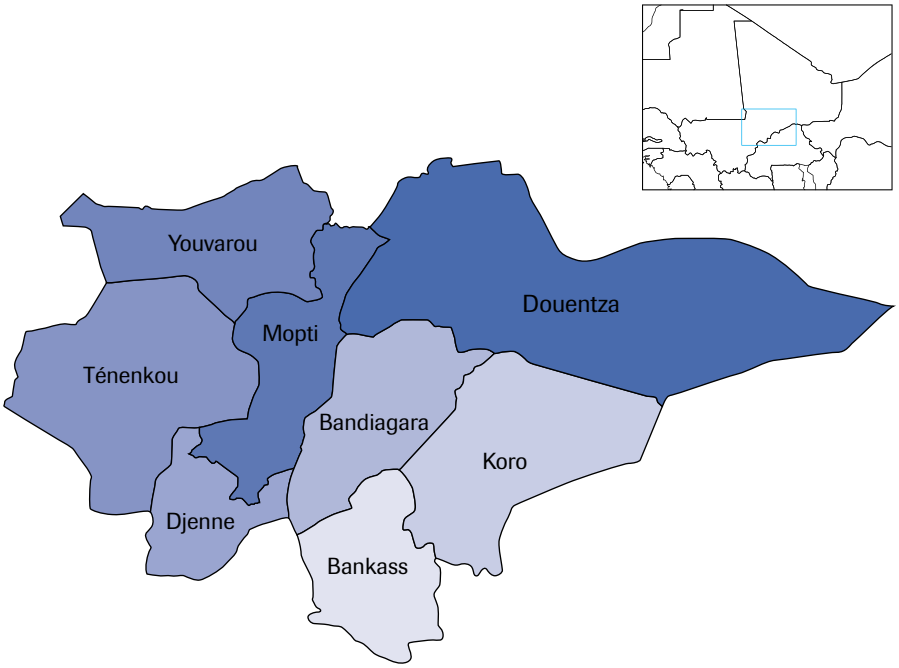

Figure 1 The eight cercles of the Mopti region

Originally inhabited by the Nono and the Bozo people, the indigenous cultivators and fishermen of the region, the commercial activities of the inner Delta attracted and assimilated many other ethnicities into the trading activities of the region. Although the region was part of different West African empires, its unification as a state came only in the 19th century. Between 1820 and 1862, the entire inner Delta was unified into a theocratic Muslim state known as the Dina, or Macina Empire, under the rule of the Fulani marabout Sékou Amadou.[7] However, the relative stability of the Dina did not last long. It was overthrown by new competitors, including French troops that colonised the region between 1894 and 1960. To date, the inner Niger Delta remains a contested space in which various groups coexist and exploit abundant natural resources.

7 Gallay, A. 2011. *De mil, d'or et d'esclaves: le Sahel précolonial. Presses polytechniques et universitaires romandes.* 101–102.

Socio-professional groups

In the central regions of Mali, the livelihoods of local populations and production systems are closely linked to natural resources – land and water in particular.[8] Here, *socio-professional groups*[9] that largely overlap with the ethnic groups resident in the centre of Mali[10] exploit these resources within three production systems.[11] For instance, the Bozo ethnic group is associated with fishing activities and with both sedentary and nomadic ways of life, depending on the availability and access to waters rich in fish. The Dogon, the Bambara and the Songhai have a sedentary agricultural mode of subsistence, and cultivate millet, sorghum and rice, as well as onions, tobacco and peanuts. The Fulani and the Tuareg are known as a nomadic ethnic groups of pastoralists who move their herds across the regions they inhabit in search of better grazing and watering for their animals.

The activities of all these groups take place by following natural cycles. During the dry season, herds of cattle are led by pastoralists on to grazing lands rich of *bourgou*, a grass typical to the inner Delta that thrives in inundated areas.[12] Once the inner Delta is flooded during the rainy season, usually between June and September, pastoralists move their cattle to dry lands towards the south or east of the Mopti region. At the same time, agriculturalists cultivate the flooded zones with rice and millet and harvest them between September and November. Fishermen set their nets on the channels (*mares*) that are flooded by the river Niger and abundant in fish. When the water recedes, it leaves behind fertile lands suited for both agriculture and pastoralism. This is also the time that pastoralists can return their cattle in the Delta, according to a well-established calendar and order.[13]

8 See Ba, B., and Bøås, M., 2017. 'Mali: A Political Economy Analysis,' *Norwegian Ministry of Foreign Affairs*, 2, 11.

9 The notion of socio-professional or strategic groups assumes that not all actors in a given community (e.g., ethnic group, tribe, profession, gender) share perfectly overlapping interests at all times. Strategic groups are thus composed by individuals whose identity might differ but that share the same interests with regards to a specific issue, even if they might have substantially different views with regards to other issues. De Sardan, O.J.P. 2005. *Anthropology and development: Understanding contemporary social change*, London: Zed Books, 190–192.

10 Moorehead, *op. cit.,* 66.

11 Bagayoko, N., et al. 2017. 'Masters of the land. Competing customary and legal systems for resource management in the conflicting environment of the Mopti region, Central Mali', The Broker Online, June.

12 Diarra, L., et al. 2010. 'Management and Use of Bourgou (Echinochloa stagnina)'. *Global Livestock Collaborative Research Support Program,* 2.

13 Interviews 10, 30, April–May 2018, Mali.

Traditional management of natural resources

Traditionally, most natural resources exploitation takes place based on a complex management system that is the legacy of the Macina Empire (1820–1864) created by Sékou Amadou. During his reign, Amadou elaborated a resource management system to end the numerous intraethnic conflicts among Fulani populations and to regulate access and use of resources in the Niger Delta. This system of governance, which came to be known with the same name as the state – the Dina – built on existing norms of allocation and management of natural resources that date back to early history.[14] Drawing on principles of Islam, the Dina led to nomadic populations becoming sedentary, regulated the seasonal movement of herds, and divided resources between pastoral (nomadic) and agricultural (sedentary) groups.

Perhaps one of the most important transformations brought about by the Dina was the centralised management of access and use of resources that represented a shift of power from nomadic to sedentary groups. As one scholar puts it, 'every square meter of the Delta and its neighbouring lands had an owner and a manager'.[15] Routes into and out of the Delta were delimited, dry season itineraries were identified and the order in which herds crossed into pastures and entry-exit points were clearly sanctioned.[16] In its heyday, the Dina integrated all natural resources of the Delta into a centralised administration overseen by the Dina Council in Hamdullahi, linking agricultural, pastoral and fishing activities across production systems and ethnic lines. It established a set of rules that provided clear boundaries for local producers and clarified rights and duties for every production system. This strong codification created 'a mutual expectation of positive performance' for all socio-professional groups by which a breach of reciprocity may result in mutually destructive competition and conflict.[17]

The centralisation replaced the previous relative autonomy of different production systems with a dependence on the Dina state for access to resources and conflict mediation. In the process, some authority figures were violently dispossessed of their roles. New managers were put in place and given the power to overrule community decisions regarding the management of resources. This is also the time when the figure of the *dioro* (*jowro*) was introduced as a master of the land, charged with its

14 Moorehead, *op. cit.,* 167–212.

15 Moorehead, *op. cit.,* 186.

16 *Id.,* 181–183.

17 Oakerson, R. J., 1986. 'A model for the analysis of common property problems', in: *Proceedings of the conference on common property resource management.* Washington, DC: National Academies Press.

management.[18] The *dioro* continues to play a key role in granting access pastures in the Delta today.[19]

Under the Dina, the allocation of resources was based on kinship, blood relations and long-term residence; access was awarded in accordance to a person's social status according to a strict hierarchy.[20] At the community level, the Dina state ensured the enforcement of these consistent rules and the functioning of dispute resolution mechanisms administered by customary authorities, including heads of communities and councils of elders.[21] The appointment of chiefs seems to have been a prerogative of Sékou Amadou. Given the reliance of the central system on these actors' compliance and competence, the central power gave incentives to maintain loyalty to the code. For instance, Amadou would reward those who supported him in battles, members of his family, and those 'obedient to the Dina' with chieftaincies.[22]

Whereas implementation of these rules and the functioning of the production economy required goodwill and cooperation,[23] the Dina state did not shy away from using its standing army to enforce its decisions.[24] Overall, it became an 'ecological and economic project in which an incessant power game was played over access to natural resources'.[25] This power play led to the empowerment of certain groups and to the political marginalisation of others – a phenomenon not very different from contemporary dynamics. Some of those who were discriminated against include Fulani pastoralists who did not immediately accept the new management system.[26]

18 The Dina state substituted the figure of the *Ardo*, the main responsible for the management of pastureland in the *leydi*, the subdivisions of the Macina area. See Brossier, M., Jourde, C., Cisse, M.G. Diakite, K. 2018. 'Relations de pouvoir locales, logiques de violence et participation politique en milieu peul (région de mopti)', *Centre FrancoPaix,* 18–19; Diakite, K. and Diallo, K., 2004. Etude sur la problématique de transfert de compétences en gestion locale des ressources naturelles au Mali. *Rapport provisoire, GDRN5, Sévaré, Mali*, 23–24.

19 As chapter 3 shows, this figure still exists today and is at the heart of many contemporary resource disputes.

20 Moorehead, *op. cit.,* 189.

21 *Id.,* 195.

22 De Bruijn, M. and Van Dijk, H., 2001. 'Ecology and power in the periphery of Maasina: the case of the Hayre in the nineteenth century', *Journal of African History*, 42(2), 228–229.

23 *Id.,* 224–225.

24 Moorehead, *op. cit.,* 95.

25 De Bruijn and Van Dijk, *op. cit.,* 237.

26 De Bruijn, M., and Van Dijk, H. 1994. 'Drought and Coping Strategies in Fulbe Society in the Hayre (Central Mali): A Historical Perspective' (Crise et identité dans la société fulbe du Haayre (Mali central): une perspective historique). *Cahiers d'études africaines*, 91; De Bruijn and Van Dijk, *op. cit.,* 228–229.

Parallel management systems

The fall of the Macina Empire in 1864 in the wake of local uprisings against it was followed by a colonial administration that managed the region until 1960. The French divided the region into thirty-five cantons and appointed chiefs of cantons which were subordinated to the chiefs of subdivisions (Macina, Ténenkou, Mopti and Djenné), who were in turn subject to the decisions of the chiefs of cercles at the time (Issa Ber, Mopti and Macina). Only the chiefs of cantons, the lowest rank, were locals.[27]

As a general rule, the colonial administration accepted the indigenous management of natural resources, namely, the Dina, but undermined its ability to enforce access to rights and to administer local resources based on the needs of various production systems. For instance, the colonial power was convinced that some of the lands that were used only seasonally were underexploited. In 1904, this assumption led to the transfer of ownership of unoccupied lands to the state (via nationalisation) and later to their allocation as private property.[28] The colonial administration also imposed itself as an external actor managing and distributing access to natural resources in the Delta. For the first time, the Delta was no longer managed by a political and economic structure based on the interests of local populations and their customs. Instead, an outsider entity began governing both access and use of natural resources.[29]

This marked the outset of two parallel forms of land tenure, whose existence feeds directly into the insecurity of tenure that characterises Mopti today. Customary chiefs could only manage the lands under continuous production; the colonial administration was charged with the management of unoccupied lands and was allowed to grant private property titles. Other resources such as water and forests were simply taken off from the jurisdiction of customary systems and placed under the control of the Water and Forests Agency, the predecessor of what is nowadays called the National Direction of Water and Forests (Direction Nationale des Eaux et Forêts).

Most local populations remained largely ignorant of this dual system and of the legal provisions adopted by the French administration – as they remain about land tenure

27 Moorehead, *op. cit.,* 196.

28 This is a principle known as the 'vacancy theory' in French law. See Van Rouveroy van Nieuwaal, E. 1994. 'The colonial land-law legacy in Francophone West-Africa and its impact on post-colonial land-law reforms', in: De Moor, J., and Rothermund, D. *Our laws, their lands: Land laws and land use in modern colonial societies.* LIT Verlag Münster, 49–50.

29 The nationalisation of natural resources that led to an insecurity of tenure and challenged the balance of production systems was a model that the Malian state followed even after independence. See USAID, 2010. 'Mali Land Tenure Assessment Report', Mali land tenure assessment report, 6.

legislation today.[30] However, some of those who did know did not shy away from exploiting the new system to gain advantageous access to resources. The creation of local interest groups intent on exploiting the French administration for preferential access to productive resources denied to them under the customary system (especially for settlement), continuously undermining the traditional management of natural resources. Rather than addressing the exclusionary practices of the Dina, the colonial and postcolonial rearrangement of resource management continued these practices.

In postcolonial Mali under the presidency of Modibo Keïta (1960–1968), customary systems underwent further alterations and saw their power diminish even more, moving into the hands of state authorities.[31] The cantonment chiefdoms were abolished because they were perceived as supporters of the opposition party.[32] The administrative division of the region was rearranged and following a governmental policy all administrators were recruited from outside the Mopti region. The role of the administration was to maintain social order and arbitrate disputes through the chieftaincies, who were likewise charged with tax collection. In spite of this proliferation of authorities, little clarity was established as to what exactly each authority was responsible for.

The most emblematic example is that of the Water and Forests Agency, which enjoyed power to arrest, confiscate and impose sanctions on local populations, as well as to influence the distribution of natural resources. Seasonal visitors to the Delta could now request access to natural resources from traditional chiefs, the administration (e.g., governor) and its technical service (Water and Forests Agency) – that had competing interests. Finally, in 1986 all customary land tenure rights were abolished and property was transferred to the state. Customary property rights were converted to rights of use of the land 'only for as long as the state has no need of it'.[33] According to the most updated legislation, unclaimed land belongs to the state, but customary property rights are recognised if ratified by formal authorities.[34]

The state added competing and overlapping institutions, which, instead of creating links with the local knowledge of production systems, challenged and undermined it. Production systems are currently faced with a governance characterised by 'structural chaos'.[35] There is a vast array of state institutions that local communities cannot rely on and that compete in allocating natural resources, generating more tenure insecurity.

30 Interview 34, April-May, 2018, Mali; Moorehead, *op. cit.,* 199; Kelsey Jones-Casey, Ailey Kaiser Hughes, and Anna Knox. 2011. 'Lesson 2: The Challenge of Decentralization in Mali', *Focus on Land in Africa Brief,* 3.

31 Diakite and Diallo, *op. cit.,* 24.

32 Interview 6, April 2018, Mali; Focus group 1, May 2018, Mali; Moorehead, *op. cit.,* 217.

33 Loi n°86-91. 1 August 1986.

34 Loi n°2017- 001 portant sur le foncier agricole. 11 April 2017.

35 Moorehead, *op. cit.,* 253.

A case in point is the use of formal justice in the management of natural resources that often led to inapplicable and unsustainable decisions that in turn were conducive to local conflict.[36] For instance, judges attributed property rights to outsiders from different cercles, even different regions of the country, which contravenes customary norms.[37] This solidified in the reattribution of land to members of a certain community by traditional chiefs while an outsider held the property title.

More generally, local populations did not trust judges to solve their disputes because the judges did not understand local dynamics and their verdicts tended to favour the richer party and sedentary groups.[38] Discrimination against pastoralists was mentioned by a number of interviewees. In particular, one explained that 'the formal justice has brutalised and abused the Fulani pastoralists for too long' and that 'injustice never ends against them'.[39] In addition, formal justice often struggled to fulfil its mandate. It lacked resources – mostly qualified personnel – and collaboration with the police was not always smooth. Often the statements collected by the police were poorly redacted and lacked basic information.[40] Judiciary proceedings were also perceived as being too long: some of the cases brought before judges needed immediate solutions to ensure the continuity of activities of various production groups, for example the permit to start the seasonal movement of herds.[41]

In retrospect, nationalisation has deprived local communities of their customary jurisdiction over communal resources. Nowadays, a legal framework applies to the entire country without accounting for local contingencies, and conventions regulate the management of natural resources.[42] In Mopti, the new laws cut across customary frontiers established by the Dina and made outsiders with little knowledge of local production systems responsible for administering regional wealth. This is not to say that state legislation should be regarded as intentionally inimical towards local communities and their working systems. But the way in which it was implemented in Mopti was incoherent and conducive to marginalisation, subverting customary management of natural resources without putting in place a sustainable alternative or complementary system to the satisfaction of local constituencies. Even when moves to support traditional arrangements were made, they never resulted in actionable plans or the devolution of power.

36 Interview 28, May 2018, Mali.

37 Interviews 27, 28, April-May 2018, Mali.

38 Interviews 30, 34, 45, April-May 2018, Mali.

39 Interview 45, May 2018; focus group 6, April 2018, Mali.

40 Interviews 36, May 2018, Mali.

41 Interview 4, focus group 8, April 2018, Mali.

42 Local conventions are widely used throughout Mali to negotiate rights and duties of villagers with regards to the management of natural resources. See Diakite and Diallo, *op. cit.,* 27–37.

Challenges to traditional justice as resource management

The legacy of the Dina empire is still visible in the Mopti region. Indeed, the implementation of Dina norms is perhaps the most unifying factor across production systems and ethnic groups today. Customary chiefs play a prominent role in solving disputes based on Dina principles, especially given the overwhelming absence of the formal justice system and people's mistrust towards the judiciary.[43] Customary leaders are commonly perceived as part of society, not as external actors seeking to impose a different order on the community and its resources.[44] Within all administration systems that succeeded the Dina in Mopti, traditional chiefs were the only constant authority figure and the only one stemming directly from the community.[45] These authorities thus derive legitimacy from their proximity to the disputants, physically and culturally, who view them as 'pillars of the society', and as the only ones who can maintain the social fabric of central Mali.[46] At the same time, however, these traditional authorities face an erosion of their legitimacy and their ability to adjudicate resource conflicts.

Structural impediments

The decentralisation process that started in 1992 could have been a positive turning point for the better management of natural resources.[47] In this process, the state sought to formalise the ties between formal local authorities and traditional ones, for instance, by formally appointing chiefs. Most important, customary authorities are invested by law with reconciliation in civil and commercial matters.[48] Many customary chiefs objected to how decentralisation unfolded. First, they did not appreciate that in the decentralised hierarchy of governance they were subject to the authority of the mayors, mainly because traditional authorities were only granted a consultative voice.[49] In their view,

43 Phone interview 1, November 2017, The Netherlands. From: Goff, D., et al. 2017. 'Under the microscope: Customary justice systems in northern Mali', Clingendael, Netherlands Institute of International Relations.

44 Ursu, A. E. 2018. 'Between ideals and needs: is Malian customary justice incompatible with international human rights standards?' Clingendael, Netherlands Institute of International Relations, 3–4.

45 Interview 6, April 2018, Mali.

46 Interviews 1, 18, 21, 23, 24, 26, 27, 29, 33, April-May 2018, Mali. Social fabric is here intended as a set of social expectations, based on common understandings, ideals, and norms that define what individuals can count on when dealing with others and with institutions.

47 Indeed, chieftaincies in postcolonial states have long been at the heart of processes of devolution of power and Mali is no exception. See Ray, D. I., and van Rouveroy van Nieuwaal, E. A. B., 1996. 'The New Relevance of Traditional Authorities in Africa: the conference; major themes; reflections on chieftaincy in Africa; future directions', *Journal of Legal Pluralism and Unofficial Law,* 28(37-38), 28–29.

48 Loi N°95-034. Portant Code des Collectivites Territoriales en Republique du Mali, Modifiee par la Loi N°98-010. 19 June 1998. Article 68; Loi N°06-023. Relative a la Creation et a l'administration des Villages, Fractions et Quartiers. 20 June 2006. Article 15, 17, 18, 19.

49 Interview 24, May 2018, Mali.

this limits their role and subjugates their decisions to the executive power of mayors who are bound to consult chiefs, but not to implement any of their suggestions.[50] Formal authorities agreed in interviews that the more the state apparatus evolved, the less important traditional authorities became.[51]

The roles that chiefs were granted were crafted in such a way that the impact of their decisions could not go beyond their village and could only be implemented with the consent of state authorities, that is, mayors.[52] This limited their ability to generate legitimacy and social capital via leveraging their social embeddedness.[53] Additionally, in certain cases, the multiparty system that results in partisan allegiances in the communal council prevented chiefs from being asked for advice. Often mayors of municipalities (communes) that encompass several villages invite for consultations only the chiefs who either belong to the same political party or have views that align with their own.[54] As a consequence, 'chiefs have a very important role on paper. But in reality, they are not even consulted'.[55]

Another dissatisfaction stems from the selective implementation of the renowned 2006 law relating to the creation and administration of villages, fractions and districts. Given the multitude of tasks allocated by the state to these traditional authorities, the law legislated that chiefs and their councillors were entitled to financial compensation and reimbursement of travel expenses.[56] Most of the chiefs and councillors interviewed never received either. Most municipalities justify the lack of enforcement by pointing to their depleted treasuries, but to the chiefs this is the umpteenth proof of the state's unwillingness to genuinely insert chieftaincies within the local power structures and acknowledge their role in local governance.[57]

In practice, and even though each village, fraction or neighbourhood is administered by a chief assisted by a council, the precise status of chieftains is still unclear. Even when laws grant responsibilities to chiefs, they are hardly put in the position of fulfilling them.

50 Interviews 3, 9, 30, focus group 2, April-May 2018, Mali.

51 Interview 1, focus group 1, April-May 2018, Mali.

52 Interviews 27, 33, April 2018, Mali.

53 The decrease of power reduced customary chiefs' financial capital as well. Even if customary justice is notoriously characterised by gratuity, chiefs often received gifts (*la noix de cola* consisting of food, cattle, small amounts of money) as a form of recognition of their status and legitimacy. Thus, the challenge to their status was accompanied by economic as well as social demotion.

54 Interviews 29, 46, April-May 2018, Mali.

55 Focus group 1, May 2018, Mali.

56 Loi N°06-023. Relative a la Creation et a l'administration Des Villages, Fractions et Quartiers. 20 June 2006. Article 14.

57 Focus group 3, April 2018, Mali.

Although the selection and nomination of the chiefs is to be carried out based on local traditions, a local representative of the state has to ratify the nomination within thirty working days. This process is particularly consequential given that, by law, village chiefs have a consultative voice in the communal council and need a formal recognition to be able to exercise their duty.[58] The vast majority of chiefs – up to 70 per cent – did not receive formal recognition by the state as required by Malian law.[59]

The nominations process has also been challenged in recent years. According to tradition, the chieftaincy is passed from father to son. If the son is too young, authority should be passed on to the next closest male relative. If no one meets the standards, sometimes the state administration organises elections, challenging centuries-old traditions of succession.[60] Such new protocols are harmful and fall short because they are self-centred and remote from the normative values in which local populations recognise themselves.

Corruption and misgovernance

The involvement of chiefs in the political arena – often expressed by allegiance to certain parties – and corruption are two of the main circumstances delegitimising customary authorities today.[61] According to a Malian expert, customary chiefs are related by family ties to the mayors and state authorities in at least 60 per cent of the 703 communes of the country.[62] This number is a personal estimate, but every chief interviewed affirmed that they were either closely related to the mayors in their villages or towns or had occupied both positions at the same time at a certain point. Village chiefs started running for mayors' seats in the aftermath of decentralisation.[63] More of a preservation strategy than a political agenda, this practice evolved into the concentration of power in the hands of few, which in turn consolidated patronage systems that, when proved disadvantageous for local communities, become harder to break and to challenge.[64]

58 Loi N°06-023 Relative a la Creation et a l'administration Des Villages, Fractions et Quartiers. 20 June 2006. Article 8; Loi N°95-034 Portant Code Des Collectivites Territoriales en Republique du Mali, Modifiee par la Loi N°98-010. 19 June 1998. Article 62.

59 Niarela, 2018. 'Autorités traditionnelles : 70 % des chefs de village sans décision de nomination'.

60 Interviews 3, 34, April-May 2018, Mali.

61 Goff, et al., *op. cit.,* 19–25.

62 Interview 10, April 2018, Mali. This phenomenon occurs both because certain family lines are particularly prominent and therefore it is only consequential that power stays concentrated in the family; and because customary authorities seek to (re-)establish their local power basis.

63 Focus group 1, May, 2018.

64 Interviews 1, 3, April 2018, Mali.

Local chieftains are deeply involved in politics and often members of political parties.[65] Whereas in principle no one should be banned from expressing their political preferences in public, this situation creates a legitimacy problem. Believed to be *super partes* authorities, the inclination towards a specific political agenda undermines their impartiality. People fear that they might make decisions either in favour of villagers who are members of their political party or in line with partisan choices.[66] People are also under the impression that chiefs sometimes collude with formal authorities in the settlement of disputes. For instance, according to local users of customary systems, in certain cases traditional authorities have agreed with the gendarmerie on a fine they have then shared between themselves.[67]

Additionally, the proximity of the customary figures to political parties may play a role in their decisions to attribute communal resources such as land to people outside the community.[68] The main external contenders to land in the centre of Mali are private investors and the *bourgeoisie bamakoise*, the new rich from Bamako.[69] Most of the outsiders who seek property titles in Mopti are farmers, thus limiting the amount of pasture available for pastoralists. But agriculturalists are affected as well. Some complain that the best parcels of land are sold to investors, with or without the consent of the chiefs, and that the customary norms are overridden in these transactions.[70] Newcomers to a community do not owe allegiance to local chiefs or to customs that apply there. Because customary norms that dictate use of land are applicable to and known only by the local community, an outsider's use of communal resources cannot be administered by local chieftaincies.[71]

Furthermore, if they are not directly involved in the decision to sell land to outsiders, customary authorities are also frequently bypassed during the processes of subdividing and selling land, even though the law requires their consultation.[72] They are also not informed of such transactions carried out by formal authorities, which increases the risk of mismanagement of local resources (by way of reattribution) and consequent

65 Interviews 3, 10, April-May 2018, Mali.

66 Focus group 5. April, 2018, Mali.

67 Interview 3, April 2018. Mali.

68 Interviews 10, 30, focus group 5. April-May 2018, Mali.

69 Interviews 27, 28, April 2018, Mali.

70 Focus group 5. April, 2018, Mali.

71 Interview 29, focus group 5, April 2018, Mali.

72 Loi n°2017- 001 portant sur le foncier agricole. 11 April 2017.

conflict.[73] This has already resulted in pitiless competition over natural resources and conflicts that often escalated into communal violence.[74]

Rent-seeking behaviour

Another delegitimising element is the rent-seeking behaviour of certain customary figures, among which the *dioros*, the landlords of the *bourgou*.[75] The *bourgoutières*, the zones where this fodder grows, are particularly important for the pastoralist production system, which was prioritised in these zones under the Dina. Second in line were the Bozo, who could use it to establish a basis for their fishing activities in the Delta. Finally, agriculturalists (mainly *rimaibes*, the slaves of the Fulani) cultivated these lands and harvested them before the return of the pastoralists.[76] However, the *bourgoutières* came under remarkable pressure as society became more sedentary and harvesting increasingly important relative to grazing. Moreover, the overlapping and contradicting management systems created tensions and conflicts with regards to ownership and use.

To date, a good portion of the *bourgoutières* in the rural areas are managed by the *dioros*, just as they were in the time of Sékou Amadou. However, permission to graze in a *bourgoutier* has become conditional on paying a fee.[77] The fee used to have the symbolic function of acknowledgement of local *dioros* and their authority by outsiders. In exchange, the *dioros* used this as a monitoring system to ensure that they knew who entered the area and that no one was seeking illicit appropriation.[78] However, current amounts go far beyond the symbolic value and vary mainly based on the number of heads in the herd and on the zone. In certain areas in the north of Mopti, the *dioros* used to demand up to five million CFA (about 7700 euro) to access their *bourgoutières*.[79] In other zones, they demanded one million CFA for every hundred animals, even if they did not have enough pasture for them.[80] Estimates from previous studies in the area indicate that annual profits from *bourgou* fields vary from USD 170 per hectare under rudimentary management to USD 750 per hectare under intense management.[81]

73 Interview 10, April 2018, Mali.

74 One might argue that customary authorities might be getting a kickback from formal authorities for similarly rubber-stamping the sales of land and then pleading ignorant. However, given the rampant corruption in the state, our interviewees sustain that the bypassing of traditional arrangements is done in order to ensure the maintenance of privileges of formal authorities and their entourage.

75 Diakite and Diallo, *op. cit.,* 23.

76 Diarra et al., *op. cit.,* 3

77 Interview 9, focus group 7, April-May 2018, Mali.

78 Brossier et al., *op. cit.,* 18–19.

79 Focus group 6, May 2018, Mali.

80 Focus group 8, May 2018, Mali.

81 Diarra et al., *op. cit.,* 5.

This rent-seeking behaviour pushed many pastoralists to fraudolently enter the *bourgoutier*, which led to the *dioros* having them sanctioned by the gendarmerie.[82] *Dioros* were also accused of complicity with formal authorities, including the justice system.[83] However, being brought before the formal institutions of the state is perceived as humiliating by the Fulani community and the population living in the rural areas.[84] As one interviewee emphatically explained, 'if you bring me to the police for a dispute and I am married to your sister, I will divorce her and never speak to you again'.[85]

When formal justice is sidelined, it is often because its legal framework fails to provide 'an answer to the psychological and cultural expectations governing the confidence of litigants and the (formal) law'.[86] This is also symptomatic of a justice system that is remote from its users both physically and (most importantly) psychologically.[87] Thus, the rent-seeking behaviour of the *dioros* and their collaboration with formal institutions who have historically mistreated local populations, was perceived as one of the gravest forms of social injustice.

Lack of enforcement and a complementary justice system

One final factor undermining the legitimacy of customary authorities and their ability to mediate resource conflicts is that they have no enforcement power.[88] Indeed, the resurgence of resource conflicts in Mopti is symptomatic of precisely this lack and of the grave absence of justice that should accompany reconciliation. Although disputants might personally share the decisions of customary authorities, they cannot be legally or in any other way compelled to implement them.

The only enforcement mechanism available to customary authorities is to cultivate a good reputation and maintain constructive relations with the community.[89] Often the act of abiding by customary decisions is driven by communal social expectation and fear of social sanctioning – for example, individuals can be excluded from social events, like marriages and baptisms. Although this does not resolve all commitment problems, having customary authorities able to impose visible social costs on perpetrators helps

82 Interview 30, focus group 8, April-May 2018, Mali.

83 Interview 12, April 2018, Mali.

84 Focus group 6, April 2018, Mali; Goff, et al., *op. cit.*

85 Interview 30, May 2018, Mali.

86 Mbaye, A. 2010. 'Pour une nouvelle ingénierie institutionnelle qui codifie la pluralité des légitimités : Des propositions pour refonder l'État', *Gouvernance en Afrique*, 74.

87 Interview 31, April 2018, Mali.

88 Goff, et al., *op. cit.* 3, 5, 32, 37.

89 Ursu, A. E. 2018. 'Finding justice amidst insecurity: Policy initiatives to strengthen customary justice systems and mitigate conflicts in Central Mali', Clingendael, Netherlands Institute of Foreign Relations, 6.

the 'hand-tying' and enforcement.[90] However, this *contrepoids* system characteristic of traditional arrangements, however, has eroded and lost its power over time.[91]

Moreover, the disputes are not mediated at the level of socio-professional groups that compete for natural resources and do not ensure the buy-in of all competing parties. Usually, disputes are handled on an individual basis and the chiefs take into account the particular episode that triggered the dispute, but not always the entire history of conflict in that particular community or related to that specific resource. The reconciliation is also between the disputants only, not between the local socio-professional groups they are a part of and a justice process does not accompany it. Such conflicts thus continue to arise.

The lack of enforceability of their decisions had pushed those wealthy enough to afford the costs of the formal justice to seek redress before the judiciary.[92] But, as mentioned, this contributed to the further degradation of communal relations, rather than to just outcomes. 'Formal justice only speaks the truth when one pays', 'the independence of the judiciary means the absolute lack of control over justice', 'judicial power equals economic power which equals corruption', and 'formal justice is just another name for repression' are some of the impressions that interviewees expressed.[93]

Conclusion

This chapter demonstrates that local governance mechanisms have proven unable to prevent the increased escalation of these natural resource conflicts in Mopti. The process of colonialisation and postcolonial decentralisation had created a local resource governance system that involves many authorities whose competing and overlapping mandates often resulted in chaos rather than order. In addition, both formal and traditional justice mechanisms have often proven unable to mediate the existing resource conflicts effectively and to bring justice to their victims. On the one hand, formal justice is commonly perceived as expensive, lengthy, corrupt, unaware of local norms and dynamics, and abusive. On the other, customary justice often lacks enforcement power and the necessary state support to implement decisions that could prevent the (further) escalation of conflict. As the next chapter shows, this situation created fertile breeding ground for the incursion of radical armed groups.

90 Wig, T., and Kromrey, D. 2018. 'Which Groups Fight? Customary Institutions and Communal Conflicts in Africa', *Journal of Peace Research*, 55(4), 13.

91 IIED, AMEDD and GERSDA, 2014. 'Sécuriser les droits fonciers au Mali: solutions locales à casse-tête national', 2.

92 Focus group 3, interview 30, April-May 2018, Mali.

93 Interviews 28, 31, 34, focus group 1, April-May 2018, Mali. These views were expressed by individuals who are not members of the customary justice systems.

3 Resource conflict and radical armed governance in central Mali

Virtually every *cercle* of Mopti has seen an increase in conflict related to the distribution and use of natural resources over the past three years.[94] Many of the deep-rooted conflicts are cyclical: agriculturalists accuse pastoralists of not using the designated paths for the seasonal movement of their herds, resulting in ruined crops; meanwhile, herders accuse farmers of encroaching on their right to passage. The fishermen Bozo community fights internally as access to waterways is challenged by water scarcity and communal landowners who leverage ever-increasing fees to access the inundated channels of the inner Delta.[95] All these groups compete with those outside of the community – such as land investors – for access to natural resources, putting additional pressure on fragile local equilibriums. This chapter shows how these conflicts remained structurally unaddressed – leading to a destabilising dynamic exploited by radical armed groups.

Resources rather than identity

Communal conflict can be defined as a violent conflict in which nonstate groups organised along a shared communal identity use violence to gain control over disputed resources.[96] In Mopti, the most frequent communal conflict is instrumentalist, where groups clash within or against each other over scarce resources and poor management of them. Conflicts between herders and farmers – the oldest form of organised violence in human history – are the most emblematic.[97]

94 Interview 30, April 2018, Mali. Local inhabitants explained that the region was never fully stable and safe due to the presence and escalation of communal conflicts and banditry. Interviews 9, 15, April 2018, Mali.

95 Interview 30, focus group 2, April 2018, Mali.

96 Elfversson, E., and Brosché, J. 2012. 'Communal conflict, civil war, and the state. Complexities, connections, and the case of Sudan'; Sundberg, R., Eck, K., and Kreutz, J. 2012. 'Introducing the UCDP non-state conflict dataset', *Journal of Peace Research*, 49(2), 351–362.

97 Butler, C. K., and Gates, S. 2007. 'Communal violence and property rights.' *Institute of Development Studies, Brighton, UK*., 2.

However, it is important to acknowledge that even internal fighting among members of a group can lead to communal conflict. Fishermen, pastoralists and farmers are competing over resources that are becoming more scarce, and management of them is often problematic. This instrumentalist conflict also unfolds between original inhabitants and immigrant populations. The new settlers increase the competition for natural resources that can lead to a spiral of conflict.

In Mopti, the conflict has a more communal dimension, in which individuals organise themselves along a shared identity, that includes but is not limited to ethnicity. Focusing on ethnicity as the main divisive factor would mean ignoring the complex reality of the conflict dynamics in Mopti. Once the conflict is labelled as ethnic, the gross deprivations populations face and the marginalisation of certain groups play a secondary role in the analysis even though they are the primary drivers of instability.[98] Moreover, it would exclude the fact that conflict in Mopti often takes place between members of the same ethnic group.[99] Thus, rather than defining the ongoing violence exclusively along ethnic lines, social and economic perspectives should identify access to resources in central Mali as the main causes of concern.

Box 1 Pays Dogon: An ethnic matter?

Even when radical groups do not have a significant presence in a *cercle*, the extent of existing inequality and social injustice is conducive to local populations falling back on their identities, which in turn leads to breaching the social contract between the members of the community and different socio-professional groups. In certain areas, this has resulted in mutually destructive competition and conflict between groups,[100] representative of the greater vulnerability of local populations exacerbated by competition over scarce resources, and governance-related issues.[101] Traditionally employed in agriculture and pastoralism, many inhabitants of the *Pays Dogon* benefitted from tourism before 2012. As conflict escalated and the Mopti region was designated a red zone, the industry collapsed. Many tried to reach Europe through Libya, but few have made it. Communal livelihoods became dependent on market gardening and traditional farming activities.

98 Gilley, B. 2004. 'Against the concept of ethnic conflict', *Third World Quarterly*, 25(6), 1163.

99 Brossier, et al., *op. cit.,* 26–31.

100 This is especially true in the *cercles* of Bandiagara, Bankass and Koro.

101 Focus group 2, May 2018, Mali; Diallo, O. A. 2017. 'Ethnic Clashes, Jihad, and Insecurity in Central Mali', *Peace Review*, 29(3), 304.

However, here as elsewhere in the region, harvests have been poor and conflicts related to access to resources increased. The main ethnic groups of the Pays Dogon – Fulani and Dogon – have clashed violently for years but the conflict peaked in 2017 and 2018.[102] Tensions rose as the Dogon accused the Fulani of supporting radical movements, and the Fulani countered by accusing the Dogon of colluding with the security forces to oppress the pastoralist community.[103] These conflicts paved the way for the infiltration of the Pays Dogon by radical armed groups,[104] which take sides in the conflicts and cloak local tensions 'under the mantle of the global jihad discourse'.[105] This rhetoric aside, the conflict in the *cercle* of Koro, one of the main areas of displacement in central Mali, boils down to competition over natural resources. As focus groups with Fulani internally displaced people who arrived in Bamako confirmed, the disputes are inherent to the poor management of land rather than related to jihad-related fringe groups.[106]

Given the lack of sustainable solutions to their conflicts (as described in chapter 1), communities began mobilising themselves in local militias to protect their access to natural resources.[107] But, the mobilisation of one group typically guarantees a countervailing reaction from other groups that have overlapping interests and compete for the same scarce resource. As the conflict escalates, the originally divisive issues (access to resources) are often replaced by more intense issues (ethnic divisions).

102 Dia, I., 'Mopti: Affrontement entre Dogon et Peuhl, au moins 80 morts'; Jeune Afrique and AFP. 2017. 'Mali: une trentaine de morts dans des violences entre Peuls et Dogons dans le centre du pays'; Mali7. 2018. 'Conflit intercommunautaire dans la région de Mopti: Les Jeunes du Pays Dogon exigent l'organisation des assises ou d'un tribunal populaire de "vérité et réconciliation"'.

103 Adayé, J. 2018. 'Des armes de guerre en pays dogon au Mali'.

104 Mali7, *op. cit.*

105 Diallo, *op. cit.,* 300.

106 Focus groups with internally displaced people from Koro, May 2018, Bamako.

107 At the commune of Niono in the centre of Mali, local civilians have are exposed to land insecurity, assassinations, vengeance, burglary, theft, racketeering and corruption, and feel they are living in total insecurity. They have responded with the organization self-defence groups. See Hagberg, S., et al. 2017. *Vers une sécurité par le bas? Etude sur les perceptions et les expériences des défis de sécurité dans deux communes maliennes,* 67–68. Uppsala Universitet.

Box 2 Communal defence against communal conflict

The Dozo is a community of traditional hunters typical of West Africa. Membership in this community is granted following an initiation ritual rather than on the basis of ethnic lines. Since prehistory, the Dozo have been known for hunting wild animals (*gibier*) and for their precision as sharpshooters. The use of weapons for hunting links the Dozo intimately to the notion of communal protection and legitimises their use of force. In response to the absence of the state, Malian Dozo (also known as Donso) have mobilised themselves into paramilitary organisations to protect local communities.[108]

Often labelled 'self-defence groups', Dozo hunters have carried out attacks against numerous villages in central Mali and killed civilians.[109] In certain areas, they have prevented outsiders from accessing the community by surrounding the villages, fully armed with hunting rifles.[110] Although some speculate that they chase Fulani, the Dozo deny it: 'we fight all enemies of the *Pays Dogon* regardless of their ethnicity. Our combatants also come from different ethnic groups'.[111] Interviewees who mentioned that the majority of ethnicities are represented in Dozo militias also echoed this statement.[112]

In recent years, civilians in Mopti have accused the Malian state of arming the Dozo.[113] These accusations were repeated during interviews with locals: 'it is the state who created the Dozo militias. Beforehand there was no armed conflict between different ethnic groups. There have always been disputes between agriculturalists and pastoralists but not like this'.[114] Many have also speculated that the FAMa are using the Dozo for their knowledge of the territory as guides to track radical armed groups.[115] This would be the reason, according to locals, that the Dozo can still circulate freely throughout the region despite the recent ban on the use of motorbikes for transportation.[116]

108 This is not an uncommon response from the Dozo community, which has taken violent action in the past in light of the collapse of the state in the Ivory Coast.

109 Human Rights Watch. 2017. 'Mali: Spate of Killings by Armed Groups'.

110 Interview 14, May 2018, Mali.

111 Maliweb. 2018. 'Dan Na Amassagou est entré à Douentza hier soir'.

112 Interviews 17, 19, May 2018, Mali.

113 Lebovich, A., 2017. 'Stabilising Mali - why Europe must look beyond technicalities'; Human Rights Watch, *op. cit.*; Diallo, *op. cit.*, 300.

114 Interviews 3, 5, 17, 34, 42, May 2018, Mali.

115 Interviews 17, 19, May 2018, Mali.

116 Focus group 8, April 2018, Mali.

But the Dozo are not the only ones who organised themselves in self-defence militias: in essence every community is armed and ready to defend itself[117] (see box 4). Although these groups might be able to provide protection to local communities, they do so at the expense of the control by and legitimacy of state authorities deemed as incapable of ensuring human security in the regions. One interviewee openly expressed the fear that self-defence militias are substituting themselves for official security forces and that this will 'destroy the possibility of a return of the state'.[118] Even if the Malian state has historically failed at occupying the position of monopolistic security provider, local communities still aspire for a minimally impartial state authority to regulate security in the centre of Mali.

In central Mali, communal conflicts have become highly susceptible to radical armed groups, who began using them to mobilise communities along ethnic or other fault lines.[119] One goal is to establish a local power base,[120] making it more difficult to break a cycle of violence and return to the original drivers of insecurity. The multilayered nature of the conflict plaguing the region confronts the Malian government and its international partners with a daunting challenge. A conflict in any one layer, such as local disputes over natural resources, may aggravate a conflict in another, such as communal conflicts, especially if these are exploited by radical armed groups.

Box 3 The Fulani amalgam: Perpetuating social injustice

To date, radical movements in the centre of Mali are commonly said to involve mostly Fulani people and to be working to the advantage of the Fulani. Indeed, strong language has been used to describe 'the ghost of a Fulani jihadist movement' and to emphasise the strong link between this ethnic group and radical groups.[121] The assertion merits further unpacking.

117 Carayol, R., 2016. 'Mali: dans la région de Mopti, "l'État ne contrôle plus rien"'.

118 Interview 4, May 2018, Mali.

119 Diallo, *op. cit.*, 300–301.

120 Tobie, A. 2017. A Fresh Perspective on Security Concerns among Malian Civil Society, Stockholm International Peace Research Institute, 59. Further explored by Sandor, A. 2017. 'Insécurité, Effondrement de la Confiance Sociale et Gouvernance des Acteurs Armés dans le Centre et le Nord du Mal', Montreal: Centre FrancoPaix en Résolution des Conflits et Missions de Paix, 6.

121 Carayol, R. 2017. 'En Afrique, le spectre d'un djihad peul', *Le Monde deiplomatique*.

Most inhabitants in the region are Fulani, an ethnic group often the target of social injustices by agents of the state.[122] As pastoralists, the Fulani saw their freedom of movement reduced and were at the heart of most conflicts related to the seasonal movement of herds.[123] Capitalising on these deep-rooted grievances, radical groups co-opted a number of Fulani pastoralists with the promise of redeeming their honour and rights. Interviewees, however, mentioned that all ethnicities are represented in these radical groups: 'the people we call jihadists are our brothers: there are Bambara, Songhay, Fulani . . . but they only speak Fulfude, this is where the confusion originates'.[124] Fulfude, the language of the Fulani, is the most common language in the region and is spoken by the vast majority of indigenous people as a lingua franca. Hence, speaking Fulfude does not equate to being Fulani.[125] Another daunting issue is that the mobility of Fulani pastoralists, especially in the bush, is confused or compared with the mobility or radical armed groups.[126] Moreover, because the mastermind of the Macina Liberation Front, a renowned radical group, is a Fulani, some assume that the entire ethnic group will rally and support him.[127]

This confusion between Fulani and radical elements has been taken for granted, to the frustration of many. A National Assembly deputy from Ténenkou questioned the silence of the prime minister on this subject: 'at the time of the rebellion the president said that not all Tuareg are rebels. Why is he not saying the same now about the Fulani?'[128] Moreover, the amalgam resulted in arbitrary arrests and killings. The army killed a number of Fulani individuals because they were directly associated with radical movements.[129] Many interviewers spoke of random arrests of Fulani citizens who are then asked to pay large sums of money to be released, between CFA 500,000 and 800,000 if detained in the Mopti region and between CFA 1,000,000 and 2,500,000 if transferred to Bamako.[130] To add fuel to the fire, according to media reports and interviews, Fulani who were

122 Atlas Jeune Afrique 2010, in Bossard, L., Organisation for Economic Co-operation and Development. 2015. *Sahel and West Africa Club*, 191; Sangaré, B. 2016. 'Le Centre du Mali: épicentre du djihadisme ?', *Groupe de Recherche et d'Information sur la Paix et la Sécurité*, 3.

123 Focus group 7, April 2018, Mali.

124 Focus group 6, April 2018, Mali. Interestingly, a few respondents mentioned the presence of foreigners in the high ranks of radical armed groups including Syrians, Iraqis and Nigerians and Nigeriens. Interviews 17, 36, focus group 12, April-May 2018, Mali.

125 Interviews 12, 44, April-May 2018, Mali.

126 Focus group 6, April 2018, Mali.

127 Interview 34, April 2018, Mali.

128 Public speech before the National Assembly by Deputy of Ténenkou Amadou Cisse.

129 Interviews 13, 34, April 2018, Mali. Carayol, R. 2016. 'Mali : dans la région de Mopti, "l'État ne contrôle plus rien"'; interviews 11, 13, 14, 17, April 2018, Mali.

130 Interviews 11, 13, 14, 17, April 2018, Mali.

thought to be linked to radical groups turned out to be simple civilians.[131] These arbitrary practices perpetuate social injustice and lead to grave discriminations against the Fulani. In the long run, this risks deepening the feelings of marginalisation and bias against the community and further antagonising Fulani communities against the state.

Members of Fulani communities mobilised themselves in response to their victimisation by the state, radical armed groups and Dozo self-defence militias. On 21 May 2018, they established a new self-defence group, the Alliance pour le Salut du Sahel. According to local observers who have been in touch with representatives of the Alliance, the movement wants to ensure the 'survival of their traditions and resistance to the imposition of Sharia'.[132] The alliance appears to be well armed and aims to operate in the central regions, as well as at the borders with Niger and Burkina.[133]

Radical armed governance

In Mopti, the arrival of radical armed groups unfolds against a background of poor governance, the deafening absence of the state, and a hollowing social contract between the state and its citizens. Similarly to the north of the country, where ethnic divisions and lawlessness due to the withdrawal of the Malian state presented a window of opportunity for terrorist groups to settle in,[134] radical armed groups have been gaining influence in the centre of the country for more than three years now. Led by a profound motivation to address social injustice in the central regions of Mali, radical armed groups imposed clear regulations that affect the access and management of natural resources, often at the heart of communal conflicts in Mopti.[135]

131 Interview 48, May 2018, Mali; *Africa News*. 2017. 'Mali: 20 morts dans des affrontements entre Peuls et Bambaras'; Sangaré, *op. cit.,* 7; International Alert. 2016. 'They treat us all like jihadists': Looking beyond violent extremism to building peace in Mali', 4.

132 Communication between author and local observer, May 2018,

133 Communication between author and DDR implementer, May 2018,

134 Chauzal, G., and van Damme, T. 2015. 'The roots of Mali's conflict', Clingendael, Netherlands Institute of Foreign Relations, 11, 30.

135 Sangaré, *op. cit.,* 11–12.

Box 4 The Macina Liberation Front

Current insecurity is mainly due to the rise of the Macina Liberation Front (MLF) under the leadership of Hamadou Kouffa. Kouffa was not unknown to the inhabitants of Mopti. A notorious preacher, he comes from a small village after which he renamed himself from Diallo to Kouffa, and he knows the region well from his extensive proselytising travels. He used to record tapes with his sermons and songs which attracted sympathisers and admirers everywhere.[136] People familiar with Kouffa before his rise to power describe him as an excellent Koranic student, but even more than that as being 'the best *talib* [young Koranic student], and later the best *santarou* [advanced student]. Then he became the best preacher and now he is the best jihadist'.[137]

Hamadou Kouffa allied himself with the Mouvement pour l'unicité et le jihad en Afrique de l'Ouest (Movement for Oneness and Jihad in West Africa, or MUJAO) and with Iyad Ag Aghali's Ansar Dine (Defenders of the religion) in 2012.[138] In early 2013, he orchestrated their advance towards the centre of Mali.[139] After this, he briefly disappeared to prepare himself for a power takeover, some speculate.[140] Kouffa returned in 2015 as the leader of the MLF, which came to be known as Katiba Macina. In March 2017, Katiba Macina became a member of the Group to Support Islam and Muslims (Jama'a Nusrat ul-Islam wa al-Muslimin', or JNIM), a militant jihadist organisation in the Maghreb and West Africa resulted from the merger of various smaller groups.

It has been noted that the opening of a jihadist front in central Mali might represent the opportunity for groups traditionally located in the north of the country to enlarge their field of action and to strengthen their weak presence through strategic alliances.[141] Significantly, some say that 'Iyad controls Kouffa, and Kouffa controls the centre', alluding to the entrenchment of northern groups in Mopti.[142] Some are of the opinion that Kouffa sought first the alliance with MUJAO and Ansar Dine and then with JNIM to legitimise himself as a leader within a greater movement.[143] Others believe that this was a strategy pursued by northern groups to detract attention from their movements and move the

136 Interview 45, May 2018, Mali.
137 Interview 30, April 2018, Mali.
138 Tobie, A., 2017. *op. cit.,* 6; Sangaré, *op. cit.*, 7.
139 Lebovich, A., 2013. 'The Local Face of Jihadism in Northern Mali', *CTC Sentinel*, 5(6), 4–10.
140 Interview 14, April 2018, Mali.
141 Tobie, *op. cit.*, 14.
142 Interviews 30, 34, April-May 2018, Mali.
143 *Ibid.*

focus of the state to the central region of Mopti.[144] The reasons behind these allegiances may be many and nuanced, but the self-warranted mandate of Kouffa and MLF gravitates around one issue mainly: addressing social injustice by implementing sharia.[145]

Although their presence in the centre of the country plays out in different ways, radical armed groups have imposed a number of rules on virtually every community they have gained access to. The presence of women in the public space is heavily restricted: they cannot sell their goods at the market, search for firewood, do the laundry or bath themselves in the river. When women travel they must cover their heads, be accompanied by a male family member and not sit next to unknown men. Weddings and any other celebrations have to be modest and music cannot be played in public. In many instances, radical groups kidnapped flute players and smashed radios, televisions and batteries to ensure that no one had access to entertainment. The celebration of the traversée de Diafarabé, a major holiday marking the crossing of the river at the time of their herds' seasonal movement and an intangible cultural heritage of humanity since 2005 was abolished.[146] Smoking and drinking are also prohibited and playing football is frowned upon. Secular schools that taught in the French language were closed and only Koranic schools spared. Animist and Christian practices are also forbidden and have been punished in the past with kidnapping.[147]

Beyond the imposition of these norms and rules, radical armed groups have also engaged in other forms of governance, such as resource management, justice provision and conflict mediation.

Redistribution of natural resources

Armed groups began redistributing access to natural resources in Mopti in favour of those who in their view were discriminated against by the state.[148] According to various accounts, representatives of these groups go to villages announcing that they are about to change the law and that from then onwards they will be in charge of the management of resources.[149] In particular, armed groups are challenging the use and customary distribution of land to undermine the status quo and privileges of certain

144 Interviews 5, 31, April-May 2018, Mali.

145 Interviews 17, 34, April-May 2018, Mali; Sangaré, *op. cit.*

146 United Nations Educational, Scientific and Cultural Organization (UNESCO) and Intangible Cultural Heritage. 2008. Cultural space of the Yaaral and Degal; interviews 39, 45, Focus group 7, May 2018, Mali; RFI. 2016. 'Traversée de Diafarabé au Mali: les festivités sous la menace jihadiste'.

147 Focus group 4, May 2018. Mali.

148 Interview 32, May 2018, Mali.

149 Interviews 7, 47, May 2018, Mali.

groups. Interviewers from different *cercles* have related that they do not privilege any socio-professional group in particular. On the one hand, they distribute agricultural land' on the other, they regulate access to the *bourgou* for pastoralists and fishermen.[150] They have likewise prohibited the use of certain plots of land, in particular those close to the forests and their encampments, or they have selectively allocated them to specific groups and forbidden the entrance of others.[151] Further, they halted the rent-seeking behaviour of the *dioros* asking exorbitant fees in exchange for access to the *bourgou* because 'the *bourgou* belongs to the good God, and so does the rain which makes it grow'.[152] In some communes, the payment of modest fees was reinstated; in others, *dioros* are still not allowed to collect any taxes or even manage the pastures.[153]

Radical groups have meddled in some of the critical conflicts plaguing Mopti. Thefts of herds in the bush used to be frequent, mainly by the Touareg conducting *razzia* (cattle raiding).[154] In general, finding stolen cattle was difficult and most of the time the loss was not compensated. According to one interviewee, if people report to a radical group that their herd has been stolen, the group will retrieve and return it to the legitimate owner in a matter of days.[155] Similarly, thefts in the fields during the harvesting season used to be common. Agriculturalists would harvest their crops but not always be able to bring them home the same day. During the night, the crops would be stolen. If agriculturalists were to ask for guards to protect their harvest, they would have to pay large sums of money, which made that approach impracticable. Some locals have already had radical groups guard the fields for free until the legitimate owner was able to take his crops home.[156]

Secondly, the seasonal movement of herds used to result in an epidemic of violence that either formal or traditional authority often could not manage. For instance, in 2007 the village of Keba in the commune of Ouro Ardo, Ténenkou, after the rainy season ended, pastoralists sought to return to the inner Delta with their herds. Yet agriculturalists were still harvesting the fields and objected to the movement of the animals. Representatives of traditional authorities and the mayor met the pastoralists to seek a compromise. The communal council then referred the case to the formal authorities, who sent security forces that arrested and brutalised the pastoralists.[157] The intimidating presence of armed groups has made the seasonal movement of herds less problematic than in

150 Interviews 32, 37, May 2018, Mali.
151 Interviews 44, 47, May 2018, Mali.
152 Interview 39, focus group 7, May 2018, Mali.
153 Interviews 3, 45, focus group 7, April-May 2018, Mali.
154 Interviews 3, 4, 6, May 2018, Mali.
155 Interview 1, May 2018, Mali.
156 Interview 17, May 2018, Mali.
157 Interviews 19, 45, May 2018, Mali.

previous years.[158] Organised and supervised by radical elements, the crossing of the river was not celebrated with festivities as per tradition, but it was rather orderly and calm.[159]

State agents often abused Fulani pastoralists in Mopti and in neighbouring *cercles* in the Tombouctou region.[160] In many instances, officials of the Ministry of Livestock and Fisheries stopped pastoralists to check whether their animals were vaccinated.[161] If not, they would fine pastoralists between CFA 200,000 and CFA 300,000 without explaining where the money would go and without providing vaccination for the animals.[162] Some mayors have contacted the governor of Mopti to inform him of these unfair procedures and informed him that they will prevent such agents from being operative in their communes – yet with no concrete result.[163] In the past three years, the presence of radical armed groups undermined this corrupt system and the interest groups created by formal authorities fell apart as most state actors left the region.[164] This has nothing to do, however, with the quality of conflict resolution provided by radical groups. Instead, the departure of most decentralised authorities from the region was determined by the extent threat and fear they experienced.

Even if their settlements do not provide a just process, radical groups stand by the population and listen to their grievances, something that villagers of Mopti have long asked formal authorities to do.[165] Armed groups play the nostalgic chord of a better management of natural resources, a more egalitarian allocation and a more localised one that builds on strong traditions of the Macina Empire.

Box 5 The imposition of taxes

Every producer, regardless of his production system, is compelled to pay *zakat*, a type of almsgiving, a duty under Islamic principles rather than voluntary.[166] Taking the form of a tax, the *zakat* should be paid from the total wealth exceeding the minimum wealth (*nisab*) of the producer.[167] Thus, *zakat* is imposed to

158 Interviews 28, 34, focus group 8, April-May 2018, Mali.
159 Interviews 12, 30, 34, April 2018, Mali.
160 Focus group 6, April 2018, Mali.
161 Interviews 19, 45, May 2018, Mali.
162 Interview 19, May 2018, Mali.
163 Interview 45, May 2018, Mali.
164 Focus group 6, April 2018, Mali.
165 Interview 4, May 2018, Mali.
166 Interviews 39, 47, focus groups 2, 12, April-May 2018, Mali.
167 Bukowski, A. 2014. 'Social Role of Alms (zakāt) in Islamic Economies', *Annales. Ethics in Economic Life,* 17(4), 123–131.

agriculturalist, pastoralists and fishermen alike and consists of the goods the individual owns – harvest, herds or fish. Most of the time, the collection of *zakat* is done without the consent of the legitimate owner.[168]

Although taxes are a form of governance, *zakat* is portrayed as a way to level the socioeconomic differences between groups in Mopti by redistributing goods. It is also a way to support the subsistence of radical armed groups in the region who often steal goods they need for themselves, including animals. Many feel the forceful implementation of *zakat* duties as particularly burdensome, however. Often the *zakat* taken from pastoralists consists of animals who do not belong to the herder in question but he is herding on behalf of someone else.[169] Additionally, recent harvests have been scarce, and most households struggled to meet the end between two yields – giving *zakat* is thus perceived as unfair.[170] Although sometimes armed groups share the *zakat* with the poor, often they bring it to their cantonment and share it among themselves.[171]

Justice provision and conflict mediation

Although formal justice played a marginal role in dispute resolution before the arrival of radical armed groups, its use is now prohibited by the newly arrived.[172] Radical groups would use violence against those who challenged their authority and ensure that no formal judgement was implemented on their turf.[173] Some interviewees mentioned the presence of informants around the tribunal in Mopti who keep tabs on all those who visit the court.[174] Disputants who questioned the decision of radical groups before formal justice were intercepted on their way back to their villages and had their documents torn up. In extreme cases, they were brutally killed on their return home.[175]

168 Interview 24, focus group 2, April-May 2018, Mali.
169 Interview 30, April 2018, Mali.
170 Interviews 24, 39, May 2018, Mali.
171 Interview 39, focus group 8, April-May 2018, Mali.
172 Interviews 44, 47, May 2018, Mali.
173 Interviews 9, 45, May 2018, Mali.
174 Interviews 9, 36, May 2018, Mali.
175 Interviews 19, 30, May 2018, Mali.

Box 6 Information control

Radical groups cantonment sites where the groups impart justice, the *marquage*, are primarily in the bush and forests of Mopti. The *marquage* also functions as a base for the group and as a place to keep hostages.[176] Their general locations are well known to villagers in the surrounding areas, who are not allowed to approach so that they cannot disclose the precise location to the army.[177] Those who are caught in nearby forests seeking firewood fire are often kidnapped.[178]

Members of these groups also visit villages and towns to gather information and monitor the local populations and their whereabouts. 'They know everyone by name, they are infiltrated everywhere',[179] one local explained. 'It is commonplace that they recruit youth, give them motorcycles and phones and ask them to spy on the communities and relay the information in return'.[180] Informants also keep the groups updated about the movements of the army and foreign troops and their presence in the communities.[181]

The network of informants collaborates across regions, according to some interviewees. For example, a mayor from Tombouctou participated in a Mopti workshop, where he declared that radical groups were present in his village but that women were free to conduct their activities in public and that schools are open, which was not the case. On his return to the village, he was questioned by the group, who demanded that he never repeat similar false claims in public. To protect himself, the mayor escaped to Bamako, where he was contacted by the same group and informed that he was no longer welcome to return home.[182] Village chiefs who travelled to Mopti or Bamako for personal issues were sometimes told to stop visiting urban areas or they would be banned from their communities.[183] These impositions are primarily dictated by the fear in radical groups that chiefs might seek the support of formal authorities and the army, collaborate with state agents and give away sensitive information about the radical elements in their community.

176 Interviews 30, focus group 6, April-May 2018, Mali.
177 Interviews 11, 39, focus group 4, April-May 2018, Mali.
178 Focus group 4, April 2018, Mali.
179 Interviews 26, 34, focus group 12, April 2018,
180 Interview 20, May 2018, Mali.
181 Interview 7, focus group 12, May 2018, Mali.
182 Focus group 8, April 2018, Mali.
183 Interview 20, May 2018, Mali.

In regards to conflict resolution, radical armed groups have either coerced traditional authorities to implement their impositions or substituted themselves for these authorities and begun providing conflict mediation for the local population and forcefully executing their decisions. In the beginning, they would visit the *vestibule* (office) of the chief and inform him of the scope of their presence and ask for his support. They would also let him know about what is tolerated in the community and what is banned. One chief related, 'they came to see me and told me the village was too noisy, there were too many celebrations, and we played the flute way too often. They also told me they did not like how I manage the conflicts and that I am not fair'.[184] In general, the substitution is a last resort manoeuvre that comes about only if the attempts to seek the collaboration of the village chief fail:

> "At first, when these groups arrived they informed the locals that they wanted to impose sharia. My father, the village chief at the time, resisted their demands. One day they came to talk to him, but instead killed my father and took over the village. In a very short time, they have become the masters of the village and now the rest of the traditional authorities are at their mercy. They order them [the authorities] to inform the population of their decisions on the regulation, the management and the coordination of the village activities. For example, they forbid the payment of the taxes to the state and the payment of fees to access the bourgoutières because it belongs to the good God. They imposed the *zakat* on crops and animals. They induced several people to leave the village. It is a total absence of freedom, a prison."[185]

Episodes like this mirror a phenomenon that some have called the 'jihadist governance dilemma'.[186] On the one hand, radical armed groups tend to be driven by their beliefs and objectives of imposing conservative Islamic law on the territories under their control. On the other, the brutal coercion they use to implement their rule undermines their legitimacy, effectiveness and sustainability of their governance – as the next section explains in more detail.

Legitimacy of armed groups

As discussed, the arrival of radical armed groups to the Mopti region was characterised by the imposition of new norms aimed at reducing the social injustice between different socio-professional groups.[187] To communicate with local populations, members of

184 Interview 19, May 2018, Mali.

185 Interview 47, May 2018, Mali.

186 Gartenstein-Ross, D., and Magen A. 2014. 'The jihadist governance dilemma', *Washington Post*, 18 July.

187 Yattara M. 2018. 'Mali : Mopti : Une Région islamique dans un État laïc?'.

these groups would visit the mosques after prayer time to preach and impart orders to populations.[188] Alternatively, they would contact the imam of the village and compel him to convey their messages to the villagers.[189] Imams are privileged for this task because they are religiously trained and the legitimate implementers of sharia principles.[190] Imams are instrumental spokespersons for the group because radical elements seek to legitimise their claims and to ensure buy-in from the Muslim population: 'all imams are forced to collaborate, even if deep down they do not share the ideology of Kouffa. It is better to keep quiet and not risk your life'.[191]

Yet this strategy did not prove especially successful. Although people acknowledge that individuals like Hamadou Kouffa are knowledgeable about Islam, they do not feel the same way about his followers. 'They do not even know the Koran', one interviewee explained, 'they only make confusion in the heads of people: they contradict what our imams say'.[192] Interviewees familiar with the justice implemented by radical groups say that they are selective in the laws and texts they apply in the resolution of conflicts, and that they do so without interpreting them.[193] The stronger rhetoric of armed groups is that of state abandonment and social injustice, not that of religious revitalisation.[194] A state representative who travels between Bamako and his village in the *cercle* of Ténenkou explained that 'in Mopti people have been pitted against the state for way too long. Injustice perpetrated by the administration and the abuses of power frustrated many. Radical movements benefitted from this tension to install their rule'.[195]

Experts of sharia problematise the ways in which radical armed groups attributed themselves the power to implement Islamic principles. Unlike the *cadis*, a religious traditional figure in northern Mali, no representative of any radical armed group was ever invested with the power to implement sharia by the High Islamic Council of Mali.[196] Moreover, imams and marabouts across the central regions disagree with the interpretations offered by the armed groups and interviewees dissociated themselves from the group positions.[197]

188 Interview 19, May 2018, Mali.

189 Interview 44, May 2018, Mali. Customary chiefs are generally not used as intermediaries between radical groups and populations, mainly because they cannot teach the word of God and do not have a religious education. Interview 1, May 2018, Mali.

190 Interview 12, April 2018, Mali.

191 Focus group, 8, May 2018, Mali.

192 *Ibid.*

193 Interviews 4, 12, 14, April 2018, Mali.

194 Sangaré, *op. cit.*

195 Interview 45, May 2018, Mali.

196 Goff, et al., *op. cit.*; interview 35, April 2018, Mali.

197 Interviews 35, 43, focus group 6, April-May 2018,

The arrival of armed groups also aggravated the economic problems of local populations. Many people do not dare work in the fields and some have been prevented from accessing their own land plots.[198] Because most of the fields are located outside the villages, in desert areas controlled by radical groups and historically plagued by banditry, people fear being attacked.[199] According to a state agency charged with planning agricultural activities in Mopti, this year, 175,515 hectares of land have not been cultivated. Worth about CFA 14,000 per hectare, the production loss is enormous for a region that is already heavily impoverished.[200]

Even when they would dare to go work in the fields, the Army Chief of Staff's prohibition to drive motorcycles and pick-ups leaves many stranded.[201] 'Motorcycles and pick-ups are used by terrorists in the regions of Ségou, Mopti, and Tombouctou. This has to be dealt with', recited the FAMa in a public communication.[202] This measure has not only substantially decreased the mobility of people, but also made many think that the state has no understanding of their needs.[203] The markets can no longer be supplied, and people have more difficulties accessing basic services such as healthcare.[204] Because of this scarcity, the price of food increased and became unaffordable for many who now accuse the groups of having brought famine to the region.[205]

Box 7 Economic impact of radical armed groups

The economic sector has been heavily affected by the presence of radical armed groups. The city of Mopti used to be at a 'crossroads of cultures, and exchanges of goods; the most vibrant supply centre for the whole region. Now its economy is going into a freefall'.[206] Already in 2012, as the security crisis unfolded in the north, tourism decreased until the industry shut down completely. Nowadays

198 Interview 48, focus groups 2, 11, May 2018, Mali.

199 Focus groups 2, 11, May 2018, Mali.

200 Focus group 11, May 2018, Mali.

201 Communique du Chef d'État-major General des Armées. 1 February 2018.

202 Twitter. @FAMa_Mali. 2 February 2018.

203 Focus group 2, April 2018, Mali. Although the interdiction to use motorcycles was strictly enforced, formal authorities who monitor the number of attacks sustain that nothing has changed, on the contrary, more attacks have taken place after the adoption of the decree. They also realise that such restrictive measures that do not take into account the needs of local populations decrease further the trust in the state's capability to provide optimal solutions for the people of Mopti. There are reasonable fears among the population interviewed that these measures will push many to swell the ranks of radical armed groups. Interviews 40, 48, May 2018, Mali.

204 *Ibid.*

205 Interviews 39, 43, May 2018, Mali.

206 Interview 40, May 2018, Mali.

the only demand for the hospitality and restoration sectors comes from the few researchers, journalists and photographers that dare adventure beyond the city of Mopti.[207]

The reduction of mobility of women prevented them from conducting their business in public places. In urban settings women can still be seen working in public, such as selling their goods at the market, but in rural areas this is hardly possible. There, women had to close their dyeing and soap factories and their activities are confined to the household. Moreover, certain industries that produce goods deemed inappropriate by radical groups were shut down, including those that produce make-up and wigs for women.[208]

In addition, the prohibition of motorcycles, a direct consequence of their use by terrorist groups, limited the circulation of people and goods. Importers of motorbikes, mechanics and gasoline sellers were the first to feel the consequences of these decisions.[209] But all civilians have been affected: agriculturalists cannot reach their fields to cultivate them; fishermen cannot reach the river or pastoralists their cattle; and rural inhabitants cannot go to the city to supply their households. In the cities, goods are more expensive and harder to find because local producers cannot supply markets.[210] In the villages, the restricted mobility compounded the wide-ranging lack of basic services and populations are sometimes left without access to healthcare.[211] This is further aggravated by the fact that in many of the villages serviced by *pirogues*, not even water transportation is fully functional.[212]

Initially, in certain areas, the arrival of radical groups was welcomed because people thought that they would 'end the abuses of the state agents against locals' and 'free people from the yoke of the state'.[213] Some others believed their arrival was a divine punishment for all the miscarriages of justice and abuses perpetrated by the state.[214] Whereas some populations denounced them, some others fully embraced their presence as radical groups redistributed rights of access to natural resources, solved

207 Interview 26, April 2018, Mali.

208 Interview 17, May 2018, Mali. Paradoxically, in a first phase the redistribution of access to natural resources made up for the use of violence and the exclusion of women from the economic activities. Interview 1, May 2018, Mali.

209 Interviews 15, 37, May 2018, Mali.

210 Focus group 2, May 2018, Mali.

211 Interview 8, May 2018, Mali.

212 Focus group 1, May 2018, Mali.

213 Focus group 4, 8, May-April 2018, Mali.

214 Focus group 12, May 2018, Mali.

local conflicts and, initially, did not hamper the regular life of the citizens.[215] In particular, their conflict mediation was well received by many people and did sometimes amount to more egalitarian resource allocation.[216] Radical groups reversed previous customary decisions that they deemed unfair, and all in all they portrayed their justice as more equitable and less marginalising towards the various socio-professional groups and their production systems.[217]

Additionally, the availability of radical groups to satisfy primary justice needs propelled inhabitants to solicit their services to settle personal scores and advance revenge-fuelled claims.[218] Currently, people are making use of their presence to challenge decisions made by customary chiefs. Whenever a local is unsatisfied with a decision made by a customary chief, he can call the local representative of the radical groups and inform him about it. In return, the customary chief would either receive a phone call and be asked to change the judgement, or would be kidnapped and killed in the bush.[219] With the ingenuity of local populations, radical groups installed themselves in the region. But in due course, they showed 'the true colour of their barbarousness'.[220]

An interviewee from a locality that has been occupied since 2012 explained that in his opinion 'jihadists only seek power, they want to intimidate people so that they can control them'.[221] And to better control people, radical armed groups have engaged in a campaign against formal authorities and traditional authorities suspected of collaborating with the state or its international partners.[222] Eradicating any form of local power and occupying the subsequent void seems to be the course of action these groups follow. Likewise, they do not shy away from using violence against civilians, even if to a lesser extent. Since their entrenchment in Mopti, they have killed shopkeepers and looted shops, destroyed cultivations, stolen animals, kidnapped, and killed people suspected of being government informants.[223] On other occasions, they acted as *coupeurs de route,* stealing money, goods and motorcycles from travellers.[224] This has led people to great confusion: 'sometime they behave like jihadists, sometimes like bandits, what do they really want from us?'[225]

215 Interviews 4, 13, April 2018, Mali.
216 Interview 4, April 2018, Mali.
217 Interviews 11, 30, May 2018, Mali.
218 Hagberg, et al., *op. cit.,* 34; Sandor, *op. cit.*, 11.
219 Interviews 17, 20, May 2018, Mali.
220 Focus group 4, May 2018, Mali.
221 Interview 7, May 2018, Mali.
222 Diallo, *op. cit.,* 302–303.
223 Interviews 42, 46, focus group 11, May 2018, Mali.
224 Interviews 7, 22, May 2018, Mali.
225 Interviews 46, 34, focus groups 11, 12, May 2018, Mali.

Even when they provide conflict resolution, the ruthless use of violence alienates local populations. They take hostages and ask for exorbitant ransoms from the relatives of the captive[226]; they ambush those suspected of collaborating with the government, but often innocent civilians without connections to state officials fall prey to these ambushes as well.[227] Local populations are obliged to comply with the impositions of these groups at the expense of their security. Initial threats can culminate in kidnapping and arbitrary killings in cases of continued disobedience.

> "With the arrival of jihadist groups in the commune, all the mayors have left and the populations were handed over to extremist groups. Mayors no longer have authority and the traditional leaders have become kings without a crown. They cannot make any decisions any longer and only sharia has power. Now radical groups dictate their wishes on the population; anyone who violates their regulations is arrested and sanctioned according to sharia or kidnapped. The extremist groups kill or strike in retaliation to non-compliance, they prohibit the population from bringing their disputes before traditional or the formal authorities. People are forced to solve their problems before extremist groups. They have banned the fundamental freedoms granted to all human beings."[228]

As in other cases where radical armed groups attempted to impose their rule through violence, their own fanaticism wore away the foundations of their control over others.[229] Groups that are endemic to Mopti – such as the MLF – sought to provide a new social order based on the implementation of conservative Islamic principles that in their view would end social injustices. However, more often than not, when radical movements attempt to implement their ideology, it eludes them because 'the basic nature of the movement's ideology usually leads to abuses that make a population reject jihadist groups'.[230] Despite the rejection of radical armed groups by the vast majority of local populations, many have had to adapt and learn to live under their gun, including customary chiefs.

226 Interview, 15, focus group 8, April-May 2018, Mali.

227 Jane's Intelligence Weekly, 2018. 'Increased counter-terrorism operations in the Sahel leading to pooling of jihadist resources, with capital cities likely targets'. 14 February.

228 Interview 44, May 2018, Mali.

229 Zelin, Aaron Y., 2013. 'Al-Qaeda in Syria: A Closer Look at ISIS (Part II)', *Policywatch* 2138 (September); Gartenstein-Ross and Magen, *op. cit.*

230 Zelin, *op. cit.*

Conclusion

Conflict resolution provided by radical armed groups is perceived as effective in the short run, especially when weighed against the inadequate performance of existing institutions. On the one hand, formal justice was perceived as expensive, lengthy, corrupt, unaware of local dynamics and abusive.[231] On the other, customary justice lacked enforcement powers and state support to implement decisions that could prevent the escalation of conflict. As in many other fragile environments, the history of weak provision of justice undermined the motivation of populations to obstruct the imposition of a new system by radical armed groups.[232] Locals had no incentives to preserve any of the systems in place because they either were dysfunctional or did not meet their expectations in fulfilling their justice needs.

Another favourable element to radical groups is that of a lack of alternatives to their justice. Already in 2012 state authorities (civil servants, prefects, mayors, judges) had begun drawing away from the Mopti region, a surge occurring 2015 when radical groups entrenched themselves in the region.[233] In the absence of the state, traditional authorities remained the only focal point for most communities, especially in rural areas. However, as radical armed groups took hold of the justice sector, 'they put an end to traditional authority', who now 'do not have either legitimacy or authority'.[234] In the absence of security and with no state presence in sight, most civilians are compelled to accept the rule of, and collaborate with, radical armed groups to avoid retaliation.[235]

So far, this dynamic has not (yet) resulted in complete, local acceptance of their rebel governance because many central Malians reject the imposition of new, religious rules as well as the violent way these groups govern. Given the absence of formal state authorities in the region, combined with the partial rejection of the legitimacy of armed groups, the question is raised whether the potential of traditional authorities could be leveraged to halt the ongoing destabilisation in the Mopti region. The next chapter explores whether it would be possible to bolster these authorities' conflict mediation and resolution potential – in many instances dating back to the Dina age – to address the lack of governance as a structural driver of resource conflicts and some of the governance issues associated with the presence of radical armed groups in the region.

231 Goff, et al., *op. cit.*

232 Arjona, A. 2014. 'Civilian Resistance to Rebel Governance', HiCN Working Paper No. 170. Brighton: Institute of Development Studies.

233 Most municipalities have not collected taxes or performed their regular functions since. The treasuries of most municipalities are empty and the budget allocated by the state is not sufficient to cover all the expenses, including the salaries of those staff members and officials who did not quit their positions. Interview 38, 45, 46, 48, focus group 11, April–May 2018, Mali.

234 Focus group 2, interview 11, May 2018, Mali.

235 Focus groups 2, 11, May 2018, Mali.

4 Customary justice under the gun

Despite the challenges to their legitimacy and given the lack of other relatable power structures, customary chiefs remain points of reference and authority in most rural communities throughout the region of Mopti and often in urban settings as well. Customary chiefs used to play the role of intermediaries between formal local governance and the population. They conveyed official decisions and information to the population, and vice versa, they represented the interests and needs of their constituencies before the communal councils.[236] Given their dual hat role, radical armed groups have targeted customary leaders both as powerful allies to collaborate with and as dangerous foes to suppress. As soon as they installed themselves in the region, armed groups understood that controlling or winning the favour of customary chiefs is often key to governing populations at the local level, to mobilising support and to preventing dissent.

Customary chiefs based in the major cities of the Mopti region feel relatively safe and believe that the arrival of radical armed groups has not directly affected their work even though the groups increased the general insecurity.[237] However, chiefs based in rural settings, the stronghold of radical groups, are putting their lives on the line.[238] The French military Operation Serval and its successor, the counterterrorist Operation Barkhane, may have driven the radical elements out of the urban centres but radical armed groups still exert a strong influence in the rural areas of Ségou and Mopti. Similarly, the FAMa are present in the majority of cities in the region of Mopti, but they are not embedded *en brousse* (in the bush).[239]

The presence of radical armed groups has further challenged the legitimacy, authority and power bases of customary authorities, especially in rural areas where the absence of law and order is more acute.[240] Where state security forces are absent, justice provision by radical armed groups is more widespread and better rooted. Here, elements of the armed groups have coerced chiefs to collaborate with them, or, when this was not

236 Interview 20, May 2018, Mali.

237 Interviews 7, 11, 24, focus group 2, May 2018. Mali.

238 Interview 48, May 2018, Mali.

239 *Ibid.*

240 Focus group 2, May 2018, Mali; Diallo, *op. cit.,* 303.

achievable, they have substituted themselves in place of the traditional authorities.[241] The coercion armed groups use to impose their system of justice, together with the use of violence to enforce their decisions, amount to a defiance that customary systems cannot address on their own, as this episode illustrates:

Before their arrival radical armed groups, the traditional authorities had the support of the entire village and were respected by the entire population. They ensured the regulation, coordination and management of the village. The chief was the village mediator, the weaver of the social fabric and the consolidator of peace and social cohesion. When the armed movements came, they took all the powers from the traditional authorities by force. Now they have the executive power, they make decisions that they then impose on us, such as the ban on smoking, the closing of schools, the ban on women going to bath in the river and the way they dress, and prohibition of playing music. They take *zakat* out of the crops and the animals, and they solve disputes between people – they decide what to do if there are conflicts between the populations. They hold the judicial power. The village chief and the imam have no power, they are treated as if they were ordinary citizens, not authorities.[242]

As mentioned earlier, frightened by the violence of armed groups, some chiefs took refuge in regional urban areas, which are safer, or even in the capital city of Bamako.[243] Those who retained their positions and did not leave the community were faced with a difficult choice: to collaborate, willingly or unwillingly, with the radical armed groups or to resist at their own risk and that of their families.

To give up, to give in or to give it all?

Being subject to increasing violence, customary leaders were faced with three options: to seek refuge in the safer cities of Mopti (following the example of formal authorities), to collaborate with the radical armed groups, or to fight from within their communities. A number of village chiefs and imams who were threatened multiple times fled to the cities of Mopti and Bamako, where they currently wait for violence to deescalate in their villages.[244] Others have decided to alternate time between these cities and their villages, hoping to diminish the risk of attacks against them.[245] In the meantime, they remain connected to their councillors – if those retained their positions – or with members of

241 Interviews 7, 37, May 2018, Mali.

242 Interview 44, May 2018, Mali.

243 Interviews 9, 48, focus group 2, May 2018, Mali.

244 Interview 39, May 2018, Mali. In addition, the researchers have met and conducted interviews with various village chiefs who fled their communities of origin in both Bamako and Mopti.

245 Interviews 7, 20, May 2018, Mali.

civil society who inform them about the latest developments.[246] When asked whether they fear losing the trust of their constituency for not being present, most said they believed that the populations understood and even told them to leave before radical groups captured them.[247]

Another small group of customary authorities, seeking to protect themselves, decided to comply, more or less *de façade*, with the demands and impositions of the armed groups.[248] If they issue decisions compliant with the demands of radical elements and do not interfere or obstruct their activities, customary actors are allowed to remain in their villages with their families.[249] Evidence of such cases is sporadic, but existent. For instance, one mayor who was aware of the collaboration between a village chief and the armed groups has used his support to negotiate in various instances the release of hostages.[250] Most of the chiefs who decided to give in were influenced by fear and lack of protection from the threats of armed groups that often amounted to threats against their families.[251] To intimidate customary chiefs, radical groups kidnap members of their household, mostly brothers and sons, under the accusation of collaboration with the state.[252] Ashamed of admitting their vulnerability, the chiefs try to hide their links to radical groups because they fear repercussions from other chiefs and the social stigma.[253]

However, the vast majority of chiefs, imams and other customary leaders remained on-site and continue providing conflict mediation to their populations as well as taking initiatives to fight the influence of radical groups on their communities. Although their means are limited, customary authorities are leveraging the vestiges of their legitimacy to persuade the populations not to abide by the new impositions and to participate in reconciliation processes to end communal violence. Every customary authority who was asked why he decided to stay in his community hesitated before answering the question, as if it were an absurd suggestion that he might leave. A customary chief from a northern village of Mopti explained: 'I have no other choice: I was born there, I grew up there, all my life is there. That is my home; my village is my family. If they armed groups

246 Focus group 8, April 2018, Mali.
247 Interviews 38, 44, 46, May 2018, Mali.
248 Interviews 7, 14, focus group 2, April-May 2018, Mali.
249 Interviews 14, 19, 23, focus group 2, 8, May 2018, Mali.
250 Interview 32, May 2018, Mali.
251 *Ibid.*
252 Interviews 20, 39, May 2018, Mali.
253 Interview 7, May 2018, Mali.

come to look for me, I will talk to them. My people are in danger, they need me and I need them'.[254] This position resonated with other village chiefs.[255]

Customary chiefs and local populations alike feel safer when the FAMa are present in the surroundings and acknowledge that, since their arrival, the security has improved and they were able to resume some of their regular activities.[256] In particular, the operation DAMBE was well received by locals of Ténenkou and Youwaru. Initiated by presidential decree this military operation accompanies the Integrated Security Plan for the Central Regions (Plan de sécurisation intégré des régions du centre, or PSIRC), two operations that supplement each other and operate side by side to fight radical armed groups in central Mali.[257] DAMBE has the goal of 'stopping terrorist activities, to allow redeployment of FAMa, reinstall the administration, and facilitate the return of displaced persons and normalise the socio-economic life'.[258] The FAMa cover almost exclusively urban areas which have become an oasis of security in a desert of violence.[259]

In light of the feeble presence of the state, the lack of protection, and the heightened communal conflicts, traditional authorities are focusing their efforts in three main areas: monitoring and denouncing the wrongdoings and violence of radical armed groups; reconciling the communities who have experienced conflict; and countering armament and radicalisation.

Monitoring and denouncing wrongdoings

Formal authorities value and rely on the information they receive from customary chiefs. They routinely use it for activating and coordinating emergency responses, such as humanitarian aid.[260] Also, recognising the value of collaborating with village chiefs, the governorate of Mopti has conducted a census in the eight *cercles* of the region and identified all customary figures at all administrative levels.[261] This strategy is aided by the fact that the motto of local chiefs seems to be that local conflicts need local solutions. This is why many among them, despite the threats to their lives, decided to denounce

254 Interview 7, May 2018, Mali.

255 Focus group 6, May 2018, Mali.

256 Interview 7, May 2018, Mali.

257 Gouvernement du Mali. 2018. 'Déclaration de Politique Générale de Monsieur Soumeylou Boubeye Maiga, Premier Ministre, Chef du Gouvernement', Press Release, 20 April.

258 Decret N°2017-0001/P-RM instituant l'opération DAMBE, 5 January 2017.

259 Interview 7, May 2018, Mali.

260 Interview 21, May 2018, Mali.

261 Consultation of official lists by the author, May 2018.

the wrongdoings of radical armed groups and sought the support of the army and formal authorities to fight the presence of radical elements in their community.

However, in most cases, the costs of this decision amounted to their lives or those of their family members. Retaliatory killings occur more and more frequently as customary chiefs meddle in the governance of radical groups and report them to security forces.[262] By way of example, a village chief from a northern *cercle* of Mopti denounced a marabout who was collaborating with the radical armed groups and helping them recruit youth in his community. The marabout was arrested and taken to Bamako for investigations. In return, members of the radical cell present in the village captured the village chief and killed him.[263]

When security forces are present, the chiefs often contact them to denounce the conduct of radical groups, to notify the state forces about ongoing attacks against their villages, and to request protection.[264] Many village chiefs have travelled to the city of Mopti to visit the governorate and alert regional authorities of the insecurity in their communities, including threats to their lives.[265] In spite of being offered protection in the city by formal authorities, most of the chiefs went back to their communities and often fell prey to the materialisation of the threats against them.[266]

Next to updating formal authorities when lethal attacks occur, such as the one on 20 May in Boulikessi, customary chiefs compile lists of deaths and wounded and share these with formal authorities.[267] Given the increasing number of attacks, especially in remote areas, monitoring and reporting becomes particularly challenging. Hence, the importance of the records kept by chiefs for evidentiary purposes, for instance for a future Truth, Justice and Reconciliation Commission or for future trials tasked with investigating and prosecuting all gross human rights violations committed the centre of a country.

Finally, customary authorities encourage their populations to resist to the demands of radical armed groups. Building resilience against the ideology of radical armed groups does not appear too difficult – most people are not attracted to the values of these groups, and in certain cases they openly counter them. For example, in 2017, during the celebration of Tabaski, a religious holiday in honour of Ibrahim's sacrifice of his son as

262 Interview 11, May 2018, Mali.

263 Focus group 8, May 2018, Mali.

264 Interview 3, 48, May 2018, Mali.

265 Interviews 20, 42, focus group 1, May 2018, Mali.

266 Focus group 1, May 2018, Mali.

267 *RFI Afrique*. 2018. 'Mali: au moins douze morts à Boulikessi, près du Burkina Faso', 21 May; communication between the author and local observer, May 2018, Mali; interview 26, April 2018, Mali.

an act of obedience to God, members of radical armed groups descended on a village in the southwest of Mali. They immediately targeted the youth who were playing football and demanded that they to stop. The situation deteriorated when the youth, instead of stopping, demanded that the group leave and started chasing them. Unhappy with this reaction, the radicals retreated – but not before destroying the villages' water pumps and taking away more than a hundred oxen used to pull villagers' carts. Days later, the traditional authorities were summoned by the local representative of the radical group, who told them that the perpetrators acted without his permission. The meeting concluded with the signature of a nonaggression pact between the traditional authorities and the armed groups.[268]

Reconciliation efforts

Above all, customary chiefs and imams fear that the arrival of radical groups calls into question traditional and cultural values in an unprecedented manner. An interviewee even went so far as to define this process as a 'disfiguration of the entire society'; others spoke about the tearing apart of the social fabric and an identity crisis.[269] Historically, the populations of Mopti have often been subject to the imposition of new forms of governance that attempted to change the social structures of local communities.

As the first chapter shows, when the Dina state collapsed, new powers took the reins, forcing outsider administrators on the communities and undermining customary systems. Some village chiefs perceive the challenge of radical armed groups as yet another actor trying to impose new rules on a territory already governed by traditional systems. This 'aggression of traditional values' threatens the social order as regulated by customary norms and leads to a identity crisis and an atmosphere of mistrust between the communities.[270] All chiefs interviewed agreed that the use of violence to implement sharia throughout the region was foreign and remote to local communities. Although in principle they agreed that religious elements can play into the settlement of disputes, they could not relate to the proselytism and forceful imposition of a conservative sharia system: 'how could the state let these groups implement sharia? Mali is a unitary, secular state; imposing your religion is unacceptable'.[271]

Formal authorities shared the view that if the radical armed groups and the protracted communal violence substantially damage the social fabric, it will be impossible to hold

268 Interviews 42, 46, May 2018, Mali; *Koulouba*. 2018, 'Plan de sécurisation intégré des régions du centre: une réalité à Kouakourou', 19 January.

269 Interviews 12, 9, 43, 40, focus group 1, April-May 2018, Mali.

270 Interview 35, focus group 4, May 2018, Mali.

271 Interview 20, May 2018, Mali.

back the conflict in the long run.[272] In their analysis, the conflict in the centre of the country escalated in 2017 when well-established radical groups were able to leverage ethnic divisions and grievances by solving conflicts in biased manners.[273] Both formal and traditional authorities agreed that it is imperative to reconcile the populations immediately, before radical armed groups gain more influence and infiltrate communal conflicts even more deeply. This is a critical juncture for change, because people have stopped embracing the short-term solutions that radical groups provide, especially 'after seeing their real face and the truth of their justice'.[274]

To seize the momentum, customary chiefs have mobilised their networks to reconcile fighting populations because 'dialogue conducive to forgiveness is key to the pacification between communities'.[275] Communal violence is located – again – in rural areas and less so in urban areas. Often it takes place between villages, which requires a concerted effort of various chiefs to mediate these disputes and appease the populations. Since 2015, chieftaincies have met at the *cercle* level to discuss how to best mitigate conflicts and evaluate their options. Despite belonging to different ethnic groups, chiefs agree that their communities 'come from the same mother and the same father' and that killing each other is fratricide.[276]

Chiefs from regional towns gather regularly, all village chiefs from their respective *cercles*, to seek solutions to the ongoing conflict.[277] As a result of these meetings, village chiefs organised awareness sessions in their communities and meetings between representatives of the various socio-professional groups to mediate their disputes on a communal basis. Often, these meetings benefitted from the presence of Dozo and other self-defence militias members.[278] Such initiatives provided an opportunity for all parties to express their grievances and to confront each other. Among other concerns, people gave considerable weight to poverty, unemployment, arbitrary killings and abuses by state authorities, banditry and the poor management of natural resources.[279]

272 Interviews 21, 27, April-May 2018, Mali.

273 Interview 9, April 2018, Mali.

274 Focus group 4, May 2018, Mali.

275 Interview 43, May 2018, Mali.

276 Interview 7, May 2018, Mali.

277 Often these initiatives have been supported by external actors, including NGOs such as Initiative Malienne d'Appui au Développement Local (IMADEL), Enda Tiers-monde, Delta Survie, the Ministry of Reconciliation of Mali, MINUSMA, GIZ, and the EU.

278 Interview 17, focus group 8, May 2018, Mali. Interestingly, for these meetings and at the request of the local communities, customary chiefs had to gather key stakeholders and representatives of various strategic groups who lived abroad in countries like Belgium, France, Indonesia, Mauritania and the United States.

279 Interview 17, May 2018, Mali.

Although customary chiefs managed to reduce the frictions between populations in the short run, they were not able to provide all necessary support to local populations to face their grievances and to find long-term solutions. Many of those affected by communal conflict have lost family members, properties and livelihoods, for example. Customary chiefs are not able to provide any compensation for such losses or any financial support to the victims. In addition, the solutions they offer typically involve resolving incidental disputes between specific people, but not the structural inequities that give rise to such disputes over and over again.

Moreover, many among the participants recognised the negative role that radical groups who capitalise on communal tensions play and criticised the fact that these actors were not involved in the reconciliation initiatives. Many chiefs are seeking to meet representatives of radical groups and to negotiate the security of their communities.[280] Some traditional authorities organised delegations that met with the groups and began a dialogue.[281] Among others, the chiefs are asking radical groups to put down their arms, and to use words rather than weapons to persuade the populations about their views.[282] When asked whether he feared advancing such requests, one chief explained: 'it is all too much now. When they attack your people, your brothers . . . you must go and negotiate with them. What has to happen will happen anyway', alluding to instances when chiefs were granted meetings with radical groups and instead were ambushed.[283]

Box 8 Traditional mediation in Douentza

Certain *cercles* of Mopti experienced the violence of radical groups in 2012 and 2013, when for nine months a large part of the areas bordering Tombouctou was occupied.[284] When the groups occupied the city of Douentza, they imposed curfews, prohibited playing football, prohibited shops from being open during prayer time, and forbad women from leaving their households. Members of these groups arrested those who did not comply. In response, traditional chiefs set up an emergency committee composed by twelve representatives to negotiate the release of those captured.[285] The committee remained successfully in place until the arrival of Malian troops and international allies, which scattered radical groups away from the city itself.[286]

280 *Ibid.*

281 Focus group 3, May 2018, Mali.

282 Interview 4, focus group 4, April-May 2018, Mali.

283 Focus group 6, April 2018, Mali.

284 Sangaré, *op. cit.,* 2.

285 Personal interviews with civil society in Douentza. August, 2016.

286 Phone interview with Malian academic 3, The Hague, The Netherlands.

To capitalise on the willingness and knowledge of customary chiefs, the Ministry for National Reconciliation set up local commissions throughout the country tasked with decreasing communal tensions. Made up of notables, imams, customary chiefs and social society representatives from all ethnic groups in a particular region, these commissions aim to serve as a platform for dialogue between groups.[287] Although the chiefs welcomed the support, in view of a long history of neglect, they are apprehensive that this might be a pure political effort and not a genuine initiative. Yet, despite initial doubts, many customary figures are involved in these commissions and pursue reconciliation missions in different *cercles*. Delegations comprising as many as twenty-two customary figures have already set up mediation session in the four *cercles* of Pays Dogon (Douentza, Bandiagara, Bankass and Koro).[288]

Countering armament and radicalisation

The proliferation and relatively easy access to arms has undoubtedly contributed to the spiralling of violence.[289] Trafficked or smuggled, weapons enter Mali mainly through the West African route that includes the northern city of Gao, and via the Libyan border.[290] Interviews confirm that, to date, all socio-professional groups in the Mopti region are armed and do not shy away from using lethal force, either against other civilians or in response to attacks by radical armed groups. Village chiefs have called for both the suspension of firearm licences and a prohibition to carry arms.[291] A government statement dated 14 April 2018 did just that, asking security forces to 'systematically disarm all weapon holders, including those with weapons licenses', and regional administrative authorities to 'suspend the issuance of firearms licenses until further notice'.[292]

Nevertheless, this measure by itself does little to reduce the flow of weapons in the region, the majority of which were acquired illegally in the first place. State organs charged with reconciliation have also asked citizens to lay down the arms but populations in rural areas refused, claiming that these weapons represent their only form of protection.[293] The recent proliferation of self-defence militias – paradoxically

287 Interview 27, April 2018, Mali.

288 Budgets and plans of the Reconciliation Commission of Bankass shared with the author in May 2018.

289 National Commission against the Proliferation of Small Arms and Light Weapons (CNLPAL). 2015. 'The IED threat and issues in Mali', presentation.

290 United Nations Office on Drugs and Crime. 2013. 'Firearms trafficking in West Africa'; Diallo, *op. cit.,* 302–303; Adayé, J. 2018. 'Des armes de guerre en pays dogon au Mali'.

291 Interview 20, May 2018, Mali.

292 Gouvernement du Mali. 2018. 'Communique du Gouvernement du 14 Avril 2018'.

293 Focus group 1, May 2018, Mali.

supported by the Malian government – speaks to the helplessness of formal authorities in addressing this issue.[294] In a similar vein, faced with the proliferation of weapons and the escalation of communal conflict in Mopti, the Ministry of Defence and Former Combatants has adopted a disarmament, demobilisation and reintegration (DDR) initiative that targets self-defence groups in the centre of the country. To date, the ministry has identified 1,200 individuals eligible for the DDR process, again with the support of customary authorities, who provided information about recruitment and the positions of militias.[295]

To gain and maintain control over local communities, armed groups are in constant need of recruits. At times, they resort to village chiefs to recruit members of the communities, and some have agreed to collaborate in exchange for favours such as exemption from paying *zakat*.[296] In exchange for their allegiance, these groups offer motorbikes, telephones and monetary compensation to new recruits.[297] No respondents pointed to ideological or religious beliefs as drivers of joining armed groups: 'maybe 10 per cent of those co-opted by radical armed groups are fighting wholeheartedly for the implementation of sharia. The rest are fighting for settlement of personal scores, revenge, frustration and the money'.[298] Interviewers identified poverty, unemployment, lack of future perspectives, marginalisation as the main catalysts of co-option by armed groups.[299] This is in line with the findings of the United Nations Development Programme's 2017 study on radicalisation which confirm that 'the grievances associated with growing up in contexts where multidimensional poverty is high and far deeper than national averages, with the lived reality of unemployment and underemployment, render "economic factors" a major source of frustration identified by those who joined violent extremist groups'.[300]

Besides being involved in state disarmament initiatives, chiefs take their own steps to prevent the recruitment and radicalisation of youth by armed groups. They aim to persuade youth about the unsustainability of joining armed groups by explaining the negative consequences for their community. However, most chiefs know that they are powerless when confronted by radical armed groups. Harsh economic conditions and lack of economic alternatives, make this an easy choice: 'if you offered up to CFA

294 Diallo, *op. cit.*, 300; focus group 1, May 2018, Mali.

295 Interview 5, 6, April-May,2018. Mali.

296 Interview 48, focus group 12, April-May 2018, Mali

297 Interviews 19, 20, 26, 38, April-May 2018, Mali.

298 Interview 6, May 2018, Mali.

299 Interview 48, May 2018, Mali.

300 UN Development Programme. 2017. 'Journey to Extremism in Africa: Drivers , Incentives and the Tipping Point for Recruitment', 5.

300,000 a month, why not join them [radical groups] and stop suffering?'[301] Customary authorities have drawn up budgets for reinsertion plans to demobilise young recruits in exchange for economic alternatives, which they see as the only way out of the vicious circle of poverty and violence.[302] Regardless of their good intentions, however, they lack the resources to implement them, and so do the municipalities.

The way forward

Traditional authorities are well aware that the erosion of traditional values means a loss of legitimacy in their power.[303] Without a functioning state apparatus that can provide public service to all its citizens equally and inclusively, they will be unable to preserve the social fabric of Mopti, and their deprecation will only worsen.[304] But the challenges that local communities in the centre of Mali face transcend the competence and power of customary chieftaincies. Despite the willingness of village chiefs, imams and other customary figures to work towards stability, their means are limited and their legitimacy weak. Acute communal conflicts, widespread occupation by radical armed groups, and the absence of the state are not customary matters.

Postcolonial difficulties and mutations of traditional authorities or chiefdoms have challenged the functioning of customary systems and the power basis. Having had to readapt to an ever-changing political landscape, traditional authority is now at the crossroads of formal and informal governance. On the one hand, traditional authorities have been incorporated in local governance structures through the decentralisation process that allocated them specific roles. On the other hand, this recognition was a *pro forma* move not accompanied by any real devolvement of power. Despite this mismatch, the current collaboration between the few formal authorities left in the Mopti region and the traditional ones is vibrant and can be harnessed to foster a better governance of the region.

Most conflicts erupt because of a failure to reach agreements that would have left both parties satisfied. In Mopti, the socio-professional groups who inhabit the region experience bargaining problems at two levels: in relation to other groups and within the groups itself. To reach a successful negotiated agreement, disputants in Mopti need the support of a third party who can create a safe environment for talks, facilitate constructive dialogue and help them decide the best course of action that satisfies both

301 Interview 20, May 2018, Mali.

302 Interview 20, focus group 3, May 2018, Mali

303 Interview 43, May 2018, Mali.

304 Interviews 8, 19, 21, 24, 39, April-May 2018, Mali.

individual and collective interests.[305] Previous research on customary institutions and communal conflict in Africa has shown that these traditional figures 'can pacify through facilitating credible non-violent bargaining'.[306] Indeed, strong customary authorities can become credible bargaining partners in Mali especially reliable for these very reconciliation processes – but not without the support of the state, and especially not without the support of the a reformed and transparent justice system.

305 Mayer, B., 2010. *The dynamics of conflict resolution: A practitioner's guide.* New York: John Wiley & Sons.

306 Wig and Kromrey, *op. cit.,* 2.

5 Recommendations

Nearly seven years since the northern Tuareg rebellion and the coup d'état, the conflict in Mali has extended to its central regions. As of 2015, Mopti has become a new area of 'limited statehood' in which state authorities lack the ability to implement and enforce rules and decisions and the legitimate monopoly over the use of violence is challenged by the presence of radical armed groups and self-defence militias.[307] Despite its regional dimension and spillover potential, the insecurity afflicting central Mali is essentially local and incited by age-old conflicts over natural resources and by local frustrations related to poor governance. The arrival of armed groups that infiltrated communal conflicts has exacerbated violence and the overall instability of Mopti and Ségou. Their presence has also led to the almost complete retreat of already feeble state institutions.

Overall, the Mopti region faces multilayered challenges on at least three interrelated levels: humanitarian, security and governance. Addressing the humanitarian situation in the region will require short-term efforts that ensure that resource conflicts do not escalate further – thereby increasing the breeding ground for violence that radical armed groups make good use of. It will also require medium-term efforts that improve the security in the region as a precondition for the return of the state and that contribute to local reconciliation. In the longer term, care should be taken to complete the decentralisation process and to engage in extensive legal reform to establish a hybrid form of governance that could effectively and transparently provide security and manage the region's resources to the satisfaction of the local communities. The following recommendations build on the needs expressed in interviews and to provide concrete, conflict-sensitive steps that decision-makers could follow in their efforts to bring stability to the people of Mopti in the short, medium and long term.

1. Provide food aid, access to healthcare and shelter to address immediate sources of instability and to avoid the further escalation of violence

Violence in Mopti has caused population displacement, limited access to social services including healthcare and shelter, and food insecurity. This is likely to result in further violence. With the lean season approaching, food from the previous harvests is certain to run out, which will put numerous households under severe stress.

307 Risse, T. 2012. 'Governance Configurations in Areas of Limited Statehood: Actors, modes, institutions, and resources', *SFB-Governance Working Paper Series* (32), 6–7.

Many already struggle to feed their families, at times taking extreme measures to do so. According to a recent mapping, the *cercle* of Ténenkou is facing a food crisis and those of Douentza, Koro and Youwaru are under severe pressure.[308] Moreover, due to a variety of factors, including below-average and irregular rainfall, degraded pastures, high livestock mortality, poorly flooded agricultural lands and unusually high food prices, the region of Mopti is expected to face even higher levels of food insecurity from September onwards.[309]

This crisis is accentuated by the ongoing conflict and the presence of radical armed groups that limit the access of local populations to the fields and to the inner Delta of the Niger river, their main sources of livelihoods. Access to healthcare has likewise been constrained due to both the presence of armed groups and the ban on the use of motorcycles.[310] Healthcare access was already identified as limited throughout the country, even before the conflict descended towards the centre.[311] As insecurity increases, humanitarians struggle to access remote areas and many people are unable to access medical care.[312]

In addition, the communal violence in the *cercles* of Bandiagara, Koro and Bankass has led to the displacement of populations to different *cercles*, to Bamako, or across border into Burkina Faso. The Mopti *cercles* that have received the most internally displaced people — 2,691 as of May 9, but almost the double according to in-country interviews[313] – are experiencing a shortage of food and an enormous pressure on already scarce resources. Because communal violence amounts more and more often to the arson of entire villages, many cannot return to their original communities and are also in need of shelter.[314]

Given the volatility of the security landscape, the vulnerability of local populations can be expected to rise and their access to healthcare, food and shelter to diminish. Against this background, it is critical that humanitarian actors remain engaged in the Mopti region,

308 Comité Permanent Inter-Etats de Lutte contre la Sécheresse dans le Sahel. 2018. 'Analyse du cadre harmonisé Situation alimentaire et nutritionnelle courante au Sahel et en Afrique de l'Ouest Mars – Mai 2018'.

309 US Agency for International Development. 2018. 'Food Assistance Fact Sheet Mali'.

310 Interviews 8, 19, 20, 32, May 2018, Mali.

311 World Health Organization. 2017. 'Mali Humanitarian Response Plan 2017'; ACAPS. 2015. 'Mali: Timbuktu, Gao and Mopti'.

312 Guilbert, K. 2017. 'Spreading south, jihadist violence threatens future of children in central Mali'.

313 Rowca, O. 2018. 'Sahel crisis: Population Movement', United Nations Office for the Coordination of Humanitarian Affairs, .

314 Focus groups with internally displaced people from Koro, May 2018, Bamako. Kibaru. 2018. 'Mopti : Plusieurs morts dans des affrontements intercommunautaires au centre du pays'.

conduct (when possible) missions to identify new emerging needs, and provide basic services to stranded populations. This will not only help decrease the vulnerability of people, but could also have a positive impact on reducing scarcity-based conflict as well as save lives.

2. Provide security as a precondition for the return of the state and create conditions for structural stabilisation

a. Ensure the protection of civilians in both rural and urban areas

Despite extensive efforts to increase security, attacks in the Mopti region are on the rise. According to a database monitoring attacks in Mali, 24 of the 135 violent events recorded took place in the Mopti region, and 12 in neighbouring Ségou.[315] A UN Security Council report dated December 2017 states that 'the security situation in northern and central Mali remains of grave concern, especially in Mopti and Ségou Regions, where more terrorist and terrorist-related events occurred than in the five northern Malian regions combined'.[316] In addition to violent attacks against state representatives, MINUSMA, FAMa and foreign troops, the Mopti region has witnessed an increase in communal violence. The circulation of weapons and the armament of self-defence militias added to the insecurity and heightened communal conflict.

Acknowledging the gravity of the situation in the centre, in February 2017, the government of Mali adopted the Integrated Security Plan for the Central Regions to restore the authority and legitimacy of the state among the population. The plan envisioned the deployment of 4,000 troops to secure the region against spoiler groups. In the past, the collaboration with the French-led Barkhane was successful in containing the expansion of radical groups, but did not succeed in restoring the legitimacy of the state.[317] The new plan presents an opportunity for the Malian state to take the lead and reinvigorate its approach in the centre of the country. The plan has both a track of good governance reinstatement and one of counterterrorism.[318]

315 For an overview between 2015 and 2017, see 'Incidents sécuritaires au Mali'; Malilink Investigative Reporting Group. 2018. 'Liste des Attaques Terroristes au Mali'.

316 UN Security Council. 2017. 'Report of the Secretary-General on the situation in Mali', 6.

317 Diallo, *op. cit.,* 304.

318 Ministère de la Sécurité et de la Protection Civile. 2017. 'Plan De Securisation Integre Des Regions Du Centre: Mopti et Ségou'.

In terms of hard security, the plan deployed security forces in urban areas in Ténenkou and Youwaru.[319] However, to date, the state apparatus and forces are absent in the rural areas and their presence in urban centre does not impress.[320] Radical groups feel confident in attacking villages located in the bush because they would not likely be countered by a military presence. Whereas a narrow focus on security would be only detrimental and detract attention from the real driving forces of the conflict, the government of Mali should not shy away from deploying its troops to rural areas. More deployment of armed forces is futile and bound to disappoint if it is not accompanied by a viable political strategy and backing that can lead to sustainable stability and peace.[321] Thus, ensuring the physical protection of civilians should be seen as a short-term prerequisite to long-lasting solutions to the ongoing conflict. As one respondent coming from a village under occupation explained, 'without the FAMa we cannot even breathe', confirming the benefits that military protection granted to his community.[322]

Finally, all actors engaged in or supporting counterterrorism operations, such as Barkhane, should incorporate the protection of civilians as a high priority, including through military doctrine, training, targeting decisions, and clear communication with local communities about the missions' goals and decisions. In this endeavour, the FAMa could be accompanied by MINUSMA's Protection of Civilians Officers, instrumental figures in developing an improved and shared understanding of protection needs.[323]

b. Prepare and then deploy

Although more protection is needed and desired, many acknowledge that the FAMa have little resources to counter the scale of the presence of radical groups in Mopti. Given their great mobility, these groups move outside the area of military operations and capture new areas of influence or wait until they can move back in.[324] Despite extensive training and support efforts by the European Union Training Mission (EUTM Mali) the Malian security forces lack the capacity to conduct complex operations, and suffer

319 UN Security Council, *op. cit.*, 7.

320 Brossier, et al., *op. cit.*, 9.

321 Guéhenno, J. M. 2015. *The Fog of Peace: A Memoir of International Peacekeeping in the 21st Century*, 140. Washington, DC: Brookings Institution Press.

322 Interview 20, May 2018, Mali; see also Mali7, *op. cit.*

323 Ursu, *op. cit.*, 9.

324 Interview 23, May 2018, Mali.

from structural weaknesses, from human resources to logistics.[325] Even if the forces are probably in better shape than at the beginning of the conflict, the worsening security scenario has only allowed for relative progress.[326] This is particularly troublesome given that the FAMa are incorporated in greater structures and given the ownership and responsibility to conduct fully fledged counterterrorism operations, such as within the Joint Force of G5 Sahel.[327]

Moreover, the FAMa do not have a positive track record: abuses including arbitrary arrests and ill-treatment have been documented and confirmed by numerous interviewees.[328] Before deploying any military operations, national or international, to counter the radical armed groups in the centre of the country it is necessary to ensure that the troops receive adequate training and acquire a good understanding of the conflict dynamics. The training should be based on a needs assessment that takes into account the level of experience, preparation and knowledge of every soldier who undergoes EUTM training.

Finally, the driving forces of insecurity in central Mali are highly localised and governance-related. Although the security response is required to regain control over the territory and reacquire the monopoly on the use of violence, any long-lasting solution has to address communal conflicts, the management of natural resources and local frustrations towards state agents. To avoid the frustration of local populations, the FAMa should refrain from supporting ethnically aligned militias and other armed groups (such as the Dozo) in the region that are not legally using force. Overall, the engagement of the FAMa in Mopti has to be driven by quality rather than quantity.

c. Inform and involve local populations

Finally, whichever programme the Malian partners and their international allies engage in the centre of Mali informing local communities about the initiatives and their objectives is a precondition to successful implementation. Most interviewees were extremely confused about the mandates and funding of various security forces and development actors, which led to a mismanagement of expectations. This is confirmed by EUNPACK's research findings on the perceptions of the EU crisis response in Mali:

325 EUTM focuses on the FAMa. EUCAP works with the three internal security services: Gendarmerie nationale, Garde nationale and Police nationale. Currently, the EUTM has no tools to evaluate the performance and quality of interventions of the FAMa personnel they trained. Focus group 14, May 2018, Mali; Shurkin, M., Pezard, S., and Zimmerman, R. 2017. 'Ma'li's Next Battle: Improving Counterterrorism Capabilities', Santa Monica, CA: RAND Corporation.

326 Tull, D. M. 2017. 'Mali, the G5 and Security Sector Assistance: Political Obstacles to Effective Cooperation'.

327 DICOD. 2017. 'Action de formation au profit de la Force Conjointe G5 Sahel'.

328 Human Rights Watch, 2017. 'Mali: Unchecked Abuses in Military Operations'.

'the EU and its crisis response is still viewed fairly positively in Mali. . . . However, the very same respondents do not know much about what the EU is actually doing, why it is doing it, and on what kind of ideas the EU programming in Mali is based'.[329]

Using the many radio stations available in the region can enhance a better communication with local communities, or, when information is too sensitive to be shared widely, by organising meetings with key stakeholders in the target community who can relay the information further. Village chiefs could play a key role in this process and enhance the involvement of locals in programmes and projects supported by outsider organisations. Eventually, this will decrease the misinformation and the suspicion of many about why and how projects are being carried out and for whose benefit.

Ultimately, a good level of communication would improve the level of local ownership that virtually all donors talk about. Local ownership does not build itself; it requires support and a transparent dialogue, which is still lacking in Mopti. Some interviewers held that foreigners know more about what is happening in their community than they do.[330] Some also explained that they often learn about projects from hearsay and after they were implemented.[331] This is not conducive to local involvement and risks polarising the local and the implementers.

All international partners and governmental agencies should improve their communication strategies in the centre of the country and become more transparent about their aims in order to avoid speculation and to ensure the buy-in of target groups. Examples from the interviews with locals show a deep misunderstanding of what they can expect from the armed forces present in the region: MINUSMA and G5 alike are associated with development work rather than with peacekeeping and security. This goes to show that, to date, international actors in the country failed to relate to local populations and to engage in a transparent dialogue.

3. Support local reconciliation and create conditions for structural stability

The cessation of hostilities and the inauguration of a genuine reconciliation platform require that local populations trust each other and have confidence in the institutions

329 Cissé et al. 2017. 'Perceptions about the EU crisis response in Mali – a summary of perception studies', *EUNPACK Policy Brief*, 8.

330 Focus group 12, May 2018, Mali.

331 Interviews 2, 20, focus group 20, April-May 2018. Mali

engaged in this process.[332] Every individual peace dialogue is a small step in a large conflict, and most customary chiefs are ready to walk a long way. Even if willing to collaborate and put their lives on the line, customary chiefs cannot provide sustainable solutions by themselves. On the one hand, the manipulation of the rivalries associated with scarce natural resources by unscrupulous powerful actors has made people wary. On the other, radical armed groups are using these communal conflicts to incite ethnic groups to violence, which in turn leads to simmering tensions. If the situation is not properly addressed, the natural resources conflict will likely come to dominate the local and cross-border conflict landscape in the region in the short run.

To address these compounded factors, local chiefs need to demonstrate that their reconciliation and disarmament efforts are worthwhile for both individuals and communities, and will reweave the fraying social fabric of Mopti. That is, they need to prove that the costs of giving up arms and violence are lower than the costs of escalating communal conflict. One way of doing so is by accompanying these initiatives with small-scale stabilisation projects that respond to the immediate needs of populations. An approach used by GIZ in Tombouctou, with the support of traditional leaders, was to provide micro projects to encourage locals to partake in the reconciliation sessions. In the Mopti region, these projects could entail supplying water pumps and oxen for communities looted by radical groups, providing vaccinations for pastoralists' herds and seeds to agriculturalists and nets to fishermen.

Supporting the 'home-grown quest for solutions that have local legitimacy' and are capable of seizing the advantage of proximity, the legitimacy of the actors involved and the specificity of the situation is essential.[333] This might include mobilising support for community leaders and both traditional and religious authorities that can help identify local solutions that have been successful and pass them on.

4. Adopt structural reforms to improve governance in Mopti and in Mali more generally

a. Complete decentralisation and devolve resources to local chieftaincies

Customary chiefs, the guardians of local conventions on managing natural resources, continue to draw their strength from their local roots: they defend local

332 Bratton, M. 2016. 'Violence, displacement and democracy in post-conflict societies: evidence from Mali', *Journal of Contemporary African Studies,* 34(4), 438.

333 International Peace Institute. 2017. 'Investing in Peace and the Prevention of Violence in the Sahel-Sahara: Second Regional Conversation', 5, 7.

culture and social order and are the focal point of authority in their communities. Traditional authority embodies the social norms within its community. Because people who belong to these communities have internalised these social norms, the effort to direct behaviour in these communities is minimal and should facilitate good governance, resilience and reconciliation.

However, the power and legitimacy of the chiefs continue to be subject to the pressures of the government, which encourages local production systems to conform to state policies and accepts formal policies over customary ones. But in Mali, as in many African states, neither customary norms nor the state are going to fade in the near future, thus the need to regulate their competition and transform their relationship for the benefit of local communities.[334]

Although each is far from perfect, the formal and customary authorities can work in a complementary fashion supporting each other's mandate. On the one hand, the state needs to recognise the de facto autonomy and power of customary authorities and specify their mandate in accordance with the Algiers accord, which calls for the 'acknowledgement of the status of traditional authorities within the regulations on protocol and precedence'.[335] This mandate should primarily encompass the management of natural resources following customary norms. At the same time, traditional authorities need to collaborate with formal institutions, seeking their advice and referring cases beyond the competence of traditional authority. These are not insurmountable obstacles; on the contrary, they build on existing practices and wishes expressed by both formal and customary authorities.

Both systems are prone, individually, to perpetuate the injustices of the local order in which they operate. Yet, if integrated into a system of mutual checks and balances, they could restrain the abuse of power of both national political actors and chiefs. For example, customary chiefs should have the possibility to refer to higher regional authorities the abuses committed by state authorities at the local level. Likewise, state authorities and the formal justice sector should oversee and ratify decisions made by customary chiefs ensuring their compliance with the legal framework of the state.

A first step in this direction would be the completion of the decentralisation process in which chiefs are granted a mandatory consultative voice in processes related to the use and management of natural resources. Interviewed chiefs have suggested taking countries they deemed successful – such as Benin, Burkina Faso and Niger –

334 Ray and van Rouveroy van Nieuwaal, *op. cit.*, 9.

335 Article 46 has a strong focus on the figure of the Cadi, a customary figure in the north of the country. However, because the peace agreement is formulated at the national level, the traditional authorities of the other regions of the country are also included in the formulation.

as examples. Although local problems must be solved locally, building on the experience of other regional realities that confronted these issues in the recent past would be constructive.

b. Engage in extensive legal reform

A long-term legal reform should be supported to define the precise jurisdiction of all customary figures across Mali, based on local contingencies and within the limits of the constitution. The reassessment and promotion of traditional authorities is a prerogative of the Algiers agreement.[336] Recognising both the remoteness of the formal justice system and the lack of statutory guarantees of the customary systems, Article 46 calls for 'an in-depth review of the justice system to bring it closer to the litigants, improve its performance, end impunity and integrate traditional and customary regulations without prejudice in the sovereign law of the State'.[337] In addition, it requests the state to reassess 'the role of Cadis in administering justice, particularly concerning civil mediation, taking into account cultural, religious and traditional characteristics'.

This process would strengthen decentralisation by clarifying roles in the judiciary and the chieftaincies. All the chiefs interviewed, for example, acknowledged that their jurisdiction is limited to civil affairs – divorces, heritage, natural resources management and allocation – and that they cannot and do not wish to resolve penal cases.
The so-called *crimes de sang* should be of the competence of formal institutions, which have the tools to investigate and establish the truth in relation to the crime.[338] Many have also expressed the desire for a relationship of complementarity with the formal justice systems, even for the civil cases. 'I will always try to reconcile people, but if I do not succeed, the formal system has to take over and ensure justice', one chief explained.[339] Similarly, judges recognise and prefer that the first instance in civil cases should be that of customary authorities because they can reconcile parties and provide just outcomes swiftly. Judges agree that penal cases remain the competence of formal courts.[340]

To date, the majority of efforts have gravitated around the *cadis*, a religious customary authority, typical of northern regions, and less so on customary chieftaincies in the centre and south of Mali.[341] The disproportionate focus on the *cadis* has often excluded from the conversation the role of village chiefs and has led to a proliferation of debates focused exclusively on the traditional figures in the north of the country. This approach

336 'Accord pour la Paix et la Reconciliation au Mali Issu du Processus d'Alger', Art. 46. 2015.
337 *Ibid.*
338 Interview 7, May 2018, Mali.
339 Focus group 3, May 2018, Mali.
340 Interview 18, April 2018, Mali.
341 Goff, et al., *op. cit.*

can be understood in light of the 2012 security crisis that initially affected only northern regions, thus increasing the need for local reconciliation. Given the current displacement of conflict to the central regions, it is logical and desirable to include the customary authorities of these regions into the debate and to render reform efforts more inclusive.

Methodology

This report builds on a combination of desk research and qualitative field study. The project was initiated in April 2018 by a desk research phase that contextualised the conflict dynamics and use of customary justice systems in the Mopti region in the past three years. This was achieved through a review of literature from academia as well as policy-oriented publications by UN agencies, NGOs, INGOs, governments, think tanks, conferences and workshops. In addition, we monitored relevant social media accounts and websites and created a database encompassing the most important events in the Mopti region. The desk research focused on characteristics of justice providers (composition, decision-making, procedures and so on), linkages between actors involved in conflict dynamics (the state, international actors, radical groups), and a selection of case studies that presented remarkable similarities to Mali.[342] This phase was built on CRU's previous field research and expertise and generated an initial baseline for the field study. Desk research remained a continuous effort throughout the project aimed at updating constantly our understanding of the most relevant dynamics and topics that the report addresses.

The field study entailed having a CRU researcher on the ground in Mali, based in Bamako and Mopti for three weeks between April and May 2018. In collaboration with a local assistant, the CRU researcher scheduled interviews with relevant stakeholders and key informants. The researchers met with, among others, customary chiefs, imams, mayors, judges, members of the civil society as well as ministers and representatives of international partners and forces. The field study enabled insights that emerged from the desk research to be tested and sharpened, obtaining a more local sense of what is going on and allowing for new angles of analysis. The two researchers conducted fifty semi-structured interviews with individuals and fourteen focus groups in French, Bambara and Fulfude. All interviews were transcribed in French. The interviews took the form of semi-structured questionnaires, which allowed for comparison across geographic areas and stakeholders. This particular method was chosen because it is the best one for conducting in-depth interviews with individuals the researchers can meet only once.[343] To ensure reliable and comparable qualitative data, the two researchers agreed on clear instructions on how to conduct the interviews and followed the same questionnaire.

342 The case studies included Angola, Democratic Republic of Congo, Mozambique, Sierra Leone, Sudan, Zimbabwe.

343 Russel Bernard, H. 1988. *Research methods in cultural anthropology.* Lanham, MD: AltaMira Press.

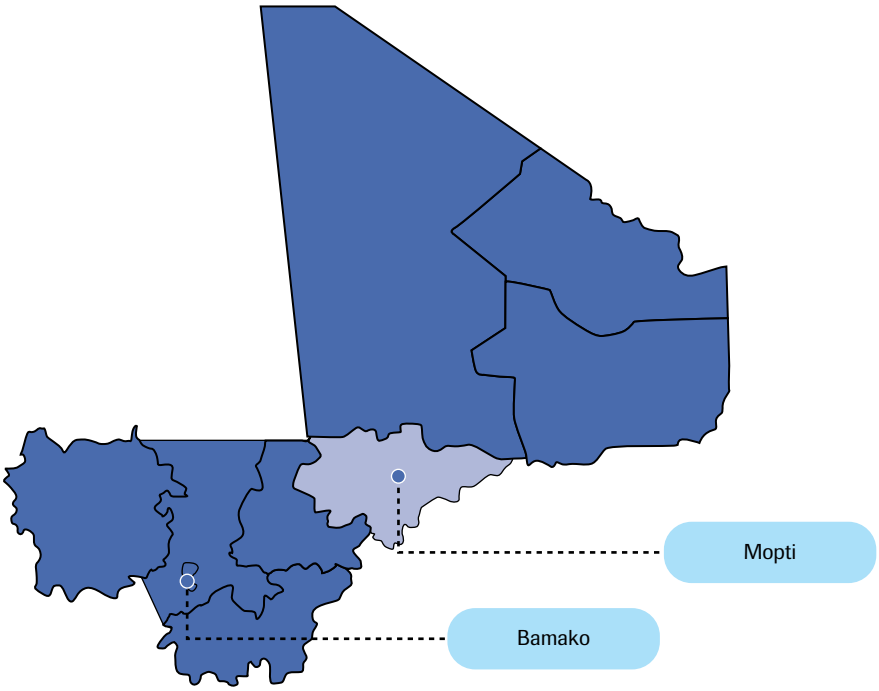

Figure 2 Location of interviews

Although literature still debates the precise definition of 'sensitive' research topics, CRU deemed that the subject of this project could be defined as such because it 'potentially poses for those involved a substantial threat, the emergence of which renders problematic for the researcher and/or the researched the collection, holding and/or the dissemination of research data'.[344] Although the interviewees were carefully selected with the support of a network of Malian researchers and informed about the nature of the interviews, many among them accepted despite having been subject to such substantial threats. To mitigate the risk of exposure to the renewal or concretisation of these threats, all interviews were conducted in relatively known, semi-public but safe locations to avoid attracting unnecessary attention. Further, we decided that throughout the report interviewees would be anonymous, with the exception of episodes in public domain. In these cases, references to locations and/or the function of the interview are made infra-text. Every individual interview is allocated a random

344 Lee, R. M., and Renzetti, C. M. 1990. 'The problems of researching sensitive topics: An overview and introduction', *American Behavioral Scientist*, 33(5), 512.

number from one to fifty without specifying any personal details, location or precise date of the interview. Likewise, every focus group is coded with a number between one and thirteen. The author is available to provide more background information about specific interviews upon request and at her discretion.

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