

Analysis: The United Nations Peacekeeping Mission in Mali: Mandate Renewal and Evolution

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By: Justin Mohammed

Without much fanfare, on 28 June 2018 the United Nations Security Council passed Resolution 2423 (2018), renewing the mandate of the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA, or "the Mission") for another year.[1]The Mission was established in April 2013 and is often called the most dangerous United Nations peacekeeping mission.[2]With most observers intently focused on the recent presidential elections in Mali, the renewal of MINUSMA's mandate attracted very little commentary, and some of those who have reviewed the new mandate have suggested that it remains largely the same.[3] In this article, I will highlight some of the important changes that have been made to MINUSMA's "priority tasks." It is important to recognize that while the recent resolution extends MINUSMA's mandate, it speaks much more broadly about the situation in Mali and covers topics that are not at the core of the Mission's mandate. This includes, for examples, modalities for cooperation with the newly-created *G5 Sahel* force. This article does not propose to comment on those changes, but rather focuses on the Mission's mandate itself.

The Cornerstone: Support for the Peace Agreement

The Agreement on Peace and Reconciliation in Mali emanating from the Algiers process (the “Peace Agreement”) was signed by the Government of Mali, the *Platforme* (a coalition of armed groups that are largely supportive of the government) and the *Coordination des mouvements de l’Azawad* (CMA, a coalition of independentist armed groups) in 2015. It was meant to resolve the country’s most recent conflict, which erupted in January 2012 when the *Mouvement National pour la libération de l’Azawadi* (MNLA, a member of the CMA coalition) launched a rebellion in various parts of the northern Mali. The MNLA would eventually declare the independence of “Azawad,” but the move was not recognized by the international community. The Peace Agreement attempts to resolve the conflict by giving greater autonomy to the northern regions of Mali; however, as some commentators have noted, there have been several challenges in implementing it.[4]

In both the 2017 and 2018 Security Council resolutions renewing MINUSMA’s mandate, chief among the priority tasks is support for the implementation of the Peace Agreement. The 2018 resolution refers to supporting the “redeployment of the reformed and reconstituted Malian Defence and Security Forces (MDSF) in the North of Mali.”[5] In the 2016 resolution, this section also referred to the centre of Mali, but a separate section has since been carved out to describe activities focused on the centre of the country.[6] This change is largely cosmetic. While it adds emphasis to the fact that the security situation in the central regions has deteriorated, the tactical support activities by MINUSMA to the MDSF forces in the north and the centre of Mali are the same (operational, logistical and transportation support during coordinated operations and joint operations, mentoring, planning, strengthened information sharing, and medical evacuation). Considering the degradation of the situation in the centre of Mali,[7] this change is unsurprising.

The portions of the mandate renewal, which deal with the implementation of the Peace Agreement, also contain substantive amendments to the Mission’s reconciliation and justice activities. First, the new resolution recognizes the establishment of the International Commission of Inquiry (ICOI) on Mali. The body was established by United Nations Secretary?General António Guterres on 23 January 2018 and will consider alleged violations of international human rights law and international humanitarian law, that were committed from 1 January 2012 until the date of ICOI’s establishment.[8]

Second, the resolution recognizes the role of the Malian Truth, Justice and Reconciliation Commission (TJRC) – this is largely a repetition of what is said about the TJRC in the Mission’s previous mandate renewal resolutions. Established by way of a decree dated 15 January 2014, the TJRC is charged with investigating violations of “individual and collective human rights,” creating conditions for the return of internally displaced people and refugees, supporting intercommunal dialogue, and providing recommendations for conflict prevention. The mandate covers the time period from Mali’s independence in 1960 until 2013.[9] As such, there is little temporal overlap between the mandates of the ICOI and the TJRC, and the TJRC has a mandate, which can be described as significantly broader than that of the ICOI.

Finally, the 2018 resolution mentions support for the “effectiveness of justice and corrections officials in the North and Centre of the country and to associated interim authorities, and technical support to

Malian judicial institutions regarding the detention, investigation and prosecution of individuals suspected of, and sentencing of those found responsible for terrorism-related crimes, mass atrocities and transnational organized crime activities (including trafficking in persons, arms, drugs and natural resources and the smuggling of migrants), which risk destabilizing the peace process."[10] Although MINUSMA had been providing technical assistance to corrections and judicial authorities long before 2018, the prioritization of support for domestic judicial institutions in the Mission's mandate is a new development.

Another of MINUSMA's priority tasks is the exercise of "good offices" and reconciliation. Here, the new resolution is largely unchanged. MINUSMA is mandated to support dialogue with and among all stakeholders with a view to promoting social cohesion and reconciliation, reduce intercommunal tensions, support free and fair elections, and encourage and support the full implementation of the peace agreement.[11]

Protection of Civilians, Human Rights and Humanitarian Assistance

As in all peacekeeping missions, the protection of civilians remains the primary responsibility of the host government, and MINUSMA is no exception. Nevertheless, MINUSMA has an ongoing mandate to protect Malian civilians "under the threat of physical violence."[12] In the new resolution, the Security Council has included an instruction that MINUSMA document the impact of conflict and violence on the civilian population, and also to support the resolution of local conflicts through reconciliation and mediation activities. This is a welcome development. MINUSMA has provided little by way of public reports about the *impact* of the conflict on the civilian population, as the regular reports of the Secretary-General are mostly a collection of statistics and do not provide insight into the conflict drivers or dynamics.

MINUSMA's mandate concerning specific protection for women and children civilians, as well as its mandate on human rights writ large, have remained unchanged in the new resolution. Briefly, the Mission continues to have the mandate to investigate and report on violations of international human rights and international humanitarian law, to assist with the prevention of such violations, and to support the Malian authorities in their efforts to promote and protect human rights. Equally, the Mission's retains the same mandate to support the Malian authorities in the provision of humanitarian assistance and the safe, voluntary return of refugees and internally displaced persons.

Countering Asymmetric Attacks and Protection of UN Personnel

As mentioned above, MINUSMA is one of the United Nations' most dangerous peacekeeping missions. As such, the Mission has been mandated with protecting its own personnel (uniformed and civilian). While previous iterations of the mandate included this as a "priority task," the new resolution has included this element in other operative paragraphs.[13]This change appears to be inconsequential for at least two reasons. First, the text remains part of the resolution and is substantively unaltered. Second, the notion that the Mission would not prioritize the protection of its own personnel and property is absurd – particularly in a context like that of Mali, in which United Nations personnel and

properly are deliberately targeted by some armed groups. Nevertheless, it is curious that the Security Council chose to remove this longstanding provision from the list of MINUSMA's priority tasks. Similarly, the mandate to "anticipate and deter threats and to take robust and active steps to counter asymmetric attacks against civilians or United Nations personnel" remains unchanged but has been removed from the priority tasks section and placed in a separate operative paragraph.[14]

A decision to prioritize force protection in UN peacekeeping missions is often controversial. There is often a perception that such decisions inherently come at the cost of the fulfilment of the Mission's other priorities and contributes to "bunkerization" (the retrenchment of staff and assets away from the civilian population). It also raises complex legal questions, such as the status of peacekeepers under international humanitarian law, as well as questions concerning the theoretical underpinnings of UN peacekeeping (such as the principle of impartiality between belligerents).[15] These concerns are valid. At the same time, as MINUSMA aptly demonstrates, the United Nations' blue flag and trademark white-painted vehicles and installations no longer offer much immunity from attack.

MINUSMA's Mandate: An Eye to the Future

It goes without saying that there is no shortage of "priority tasks" for MINUSMA to undertake in the coming year. This article has sought to describe those priority tasks and how they have evolved since the previous year's mandate. In so doing, this article has also served to confront a commonly held misunderstanding of MINUSMA's mandate: while the activities of the Force's peacekeepers are a critical part of the mission, they constitute only one element of MINUSMA's truly "multidimensional" mandate. Much of the mandate, be it human rights monitoring and reporting, political affairs, or support for the domestic legal system, is carried out by civilians.

As Mali continues the long march to reestablishing the stability it once enjoyed, "peacebuilding" activities are likely to increase in both necessity and prominence. Chief among those activities should be the successful execution of transitional justice initiatives. The international community has a direct role to play in that regard and has begun to act through institutions including the International Criminal Court and the newly-established ICOI. However, in order to reach the grassroots, only domestic institutions such as the TJRC and the Malian judiciary will be able to deliver the justice that the Malian people desire and deserve. Long after MINUSMA has completed its mission and the legions of international soldiers, police and civilians have left, it is these local institutions whose legacy will have a lasting impact on Mali's future. If that future is to be without conflict, they can and must succeed.

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Justin Mohammed **About the Author**

Justin Mohammed is the Human Rights Law and Policy Campaigner at Amnesty International Canada. He formerly served as a Human Rights Officer and Special Assistant to the Director of the Human Rights and Protection Division of MINUSMA. He is a graduate of the University of Ottawa (LL.B., 2013) and Carleton University (B.PAPM., 2009, M.A., 2013).

References

1. S/RES/2423 (2018), 28 June 2018.
2. This characterization depends on how the figures are computed. In absolute terms, the ongoing UN Peacekeeping Mission in Lebanon (UNIFIL) has had the most fatalities (313) but that mission has been active since 1978. If one considers the fatalities across all missions since the year 2013 (when MINSUMA was established), MINUSMA is the “most dangerous” mission with 170 casualties at the time of writing.
3. See, for example, Security Council Report, “What’s in Blue: Mali – Renewal of MINUSMA’s Mandate,” https://www.whatsinblue.org/2018/06/mali-renewal-of-minusmas-mandate.php, 27 June 2018.
4. See, for example, Arthur Boutellis and Jarie-Joëlle Zahar, “A Process in Search of Peace: Lessons from the Inter-Malian Agreement,” New York: International Peace Institute, 2017. https://www.ipinst.org/wp-content/uploads/2017/06/IPI-Rpt-Inter-Malian-Agreement.pdf. Similarly, United Nations Secretary General António Guterres remarked in September 2017 that “[n]umerous delays and slow implementation of critical provisions of the peace agreement are always a cause of concern” https://www.un.org/sg/en/content/sg/speeches/2017-09-20/sgs-agreement-peace-and-reconciliation-mali-remarks.
5. Note 1, para. 38(a)(ii).
6. Note 1, para. 38(b). When compared to para. 38(a)(ii), it is clear that the support activities to the MDSF in the north and centre are to be the same.
7. See, for example, Aurélien Tobie, “Central Mali: Violence, Local Perspectives and Diverging Narratives,” Solna, Sweden: Stockholm International Peace Research Institute, December 2017.
8. S/2018/57, 23 January 2018.
9. “Ordonnance No. 2014-003 Portant Creation de la Commission Vérité, Justice et Réconciliation,” 15 January 2014. http://cvjrmali.com/data/documents/ordce_cvjr-.pdf.
10. Note 1, para. 38(a)(iii).
11. Note 1, para. 38(c).
12. Note 1, para. 38(d)(i).
13. Note 1, para. 35.
14. Note 1, para. 34.

15. These issues are by no means new. See, for example, Willmot, Haidi and Scott Sheeran, “The Protection of Civilians Mandate in UN Peacekeeping Operations: Reconciling Protection Concepts and Practices,” International Review of the Red Cross no. 95 (2013).