

TRADITIONAL CONFLICT RESOLUTION - A WAY OUT OF THE CRISIS?

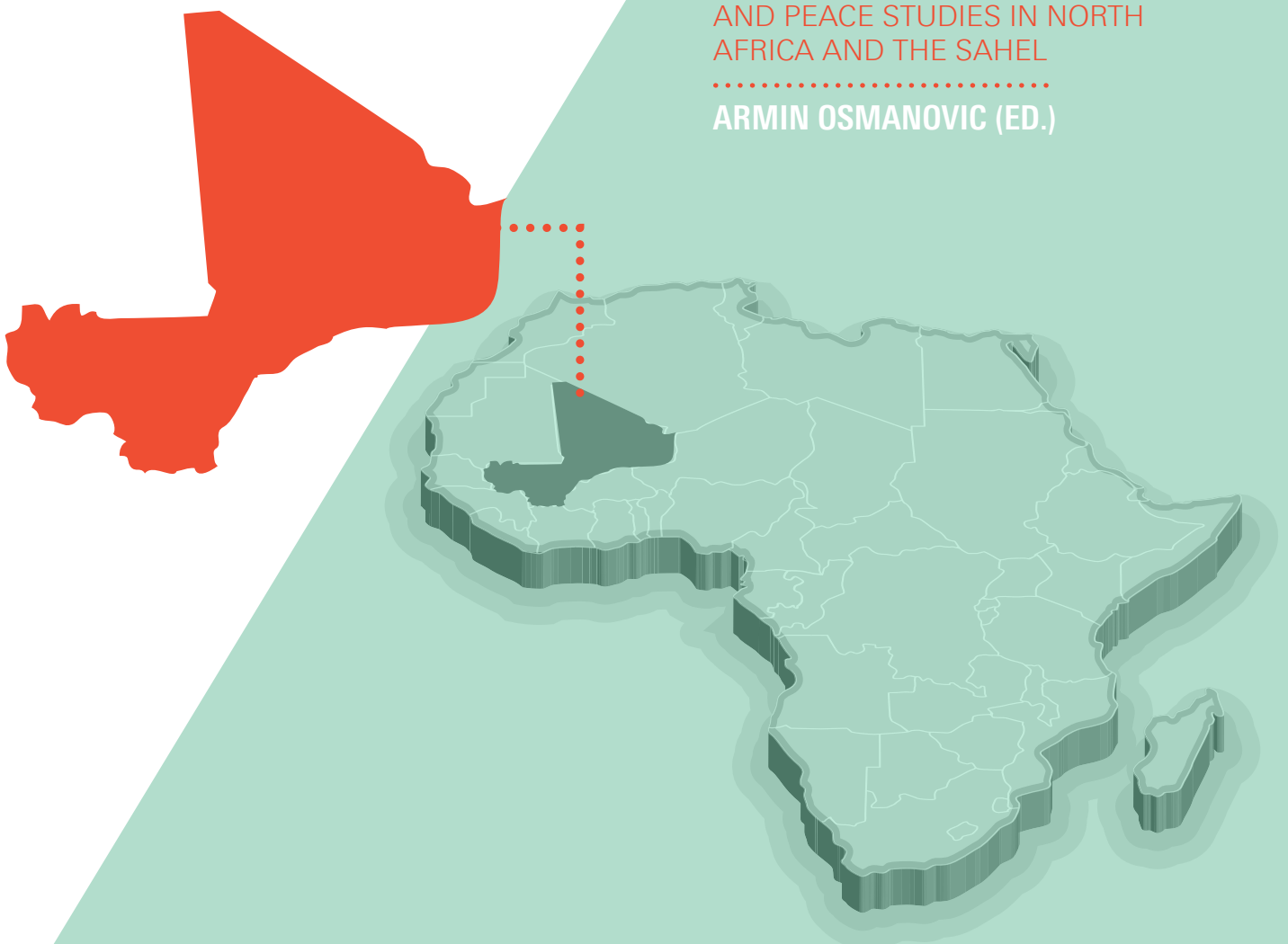
INSIGHTS ON
TRADITIONAL INSTITUTIONS
AND THE PROSPECTS
FOR PEACE IN MALI

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RLS RESEARCH PAPERS ON CONFLICT
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AFRICA AND THE SAHEL

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ARMIN OSMANOVIC (ED.)





Abstract

Since 2012, Mali has tried hard to move forward out of its worst security and political crisis. To date, massive international and national stabilisation efforts have failed to produce fundamental improvements. However, other potential solutions, such as the application of indigenous, home-based countermeasures, through which disputes and violent tensions were prevented and resolved in Mali's past, have hardly been considered. The paper tries to fill this gap and seeks to analyse the role indigenous practices, administered by customary authorities, play in contemporary Malian society. It also examines the extent to which traditional institutions can be used to contribute towards the improvement of the current multidimensional crisis. The author concludes that, despite the challenges and inherent deficiencies of traditional institutions, (e.g. representation of vulnerable groups and democratic rules), they offer an opportunity to effectively support the ongoing peacebuilding process by facilitating meaningful development at local level.



... **About the Author**

Sonja Nietz is interested in questions of security policy, conflict transformation, civil-military relations, and democratization; her regional focus is West Africa.


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Introduction

In early 2012, the West African state of Mali was plunged into a deep crisis following a coup d'état in Bamako and a rebellion of Tuareg-led movements and Islamist militant groups in the northern part of the country. An intervention led by the French military quelled the uprising and helped reclaim the country's territorial integrity. In mid-2015, the national government and two coalitions of rebel groups endorsed a peace agreement that provided the main framework to resolve the crisis. However, three years later the accord has yet to be fully implemented. Moreover, despite substantial regional and international efforts by French, African, European Union (EU) and United Nations (UN) military forces, the security situation greatly deteriorated throughout the country. There has also not been much success in bringing any sustainable improvement by creating functioning state structures or reconciling Malian society. The hard work to build peace and stability in Mali is thus far from over.

In order to defuse the crisis, there is a need to develop a shared understanding of the root causes of conflicts and to identify potential options available to resolve them. While the armed insurgency, state collapse, and the stabilisation measures taken have gained international attention, civil society initiatives and especially the application of indigenous countermeasures, commonly referred to as traditional conflict resolution mechanisms, are rarely discussed.¹ Such mechanisms have not only been in practice for centuries, in many instances dating back to Mali's precolonial era, but have also proved successful in the more recent past. For instance, the 1991 National Conference that brought together over 1.800 individuals representing various ethnic groups, established a fruitful initiative to help build a path to peace and democracy. Another highly symbolic moment resulting from effective traditional dispute mediation, was the destruction of more than 3.000 rebel weapons in a massive bonfire called the Flame of Peace in 1996. This event on the north-western outskirts of Timbuktu marked the end of an earlier six-year violent conflict between the national army and Tuareg separatist groups. As a result, the country became one of the focal points of national and international observers who referred to the Malian



¹ Exceptions are: Goff, Diana/Diallo, Madina & Ursu, Anca-Elena (2017). Under the microscope: Customary justice systems in northern Mali, Clingendael; Ursu, Anca-Elena (2018). Finding justice amidst insecurity: Policy initiatives to strengthen customary justice systems and mitigate conflicts in Central Mali, Policy Brief, Clingendael.

case as a model for non-violent dispute settlement on the African continent.²

Against this background, the present study seeks to shed light on traditional institutions – indigenous practices administered by customary authorities – through which disputes were prevented and resolved in the past and questions how these mechanisms could be used to contribute towards the improvement of the current crisis. Critical issues emerging from the concerns underpinning this paper are:

- What conflict resolution mechanisms existed in the precolonial era?
- Considering their continued existence, how are old mechanisms for dispute resolution practiced in modern times?
- What strengths and weaknesses do traditional institutions have for sustainable conflict resolution?
- What role should indigenous approaches to peacebuilding play in conflict transformation efforts?

Answering these questions was made possible by the author's field research in the southern capital of Bamako and surrounding areas. The main findings of this report are based on a series of in-depth interviews conducted there in February and March 2018.³ Interviewees were individual and collective civil society actors outside the state who are regarded as representative of certain societal groups relevant to the reconciliation discourse. Besides academics, non-governmental organisations and associations, particular attention was given to customary authorities. The latter included heads of families, religious leaders, village chiefs, elders and traditional communicators whose legitimacy, whether wholly or partially, are rooted in Mali's wealth of history and culture. Yet, it should be noted that, although different actors and traditional conflict resolution mechanisms are considered, this work concentrates on certain shared features within Mali's multi-ethnic society

2 See for example: Keita, Kalifa (1998). *Conflict and Conflict Resolution in the Sahel: The Tuareg Insurgency in Mali*, Strategic Studies Institute, U.S. Army War College; Konaté, Doulaye (1999). *Les fondements endogènes d'une culture de la paix au Mali: Les mécanismes traditionnels de prévention et de résolution des conflits*. In: Matoko, Edouard (ed.). *Les fondements endogènes d'une culture du paix en Afrique: Mécanismes traditionnels de prévention et de résolution des conflits*. Paris, pp. 27-48; Konaté, Doulaye/Sangaré, Anatole & Coulibaly, Issa M. (1999). *Perception Malienne de la culture de la Paix et des Droits Humains*, Bamako; Lode, Kare (1997). *The Peace Process in Mali: Oiling the Works?* In: *Security Dialogue*, Vol. 28, No. 4; Ndiaye, Raphaël (2004). *Pluralité ethnique, convergence culturelles et citoyenneté en Afrique de l'Ouest*. *Enda Tiers-Monde*; Poulton, Robin-Edward/Youssouf, Ibrahim ag (1998). *A Peace of Timbuktu. Democratic Governance, Development and African Peacemaking*, UNIDIR; Zartman, William (ed.) (2000). *Traditional Cures for Modern Conflicts. African Conflict "Medicine"*, Boulder.

3 This research was kindly supported by the Rosa Luxemburg Stiftung, West Africa.

and does not aim to address individual approaches. To demonstrate these techniques, terms and expressions from the dominant Bamanankan language are used, however, the Bambara have no exclusive claim to these qualities as comparable concepts exist in other local languages. The paper is therefore far from being exhaustive, but rather should be considered as an overview of the role traditional institutions play in contemporary Mali.

The report first provides a brief overview on the context for contributions by customary leaders to crisis management by addressing political and security-related conflict dynamics and the 2015 peace treaty. The second section turns to traditional mechanisms of dispute settlement and related norms and values that, in general, enabled harmonious coexistence among people of different cultural backgrounds in ancient West African empires (the Wagadou, Mande, and Songhay Empire). Some of the strengths and weaknesses of indigenous mechanisms, in view of the drivers of conflict and the ongoing peacebuilding process, are subsequently discussed in the third part. The fourth and final section outlines policy implications for traditional conflict resolution initiatives and concludes with the formulation of recommendations for action directed towards Malian non- and governmental actors as well as international stakeholders.



I. The context for customary leaders' contributions to crisis management

Tuareg insurgency against the central state and Islamist threat

Looking at the recent history of Mali, the country has always been horizontally divided by a virtual line between its various ethnic groups. Of these, in the three northern regions of Timbuktu, Gao and Kidal live the Tuareg. Traditionally, these nomadic people earned their living from stockbreeding and caravan trade. But during recent decades, they have been increasingly forced into urban life or transnational border crossings in order to make a living. In addition to these communities, the vast northern part (about 800.000 km²) that is widely covered by the Sahara desert, is also home to other ethnic groups such as the Songhay, Fulani and Arabs; most of them adapted to a sedentary lifestyle. Northern communities together make up a minority, comprising barely ten percent of the state's overall population of about 18.5 million in 2017. The largest ethnic group in the south are the Mande, including the Bambara that account for approximately 25 percent of inhabitants (figures taken from the World Bank 2018). This majority dominates the political sphere as well as the military and commonly represents the government in Bamako. Overall, Mali is among the world's poorest countries, heavily dependent on foreign aid and ranked as one of the twenty least developed states on the Human Development Index (HDI) of the UN. However, this should not conceal the fact that there are strong inequalities between the northern and southern parts as well as imbalances between rural and urban areas. For example, discernible differences in access to basic services and the ability of people to influence state activities. Promises made by the government to give substance to more local autonomy through political and administrative decentralisation or to strengthen developmental efforts in marginalized northern regions, as negotiated in several peace agreements since the early 1990s, either remained unfulfilled or had only limited impact on the population. Furthermore, poor responses to the droughts in the Sahel in the 1970s, 1980s and in 2011, as well as the failure of the government to follow through with the implementation of the Special Program for Peace

and Security in Northern Mali (PSPSDN) initiated in 2010, fostered secessionist aspirations by the Tuareg and mobilised certain other ethnic groups against the central state. The result is that, ever since Mali obtained independence from France in 1960, was that the country suffered from four Tuareg-led armed rebellions in 1963, 1990, 2006 and 2012, which have all been related to the poor socioeconomic and political conditions in the north.

While this is true, the most recent insurgency cannot be regarded as a mere continuation of the history of northern rebellions. Its peculiarity lies in certain aggravating circumstances both internally and externally, as well as in the massive use of violence. An important source of momentum for the start of the rebellion was the crisis in Libya and the fall of the Libyan head of state, Muammar al-Gaddafi, in October 2011. Subsequently, about two to three thousand well trained and equipped Tuareg of Malian origin, who had served the country's paramilitary force known as the Islamic Legion, returned home. Many of them formed the basis of a new secular movement, the National Movement for the Liberation of Azawad (MNLA). The MNLA initiated a series of attacks against governmental infrastructure and military installations in the Gao region in January 2012. In addition, the movement was soon supported by other radical groups and gained considerable strength from Islamist fighters. Most notably two regional groups, Al-Qaeda in the Islamic Maghreb (AQIM) and Movement for Unity and Jihad in West Africa (MUJAO), both of which have been present in this area since the early 2000s, as well as the new local Tuareg and Arab militia, Ansar Dine ('Defenders of the Faith'). For the first time in history, these groups formed an alliance in order to push the Malian army out of the north. Within a few months following the withdrawal of state employees and the collapse of the national armed forces in April 2012, the MNLA proclaimed the north an independent state, referred to as Azawad.⁴ Yet, after a short fratricidal war, Islamist groups were eventually able to gain the upper hand, calling for an Islamic state and the implementation of Sharia (Islamic law) while causing human suffering.

The occupation of Mali's northern territory had devastating consequences for the local population and their social fabric, as a result of both the fighting and gross human rights violations. Several governmental and non-governmental organizations, such as the UN (see UNSC 2013) and Human Rights Watch (see HRW 2014), reported

4 The term *Azawad* traditionally refers to the vast plain between Timbuktu and Gao but was gradually used for the entire northern regions by rebel groups fighting there in the first half of the 1990s.

numerous cases of rape, summary executions and forced disappearances by extremist groups. Likewise, Malian soldiers have been accused of being responsible for arbitrarily detaining, torturing or executing rebels, and atrocities against civilians during and after the defence (see Lebovich 2018). In addition to the physical insecurity, citizens lost their properties and livelihoods and were strongly affected by acute food and water shortages. At the height of the crisis, from January to July 2012, according to the UN more than 400.000 people, particularly women and children, fled to the southern parts of Mali and to neighbouring countries such as Niger, Burkina Faso and Mauretania.

Politics and legitimacy in question

The 2012-2013 rebellion and associated grave human suffering was reinforced by government's failures and weak state institutions, which lacked the support of large parts of society. Social dissatisfaction with the political situation had a lot to do with incumbent president Amadou Toumani Touré's (popularly known as ATT) consensus politics. In practice, this meant that during Touré's two terms of office from 2002 to 2012, a once vibrant opposition was successfully undermined through a coalition of political parties. In August 2009, for example, the national assembly proposed a bill to reform the 1962 family laws by 117 votes to 5. Islamic associations protested vehemently against its imposition and parliamentarians distanced themselves from a law few had actually read.⁵ Endemic corruption and impunity made Mali's young democracy even more precarious in the eyes of the public. Although the country held regular elections, that had one of the lowest turnouts in Africa according to the African Elections Database, the political class appeared to be doing little more than enriching themselves. In 2010, the Global Fund suspended financial aid after it found that officials had pocketed millions of dollars in grants. Simultaneously, citizens were openly speculating about the extent to which the political elite was actively colluding with extremist networks and (drug) traffickers for personal gain. Other civil servants, such as police officials and judges, were blamed for selling favourable judgements to their kinship groups and to the highest bidders. While the understanding that kinship relations and

5 Although the Family Code did not entail gender equality, it did contain significant advances. The bill included, for example, the secularisation of marriage and the proposal to give women inheritance rights on divorce – all of which, conservative actors such as Hadja Safiatou Dembelé (president of the National Union of Muslim Women's Associations) and Mahmud Dicko (president of Mali's High Islamic Council) argued, run counter to Islam. "This code has no respect for the inherent values of our society. [...] The head of the family is the man, and everyone in the family has to obey him", and that is the way things should stay Dicko was quoted (see Stewart 2010). In response to widespread opposition, president Touré, instead of ratifying the law, sent it back to the assembly for substantial changes (see Code of Marriage and Guardianship 1962; a new Family Code was adopted in 2011).

bribery often guided daily life, and army recruitment was widely disseminated by the majority of Malians, the perception that corruption was prevalent at the highest levels of the state cost the president much of his reputation. In 2012, 69 percent of respondents to the Afrobarometer survey rated their government's efforts to fight corruption 'fairly bad' or 'very bad' compared to 51 percent in 2002. Even international support for the military was suspected of fraud which, in turn, further aggravated the poor equipment and training situation of the national armed forces. With the massacre of up to 150 captured soldiers at the start of the rebellion in a municipality of Kidal in late January 2012, public frustration with the government's inability to provide adequate human and material resources to defend the country's territory was cited as the cause. A faction of the military consisting of low- and middle-ranking officers led by Captain Amadou Sanogo subsequently waged a coup on 22 March, suspending the constitution and dissolving the democratically-elected government of president Touré. While universally condemned abroad, the military coup was assessed in different ways at home. Many political parties, together with groups of citizens that formed the United Front to Safeguard Democracy and the Republic (FDR) were quick to oppose the coup, but generally there was wide public support for Captain Sanogo within civil society i.e. by the Popular Movement of 22 March 2012 (MP 22), and along with anti-government protests in Bamako, fully revealed the latent fissure between the political elite and the general population that had been growing for years.⁶

The 2015 peace agreement and contemporary developments

In the aftermath of these critical events, a civilian interim government, under President Dioncounda Traoré succeeded Captain Sanogo and massive international action was mobilised to stabilise the country. Based on a request from the transitional government, French-led counterterrorism Operation Serval (later replaced by Operation Barkhane), together with its African partners, quickly drove Islamist groups out of the northern cities in late January 2013. Three months later, the UN-peacekeeping mission (UN Multidimensional Integrated Stabilisation Mission in Mali, MINUSMA) was set up and the EU launched a military operation (EU Training Mission in Mali, EUTM Mali) and a civilian mission (EU Capacity Building Mission in Mali, EUCAP Mali) in order to train and advise Malian security forces, the police and

6 Interview with Malian scholar Omourou Touré, Bamako, 28 February 2018. For more details on these polarized positions and popular protests see Hagberg & Körling 2012.

army. Ibrahim Boubacar Keïta, (popularly known as IBK), a former prime minister and speaker of the national assembly, was confident he could facilitate the future wellbeing of the country when he won 78 percent of the popular vote in August's 2013 presidential elections. In April 2014, peace talks between two coalitions of non-state armed groups involved in the northern rebellion and the government were set up in Algiers, Algeria. The consultations led to the signing of a peace treaty (called the Agreement for Peace and Reconciliation in Mali emanating from the Algiers process) in June 2015 that envisaged comprehensive action being taken to resolve the crisis. Despite criticism (e.g. civil representation in the peace talks and the fundamental opposition of many southerners to cede more autonomy and funds to the northerners who they blamed for the country's crisis), political reforms agreed in the accord were seen as an essential step in the stabilisation process. In addition, the agreement further regenerated hope within large segments of society for peace and development across the country.

In the run up to the signing of the peace accord the signatories, (the government, a militia known as the Platform coalition of armed groups (the Platform), and a coalition of Tuareg separatists grouped in the Coordination of Azawad Movements (CMA)), committed to deal with the root causes of the crisis and bring about genuine national reconciliation. Likewise, the acceleration of economic, social and cultural development, as well as the establishment of a governance system that recognised the geo-historical and sociocultural conditions of the north, were envisaged. Furthermore, the parties agreed to restore security and promote the rules of good governance by placing special emphasis on transparent management, respect for human rights and justice, and fighting impunity. Finally, article 46 of the accord called for the revalorisation of traditional institutions to mediate civil disputes and to consult with customary leaders on changes in state policy to achieve overall developmental progress.⁷

The deepening of the crisis in 2018, however, suggests an urgent need for transformation beyond activities undertaken. Among others, large stretches of the country's north as well as other parts, most notably the central regions of Mopti and Segou, are out of the control of state forces. A worrying trend is emerging in these areas as violence is more intense and widespread than during the 2012-2013 crisis. The proliferation of self-defence militias, such as the notorious Ganda Koy ('Masters of the Land') and Ganda Izo ('Sons of the Country') and the emergence of new

armed groups, is both a cause and a consequence of violence as the mobilisation of one group typically triggers countervailing reactions from other groups. Thus, in essence, many northern communities are armed and ready to protect themselves. Yet, scarcity of natural resources has also increasingly given rise to ethnic tensions, particularly between nomadic Fulani and sedentary Dogon in central Mali. While these tensions are sparked by accusations of the Fulani grazing cattle on Dogon land, Islamists are blamed for exacerbating disputes. Bloody clashes between signatories of the 2015 peace accord is a further source of concern. In fact, northern armed groups have never been a united front due to different demands and internal power struggles. The persistent conflict about the dominance of the Tuareg Ifoghas tribes and their allies over other Tuareg clans such as the Imghad and their Arab and Tuareg associates that have remained unresolved is just one example. What little unity may have existed between these armed groups, who in 2012 took advantage of an altered power balance following the return of fighters from Libya, quickly disappeared resulting in inter- and intra-community violence and a proliferation of movements trying to pursue the specific interests of their groups. In the absence of appropriate counter-action, Islamist groups were able to use revenues from cross-border trafficking in arms, drugs, refugees and kidnapping in the northern regions to recruit new fighters and rebuild their power. In March 2017, several Islamist groups regrouped and announced the formation of a new umbrella organization referred to as the Group for the Support of Islam and Muslims (GSIM). Since then the organization claimed responsibility for deadly attacks against governmental forces and civilian targets as well as so many foreign troops that Mali has earned the unfortunate distinction of being the deadliest country for UN-peacekeepers. This negative development is demonstrated by figures issued by the civil society website, Malilink, which in total recorded 932 attacks in the first half of 2018, almost double the figure for all of 2017 and triple that for 2015. At the same time, Islamists are increasingly operating over the country's borders and perpetrated several attacks in neighbouring Burkina Faso, Niger and Côte d'Ivoire. In response to the challenging regional security environment, the G5 Sahel Joint Force was established in July 2017 involving troops from Burkina Faso, Chad, Mali, Mauritania, and Niger, which has since been at the forefront of transnational counterterrorism efforts.

Simultaneously, despite what President Keïta said were the successes of his first five-year term, including road construction, enhanced agricultural production or the re-establishing of courts and deployment of legal and

police officials in some northern districts, state institutions are still struggling to meet demands of justice and improve the living conditions of the poor. Due to inadequate personnel and budgetary incapacities, on all sides of the conflict, a large backlog of cases against individuals suspected of human rights violations prevails (see HRW 2018 and Afrobarometer 2017). This situation undermined the credibility of the Truth, Justice and Reconciliation Commission (TJRC), established in January 2014, with a three-year mandate to investigate human rights abuses committed between 1960 and 2013. In addition, in large swathes of the country the government does not meet the bare minimum of social services like education and emergency supplies. Over 500 schools in northern and central regions remain closed, hindering the continuity of schooling for an estimated 150.000 children. Food shortages have been further aggravated by the lean season and restricted access to certain populations to the fields. Therefore, international relief organizations, such as the UN OCHA, is alarmed that conflicts could spawn a humanitarian crisis with 4,3 million people expected to be food insecure and almost one million in need of humanitarian assistance in 2018, which could further trigger scarcity-based conflicts.

Given his poor performance, the great deal of hope in President Keïta vanished. Indeed, he is increasingly criticised by opposition political actors, civil society activists and the UN-Secretary General who all complain about his inability to enforce the 2015 peace agreement. In addition, controversy surrounding spending on the new presidential jet, IBK's failure to travel to the far north for a month after he came to power, the lack of regular broadcasts to the crisis-bound nation and the appointment of family members into government positions overshadowed his first term in office. A decline in Keïta's historically strong support from key actors in the country's religious establishment is instructive in this regard. Having credibility with the masses and religious authorities has always been in great demand by political candidates as they do not hesitate to give instructions for voting. The same applies to representatives of civil society associations and customary leaders who start voicing criticism about not being sufficiently involved either in the initial formulation or the implementation of the accord, or lament the worsening humanitarian situation of certain communities. In addition to these powerful actors, widespread disappointment with the political elite and anger about rising food prices, high unemployment and economic stagnation is apparent in many conversations. Negative impressions are confirmed in the most recent nationwide opinion surveys (see Mali Mètre 2017 and Afrobarometer 2017, 2018) that draw attention to increasing

sectors of the population that are disenchanted with politics and have lost faith in the state. Compared to 2013, when first and second round voter turnout rates were about 49 and 46 percent respectively, participation in the 2018 elections was much lower – about 43 in the first and 34 percent in the presidential run-off. Although there is much frustration, Keïta’s victory did not come as a surprise. As the incumbent he enjoys great access to state resources and the media to campaign throughout the country. Moreover, there is no credible opposition candidate who seems to be in a position to pose a serious challenge to him. The difficult task of achieving a visible peace dividend for the entire population has hardly changed. Thus, there is room and need for (new) actors to promote and further push the implementation of peace initiatives. The following sections look at traditional institutions and their potential to support a way forward in Mali.



Conflict management in Mali's history

Conflict and traditional African society

In West Africa's precolonial history, many ethnic groups used similar institutions that enabled them to live together in spite of their linguistic, cultural and religious differences. Malians say that social cohabitation was made possible due to various community-building measures and conflict resolution mechanisms that were based on shared objectives and common values. These were known for hundreds of years and orally handed down from one generation to the next through stories, fables and proverbs.⁸ Nevertheless, conflict and violence could occur between individuals, groups and villages whose interests and goals were incompatible. Contentious issues may have related to the access to scarce natural resources such as grazing land and water reserves or the control of administrative power, indebtedness, slander, theft and marital issues. While these conflict dynamics in some respects may not differ from contemporary ones and, in general, conflict can be seen as an inherent part of human nature, what is a distinctive feature of ancient times, is the great emphasis placed on mediation and the role family networks played in the resolution process.

In general, traditional African societies were structured around the family and defined by the strong ties between its members. The identity of an individual was linked to the family, which not only included the nuclear family such as mother, father and children, but also members of the extended family comprising grandparents, aunts, uncles and cousins as well as other kin groups based on perceived or actual common ancestry. Dependants were encouraged to act in the interests and for the wellbeing of all members under the authority of the head of family, usually the eldest male. The elders, commonly referred to as the eyes and ears of the community, met regularly with the village chief who ensured the regulation, organization and management of the village. Conflict between individuals and groups was perceived as a potential threat to the future of the whole social entity and thus its prevention, and if that didn't work, its management given major priority in daily life. The

8 Although most of these instruments have been passed on orally, there are also written elements contained in ancient, often privately owned libraries in Timbuktu and other old cities that maintained in secret for a long time.

rationale was described by John S. Mbiti (in his book 'African Religions and Philosophy', 1969) in the following often quoted lines: "Whatever happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual. The individual can only say: I am because we are; and since we are, therefore I am". Hence, in this philosophical tradition, ethics and moral reflection tend to focus much more on collective structures than on individual motivations.

Traditional approaches to conflict management

Having identified a profound longing for peace in traditional Malian society, various observers, such as Robin-Edward Poulton and Ibrahim ag Youssouf (in their book 'A Peace of Timbuktu. Democratic Governance, Development and African Peacemaking', 1998) noted: "The ethnic harmony of Mali has for centuries astonished visitors from other regions of Africa. Between every set of neighbours around the Niger valley, there is a relationship based on mutual respect and interdependence. [...] This network of interlocking interdependence underpins the tissue of Mali's most precious asset: social capital" which can be defined as "[...] the sum of the human, cultural and spiritual values and patterns of personal interactions in a society". Traditional conflict resolution mechanisms are therefore geared towards the restoration of interpersonal relationships to ensure long-lasting harmony within the community – defined as comprising one or several settlements such as villages.

Socialisation

The socialisation process played an important role in maintaining Mali's social capital. From childhood, people were taught mutual respect and were encouraged to avoid situations of trying to win at all costs in the case of conflict. The essence of this cultural imperative is captured by the term *siguinyogonya*, which can be translated as the ideal of living in harmony with one's neighbour. Even today people relate legends that emphasise the importance of people living in peace with one another despite their differences. According to oral tradition, the Story of Tawsa, for instance, states that: "On the bend of the Niger, where Africa's third longest river makes a great sweep to wash the edge of the Sahara Desert, at a place named Tawsa [...], three great rocks dominate the river. Legend has it that a woman and her two quarrelling sons (a Targui – the singular of Touareg – and a Songhay) were turned to stones here. Between the heedless half-brothers, where the river swirls and eddies

angrily in the narrows, stands the mother attempting to keep her quarrelling sons apart. [...] God heard the curse of the mother at Tawsa and turned her warring sons to stone. Henceforward the brothers should never again fall into anger” (source: Poulton/ag Youssouf 1998).

Trade and economic relations

Peaceful relations within and between certain groups were not only a virtue but also essential to survival in the harsh semi-desert zones where the community was likely the only economic and social cushion most individuals had. Mali’s pastoral and sedentary populations were indeed highly dependent on economic trade and interpersonal relations. The communal spirit was captured, for instance, by a traditional dish called *Alabadia* that comprises a mixture of local rice cultivated by sedentary farmers and ground beef and butter produced by nomads. Another example is the saying ‘Your neighbour is your first point of reference because he or she is the first to know what happens to you’. King Soundiata Keïta, founder of the great Mali Empire (also called Mande Empire) that stretched from Timbuktu and the Sahara desert to the Atlantic Ocean, emphasised the major importance of trade in integrating different people in his famous order ‘Land, Trade and War’. Today, Malians still remember and feel proud of the ancient cities of Timbuktu, Gao and Djenne that developed into a powerful metropolis where gold, salt and ivory were exchanged and sold to countries in the Maghreb, Mashreq, to Europe and the Mediterranean gulf. Spurred on by dire necessity, it is said that economic interconnectedness eventually enhanced mutual understanding and intraregional ties between different ethnic groups which in turn promoted harmonious cohabitation.

Alliances

The use of alliances within and across ethnic groups can be regarded as another approach that enabled peaceful relations within society in precolonial history. King Keïta first institutionalised the role of alliances in his oral constitution in c. 1236 (the Kurukan Fuga Charter), insisting on the pacifying nature of such pacts to foster a culture of tolerance and mutual support. Alliances are said to imply a set of reciprocal obligations. As one interviewee reported, people were required to ‘never hurt an ally’ and in many instances were pressured ‘to do what the other asked for’.⁹ In addition, in the event of a dispute, the parties concerned were obliged to solve it through diplomatic means, expressed by the term *bamanan de sabali*, which can be roughly translated as an invitation to moderation.

9 Interview with a group of young political activists, Bamako, 29 February 2018.

While intercommunity marriages served as the oldest form of alliance, a further form that goes beyond the family unit and binds different groups to each other was *sanakouya*, often described as (literally) joking relationship or kinship of pleasantry. People recognized joking partners by their last names. Some of the most famous joking relations were those found between the Bambara and Fulani, Dogon and Songhay, Dogon and Bozo, Diarra and Traoré as well as Touré and Coulibaly. The concept involves ritualized jokes, mockery and leg-pulling that enabled people to make rather spicy and sometimes vulgar comments without triggering off any anger or irritation. Jokes may have related to the eating habits or the way of life of one ethnic group. It also included, for example, situations where one said that the other was greedy, a liar, a thief or lazy. Sometimes hearing a patronym was enough for a joking attack and thus for a conversation to start between people who may have never previously met, or to ensure that a tense situation calmed down. In the past, joking relations even prevented violent conflicts between kings when the kinship of pleasantry issue was raised. For example, a war opposed Mali and Burkina Faso in the 1970s. Guinean president Sékou Touré invited Moussa Traoré of Mali and Sangoulé Lamizana of Burkina Faso to a conference in the capital Conakry. The reminder of the ancestral friendship pact between Sanogo and Bambara – the tribes of presidents Lamizana and Traoré – helped to calm the warlike wrath of the two chiefs. A similar mechanism between Songhay and Tuareg in northern Mali was *Al-Kawal*, a kind of peace pact based on politico-military, security and economic alliances. Like other social links, these alliances created and reinforced social bonds and understanding between groups.

Associations

At local level, most members of society actively participated in peer-group associations called *tonw* – the plural form of *ton*. These were, among others, composed by sex, age-cohorts and occupational groups. Membership in an association was automatic, for example, all the inhabitants of a neighbourhood between the ages of say fifteen to twenty-five constituted the young people's *ton*. The arrangements were not only used for initiation rites but as solidarity systems in times of need. Associations were designed to develop social cohesion within the group and enabled (young) people to organize themselves into a workforce and represent their interests to their superiors. In addition, by giving the people an opportunity to air their thoughts and grievances, *tonw* had positive effects on the regulation of social tensions.

Use of customary leaders

Beyond the use of conventions and pacts, elders played a major role in Malian society, which had a strict hierarchical structure. The young were expected to respect and submit to their elders as expressed in the proverb 'The child cannot rule the father'. The latter were to act as teachers and role models for handing down knowledge and values to the youngsters through their exemplary lives and by passing on the wisdom of the forebears. Additionally, some well-known and respected elders were vested with conflict mediation because of their perceived moral authority, familiarity and high level of trust to act as neutral arbiters between individuals. In interethnic and community affairs, the panel of the wise (usually men) met under the *palaver tree* – a designated large tree where the community came together – chaired by an imam or marabout (Muslim religious leader), family head or village chief to discuss in a constructive manner or to make binding decisions that dealt with standards of the community.

Cultural events

In regular celebrations and ceremonies, the virtues of peace and harmonious living were extolled in songs and plays. Local music festivals as well as cultural and sporting events created a framework for exchange between different groups of people and for reconciling past grievances. In so-called *Kotébas*, Malian Forum Theatres, artists used humour to tackle sensitive issues or to teach people to correct their behaviour. Another, hereditary institutions that proved remarkably resilient were *griots*, known as men and women who hand down knowledge. They were assigned the role of custodians of oral tradition through verbal art and performance and travelled from place to place to reach many people. Due to their knowledge of entire generations and the cultural area they operated in, traditional communicators often served as advisers to families or worked as mediators between villages. As mediators, they were renowned for their mastery of occult powers. For the griots this power resided in their words, which the Mande people conceptualize as imbued with a force known as *nyama* that caused physical and mental illness. Because of their ability to release these powers, griots were highly respected by the local population and powerful actors in dispute settlements.

Use of Sanctions

Traditional societies often had mechanisms for the handling of misdeeds. Indeed, various sanctions were imposed on individuals and families who were seen to have contradicted customs and deter others from engaging

in behaviours that would engender conflict. This could include exclusion from social events like marriages and religious festivals. Other examples included compensation for the loss to the aggrieved party as well as restitution and acceptance of responsibility, and showing of remorse by the guilty as a measure of justice. The acknowledgement of wrongdoing and public confession of guilt was attributed major importance in Malian culture. In their understanding, only this action allowed the individual to right the wrong so that he or she could be forgiven and welcomed back without any grievance as a full member of the community.

Traditional conflict resolution processes

The widespread respect for communal harmony and fear of consequences were effective in preventing some forms of social tension. But when conflicts occurred, there was a well-structured process of peace making ranging from negotiation and arbitration to reconciliation. The procedure was led by an authorised third-party mediator, either a member of the extended family, a village chief, the council of the wise, marabout or griot, depending on the nature and scope of the conflict. Usually these mediators were not striving towards decision-making but to help the disputants find a way to solve the problem themselves through an agreement each party was satisfied with. The preferred locus for reaching a compromise was at the lowest family and inter-family level.

In all cases, conflict resolution started with bringing the disputants to a meeting point, typically in the chambers of the family head and village chief or under the palaver tree. In a subsequent open discussion all parties concerned had the opportunity to be heard and to confront others with facts and emotions. In so doing, the intermediary searched for the origin of the conflict by tracing the historical process of the dispute. For this purpose, mediators usually stressed that peaceful relations are regarded as a fundamental social value to maintain the interests and survival of the community. It was also common to call upon gods and ancestors to remind disputants of the repercussion of their wrath if they refused to tell the truth or to encourage them to be reasonable. Even exhaustive cross-examination and assembling of witnesses was sometimes needed to move the conflicting parties towards common ground to end the dispute. The deliberation process and the negotiated solution were reinforced by the public nature of the process, where everyone, involved or not, was able to have a say. Ideally, various rituals subsequently served as punctuation and a reminder marking both the

end of the conflict and ratification of the agreement. These could include the organization of a joint feast or the sharing of a meal to ensure that everyone shared what had been decided and the restoration of social harmony was publicly visible.




III. Integrating traditional conflict resolution mechanisms into the current peacebuilding process

Opportunities for traditional institutions in sustainable conflict resolution

In 1960, Malians proudly proclaimed independence under the socialist government of Modibo Keita. The Sudanese Union-African Democratic Rally (US-RDA), at its core a party of civil servants and teachers, not only worked for an 'Africanization' of the civil service by pushing French administrators and security corps out, but replaced them with Malians. The new government also sought to dismantle the power of customary authorities with the aim of establishing a centralized modern state structure and building the necessary conditions for a more egalitarian social order. In its view, customary authorities had worked as an essential pillar of the colonial system, because, sometimes under tremendous pressure, their services were used for administrative duties, for forced-labour recruitment, military conscription and the collection of taxes.¹⁰ Years of struggle followed in which chiefs were progressively removed from their functions and their influence within society weakened, except for the customary leaders of nomadic tribes in the vast and thinly populated Sahara zones. In 1968, Mali's first president was deposed in a bloodless coup led by Lieutenant Moussa Traoré who ruled through the Military Committee for National Liberation (CMLN) for more than two decades (until 1991) and widely continued the policies of his predecessor. It was only under the 1992 democratic elected president Alpha Oumar Konaré of the Alliance for Democracy in Mali (ADEMA) that state bodies were reorganised, and traditional institutions found new strength (see Mann 2015).

The official role of customary authorities was abolished and they no longer held executive, judicial or legislative decision-making powers.

¹⁰ Some customary leaders were also replaced by (invented) canton chiefs with limited local authority selected by the colonial power.

However, following the wave of democratisation, decentralisation and liberalisation, as well as the international human rights discourse in the 1990s, to some extent traditional institutions re-emerged in the political arena. The Malian state has increasingly come to see the need to recognize customary chieftaincy in the quest for regime and state legitimacy (see Nuesiri 2012). Indeed, against all odds, traditional institutions are highly valued in large parts of society across the social and economic spectrum because people still seem to pledge their loyalty to customary leaders and identify with indigenous mechanisms as opposed to official representatives and modern procedures legitimised at the ballot-box (see Afrobarometer 2011, 2017). In other words, as far as merely ruling at the behest of the colonial and post-colonial administrations, the authority of customary leaders survived independently of the state, was resilient and rooted in the pre-colonial historical continuity of the institution, retained a moral claim to rule, and maintained a close connection between hereditary chiefs and their communities (see Afrobarometer 2011). Moreover, customary leaders continued to exert informal authority in organizing social life through jurisdiction and working as advisers and third-party mediators. Leaders perceived that nothing happened or was decided without their knowledge and consent.¹¹ Customs still play an important part in Malian culture. Malians are reminded of this through, for example, the seemingly endless half-songs of griots singing about Mali's distant history and associated values that are broadcast on the radio, or the use of traditional joking phrases when bargaining about prizes at the markets or to settle conflicts. Survey data of the Afrobarometer 2011 indicate that it is these qualities on the ground that also help to explain the resilience and survival of traditional institutions alongside or in the midst of strong popular support for or satisfaction with democracy. Against this background, there is endless potential for traditional institutions to contribute to solving local conflicts and to support and participate in the current peacebuilding process.

Information sharing and citizen education

Among others, customary leaders can provide a bridge between the state and the local population to help build trust and confidence between the two sides, increase the legitimacy of the state and enhance the involvement of communities in programmes and projects. As part of their mediation function, customary authorities could ensure that citizens

11 Interview with the Network of Traditional Communicators for the Development of Mali (RECOTRADE) (i.a. Moctar Koné, Sékou Dembélé, Zoumana Camara, Mamadou Ben Chérif Diabaté), Bamako, 5 March 2018; Interview with Moussa Touré (head of Touré family) and family members, Bamako, 5 March 2018.

are informed about official decisions and developments, and vice versa, that political representatives are informed about the concerns and aspirations of their constituencies. As regards the latter, Malians who were consulted declared that it is partly the certainty of no consultation or being despised that prompts communities into conflict with the state. Although the government and its international partners have worked to disseminate reliable information about the underlying causes of crisis and the 2015 peace accord in recent years, it is clear that a large part of the population remains uninformed. One of the most crucial issues in need of proper understanding is the mechanism planned to implement the commitments made in the agreement, particularly regarding concessions granted to the northern rebels. Almost all interviewees asked about the mandates and funding of international security forces and the development actors present in the region. In their opinion, misunderstanding and mismanagement of expectations have left many people feeling disengaged and disillusioned.¹² Since inadequate understanding and awareness of these details are often cited as factors that have led to the collapse of previous peace agreements (i.e. noted in the 2015 peace agreement), collaboration with actors on the ground and specifically customary leaders are highly recommended.

Provision of public goods

There are also opportunities for customary leaders to provide public services such as the reinforcement of security and humanitarian aid delivery. The threat of Islamist terrorism increases the need to promote citizen participation in matters of security such as local early warning mechanisms that facilitate the sharing of information and cooperation between communities and public security institutions. Customary leaders and their networks can play an important role in this regard by exchanging knowledge among communities, reporting crime, or identifying and reporting insecure areas and acts of violence to the national security forces and the TJRC. There is further potential for participation in the demobilization, disarmament, rehabilitation and reintegration of former combatants into civilian life. Not only the mobilising of constituencies in support of weapons collection but also ensuring adequate social rehabilitation so that demobilized fighters are assimilated into the community. Apart from these critical measures, socioeconomic development is a fundamental contribution towards stamping out extremist groups of any kind. The promotion of income

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¹² Interview with RECOTRADE, Bamako, 5 March 2018; Interview with the Association for the Consolidation of Peace, Development, and the Protection and Promotion of Human Rights (TEMEDT) (i.a. Ibrahim Ag Idbaltanat), Bamako, 1 March 2018. Other interviews confirmed this impression.

generating local production and access to elementary and secondary education across the country is seen to be the most effective countermeasures, not only in the fight against the proliferation of Islamist and other radical groups, but also for the consolidation of peace.¹³ Until these foundations are in place, working together with customary leaders and traditional associations can help facilitate aid deliveries and rapid crisis response to manage critical situations in the short-term.

Social reconciliation

A strong interest in institutionalizing traditional institutions lies in the fact that they are key actors in fostering social reconciliation. Customary leaders hold the authority to control and mediate intercommunity disputes that otherwise might be exploited by those seeking to destabilise the security situation. The investigation, detection and prosecution of crimes, and the mediation of community conflicts is consistently demanded by citizens who say 'A wound cannot be healed on pus'. Therefore, working on the past is a minimum prerequisite for building a viable future. Customary law within society is commended for a number of reasons. Unlike the formal justice sector, which is characterized by the high costs of trials, long delays and complexity of legal procedures, customary mediation is free of charge and easily accessible. Other features include the possibility of speaking in a local language and avoiding the hurdle of written language. According to UNESCO, in 2015 more than 60 percent of the population was illiterate with about 90 percent of Malians having difficulty understanding French, the official working language of the state. Because Malians expect to achieve face-saving solutions in accordance with historical beliefs from traditional mediation, conflicting parties are more likely to accept guidance from their customary authorities than from formal state institutions. It is also often said that modern law courts are only used for certain matters or when traditional mechanisms of restorative justice have failed because, contrary to the work of customary authorities, modern punitive justice stops the conflict but does not resolve the underlying dispute.

Another important characteristic and opportunity for traditional institutions is the role that dialogue forums that bring youth, the middle-aged and elderly together can play to reinforce social cohesion. Mali remains a country of oral tradition and fostering knowledge exchange and promoting inclusive dialogue at grassroots level is considered essential and continuously requested by civil society actors to facilitate a

13 Interview with a (female) religious leader of northern Mali, Bamako, 7 March 2018.

shared vision of social cohabitation and strategies for reaching it. Meetings between representatives of conflicting parties can lead to the creation of localized peace pacts, which may influence the voluntary disbanding of armed movements. Recognising the negative role these movements play in capitalising upon communal tensions, Malians spoken with are also in favour of open dialogue with representatives of extremist groups. Foreign stakeholders struggle to understand how, for example, Islamist groups could be part of a national dialogue on peace and reconciliation. However, given the fact that for years they have relatively successfully integrated into certain local communities, it is said by many Malians that it would be better to bring them in and hold them responsible for the outcome than to push them away and strengthen the hardliners.

Challenges to traditional institutions for sustainable conflict resolution

During and since the 2012-2013 crisis, traditional institutions initiated and supported local peacebuilding processes in one way or another. Customary leaders raised their voice and tried to convince radical groups to put down their arms, use words rather than weapons to convince people of their views and to engage in constructive dialogue with the government. Several highly regarded representatives of Mali's communities successfully negotiated the opening of humanitarian corridors with armed groups, thereby ensuring the transportation of food to people in the regions under their control. In so doing, historical alliances (e.g. cousinage alliances) proved to be the most expedient way to provide quick humanitarian aid that the state was unable or unwilling to deliver. In addition, several village chiefs met at their municipalities to discuss how to best mitigate conflicts. Despite belonging to different ethnic groups and communities, the chiefs generally agreed that they were 'all brothers' and thus killing was fratricide.¹⁴ As a result of these meetings, chiefs started to organize awareness sessions and dialogue forums in their communities about potential threats and the negative influences of extremist groups on their social fabric. Having a great interest in resolving local conflicts, customary leaders also say that they brought together representatives of fighting groups to negotiate disputes in a non-violent manner. Furthermore, relying on their social networks, some customary leaders notified national and international security forces about ongoing attacks and made lists of the dead and wounded.

14 Interview with RECOTRADE, Bamako, 5 March 2018.

Additionally, the Malian government, in the form of the Ministry for National Reconciliation, set up local commissions. These comprise imams, chiefs and civil society representatives whose aim it is to promote public exchange and decrease social tensions. Although customary authorities generally welcome the support, considering the long history of neglect, they are cautious that this might not be a genuine paradigm shift. Yet, chiefs vowed that they would 'use any kind of help to pursue reconciliation missions'.¹⁵

In this manner, customary leaders managed to reduce some friction between and within certain groups over the short term. However, they have been unable to make the fundamental changes required to dissuade local populations from joining extremist groups. Indeed, while still dominating local governance, traditional institutions face an ever increasing series of daunting challenges that limit their influence within society.

Erosion of traditional family structures and cultural values

Some academics warn of a gradual erosion of social networks and associated ancestral values. This is particularly the case for some of the youth in the cities and bigger villages. Being influenced by regional and international immigration, television shows, the internet and social media networks, they question whether their voices are being heard in the highly stratified and hierarchical traditional structures; some may be striving for a more western oriented culture and lifestyle. A few Malians might also generally call into question the legitimacy and legality of customary leaders for extending their authority further than symbolic or ritual functions. Looking at rural areas, where 80 percent of people still live, the picture is very different. However, here too the social fabric is increasingly disconnected. Young people continue to withdraw from traditional community living in order to empower themselves in a small family unit or, most commonly, in the hope of escaping the lack of future prospects. Indeed, the impact of high population growth (approximately 3% per annum), climate change causing the expansion of deserts, and a decreasing amount of land available for peasant agriculture from which most people make a living, as well as poor educational opportunities in remote regions, are inevitably leading to an exodus from the countryside to urban centres (figures according to the Bertelsmann Foundation 2018). Despite these factors, the disappearance of cultural and sporting events further contribute towards a decline in interethnic relations. While Mali has long been concerned with the preservation of the cultural

15 Interview with RECOTRADE, Bamako, 5 March 2018.

identity of its people through events such as Youth Week, that later became the Cultural and Sport Biennial, or the fabled Festival in the Desert, these and other celebrations have been abandoned in recent years. This left many youths without guidance, and customary authorities might not be sufficiently connected and trusted by all sectors of their respective consistency power bases ultimately undermining their intermediary role.¹⁶

Financial and logistical constraints

Traditional mediation practices conducted by customary authorities are challenged by a number of other developments. These include poor financial capabilities of customary authorities that formerly managed the joint financial resources of the family and lost most of their main sources of income such as grazing fees. Not only are they cut off from potential sources of funding and cannot rely on the state for financial support, international donors are usually based in Bamako and are said to be reluctant to spend money in inaccessible or unstable areas. Because of this, customary leaders are not able to provide compensation for the loss of livelihoods or withdrawal from the violence that many people in northern and central Mali are asking for. In addition, the lack of well-maintained transport and logistics in the form of paved road networks and infrastructure, makes third-party mediation and communal meetings even more complicated and costly. Similarly, actors associated with dispute settlement emphasised that the process of mediation in some cases requires multiple discussions involving many people and complex lasting for days, weeks or even months and called for patience and perseverance.

Security threats

But this is not all: Customary leaders and their families in northern and central Mali have become the targets of armed groups and fear for their lives in light of violent insurgency. While armed movements took all their powers by force, only a few leaders fled to the cities of Mopti and Bamako. The vast majority of local decision-makers remained and put their lives at risk. Being vulnerable, some Islamist groups have targeted customary leaders and their communities. They justify their cooperation, willingly or unwillingly, as a result of the longstanding neglect of the central state rather than for ideological reasons. In contrast to central government, Islamist groups offer the distribution of money, motorbikes, telephones, medicine and protection against other armed groups. Indeed, no respondent pointed to ideological or religious beliefs as the

16 Interview with Malian scholar Naffet Keita, Bamako, 2 March 2018.

driving force behind joining armed groups. In their opinion, only perhaps ten percent of those co-opted by these groups are fighting for the implementation of Sharia. The rest are said to use the power of these groups for the settlement of personal scores and revenge, in relation to the distribution and access to (natural) resources, to show their frustration, or not seeing any alternative to earn money. That's why, although customary leaders and civil society representatives interviewed emphasised that national and international military intervention is required to ensure the physical protection of civilians, the use of repressive measures would only be partly successful, if at all, unless the sources of disillusionment and frustration are addressed. Employment creation is seen as the only way to break the vicious circle of poverty and violence.¹⁷

Lack of enforcement and accordance with international standards

One further factor undermining the legitimacy of customary leaders and their ability to mediate conflicts is that traditional conflict resolution in general lacks any enforcement despite relying on social pressure or sanctioning within the respected community. The solutions customary law offers typically involve resolving incidental disputes between specific people or groups, and more critically, there are no written legal agreements that could be used in cases of infringement. For example, although people agree to the existence of historical agreements and the value of traditional conflict mediation, some blame others for their violation. In an environment of mutual accusation, community members criticise both state officials and customary leaders for their lack of foresight or even bias in exchange for natural and financial resources. Apart from this, albeit that many chiefs may have substantive knowledge and experience in mediation and reconciliation techniques based on historical observations, others lack notable qualities of wisdom, neutrality and level-headedness. Some find it difficult to adapt to the new legal and constitutional framework developed after independence. In addition, until now the jurisdiction of customary leaders was limited to civil affairs such as family (i.e. divorce, inheritance) and land-related issues (see Mali Land Code of 2000/2002; a new Agricultural Land Law was adopted in 2017); they generally do not wish to resolve criminal cases such as rape, murder and assault. Customary leaders therefore desire to only complement the formal judicial system.

17 Interview with TEMEDT, Bamako, 1 March 2018; Interview with a (female) religious leader of northern Mali, Bamako, 7 March 2018.

Regardless of the wide appeal of customary law, traditional mechanisms are criticised for not adhering to international standards. Far from being perfect, customs often conflict with political demands of gender equality and greater representation of women and the youth. Women are not direct participants in traditional systems, especially at leadership and decision-making level. Even if their roles as women are respected due to their prominence in Malian culture, in general, their formal roles are limited even though it is commonly said that no decision may be taken, let alone implemented, without their consent – nicely illustrated by the proverb ‘Behind every beard you can see the point of a plait’. Unfortunately, the cultural importance of women in no way reduces the reality and disadvantages of gerontocracy. This also applies to the representation of the young generation, with two-thirds of Mali’s population under the age of 24 (see World Bank 2018). As civil activists confirm, there remains a need to modernize certain community functions, including decision-making by women and giving voice to the concerns of women and youths in community and economic affairs.¹⁸

Fragmentation of civil society

In general, customary leaders are regarded as a part of Malian civil society and comprise academics, professionals, women and youth associations, as well as religious organizations operating in sectors such as education, health, women’s rights, citizenship or social development. Although vibrant and diverse, Malian civil society lacks unity and is characterised by contradictory claims and links to political parties. As such, overall collaboration within society including, for example, the concentration of traditional communicators (RECOTRADE) known as *nyamakala-ton*, associations such as the Forum of Civil Society Organisation (FOOSC) and young activists, is quite weak or absent.¹⁹

Likewise there is a lack of trust between civil society and political figures. While there is, for example, the Northern Mali Network for Peace and Security (NMNPS), which acts as an interface between the government, local authorities and international partners, state-run points of contact are rare. According to customary authorities interviewed, the overall relations between long-established structures and modern national state institutions are even sometimes tense due to mutual accusations and poorly defined allocations of power, including the management of natural resources, land transactions and the responsibility for local

18 Interview with a group of young political activists, Bamako, 29 February 2018.

19 Interview with anonymous Malian journalist, Bamako, 7 March 2018.

ceremonies.²⁰ Mistrust also affects relations with the military. Some Malians said they found it difficult to engage with national security forces, who have a poor reputation for upholding human rights and repeatedly participate in acts of violence or generally censor important information about local security conditions.²¹

In the face of the weakening of other institutions of socialization, such as the extended family, religion remains one of the most important unifying forces within society. Introduced in the 11th century by Arab traders and itinerant marabouts, approximately 95 percent of Malians follow the Islamic faith. The remaining five to ten percent are either Christians, people with indigenous religious beliefs, or those with no religion affiliations (see US State Department 2017). With the advent of political liberalization, the presence of Islam has grown in public life, but it has been traditionally moderate, pluralistic and coexisted with other belief systems such as animism (African Traditional Religion, ATR) and Christianity. Today, the Malians who were consulted describe a proliferation of different religious factions of Islam and increasing competition between their leaders about interpretations of the Quran and their relationship with and support of fundamentalists. An illustration that competition is rife is the appearance of new mosques in every alley of Bamako. Although people agree on the pacifying role of religion, the polarization between moderate and radical believers, and the potential use and exploitation of religion by certain interest groups, is perceived as a threat to social cohesion (see IMRAP 2015).²²

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²⁰ Interview with RECOTRADE, Bamako, 5 March 2018.

²¹ Interview with TEMEDT, Bamako, 1 March 2018. Recent incidents were the discovery of a mass grave in April, the alleged execution of 12 civilians at a cattle market (in Boulkessy) in May, and the extrajudicially killing of about 25 Fulani civilians in central Mali in June 2018 – all attributed to members of the Malian army (see Maclean 2018; Reuters 2018; Lebovich 2018).

²² Interview with the Malian Institute of Action Research for Peace (IMRAP) (i.a. Zoumana Fané), Bamako, 28 February 2018.



IV. Conclusion: Traditional institutions and the prospects for peace in Mali

Are the seeds of change rooted in Mali's rich cultural heritage? Mali is experiencing a complex and multidimensional crisis with several interlinked conflicts – the full details of which extend far beyond the scope of this report. Given widespread poverty and unemployment, the decentralised nature of violent conflicts and fractured relationships between social entities, and the poor quality of governance and state authorities (i.e. courts), there is indeed great value in the work of grassroots peacebuilding. Four key strengths of customary leaders are: their local knowledge; their cultural sensitivity in negotiating dispute resolution and processes of community development; their special status in fostering dialogue and perhaps, most importantly, their capacity to mobilise communities. It is these aspects of traditional institutions that deserve focussed attention from both African and foreign policymakers.

Having said this, the challenges facing traditional institutions should not be underestimated. Most pressing, customary leaders being physical threatened by armed groups and unable to protect their constituencies from Islamist influence. In addition, traditional institutions face resource challenges including access to money, a lack of conflict resolution training, enforcement powers and logistical constraints. State support for the implementation of local initiatives and cooperation to implement the 2015 peace agreement is equally weak. Thus, traditional institutions on their own are unable to make any changes to mitigate economic concerns or remedy social inequalities that trigger conflicts and which previously gave rise to the crisis in 2012.

What follows from the above is the need for politicians and customary leaders to work together with the inclusion of women and youth associations. Whichever programmes or measures the Malian government under president Keita and international partners engage in, knowledge-sharing with communities and their active involvement can be seen as a precondition to promote a spirit of peace and ensure capacity for full implementation. For this to happen, levels of distrust will need to be overcome both within civil society and between the

population and political class by encouraging open dialogue. Besides this, new connections and collaborations will have to be established between the local and political levels, national and international security forces and external stakeholders. Stabilisation of the country needs a long-term commitment by all actors involved. Truly sustainable progress cannot be expected in a year or two.

The following recommendations are aimed at preventing the further escalation of conflict and to pave the way for a stable and peaceful future for Mali:

- Foster a more resilient and inclusive society. This encompasses the creation of employment opportunities, encouraging entrepreneurship, investment in infrastructure, education and health care – not just in response to violence and the proliferation of Islamist groups in certain regions, but especially to establish long-term prospects for young people across the country. The creation of future prospects is highly recommended and should also, as a short term measure to ameliorate the situation, include a strong focus on the establishment of channels for legal migration and training opportunities for Malians in African and Western countries.
- Reinforce dialogue within and between civil society, including with representatives of Islamist groups and the state at local, regional and national level. Support and fund administrative structures to improve access by customary authorities to disputing parties.
- Support the establishment and access of people to a fair and equitable formal justice system to combat widespread impunity.
- Make use of traditional conflict resolution mechanisms. In the current context the government could make use of these indigenous resources by directing high-level violent crimes with actionable evidence to the courts, while customary law be used to address other categories of social tension. For this to be effective it is important to provide coaching to customary leaders and other civil society actors to enhance the capacity of local peacebuilding through training in conflict mediation techniques and in disciplines such as human rights, technology, science and war crimes.
- Find a way to articulate the roles customary authorities play on the ground and formally define their status in terms of rights and obligations, the modalities of organization, functioning and collaboration with local structures of governance (communes, prefectures, villages, justice). Most customary leaders are not

opponents of the national government but rather its constituents who are ready to participate in the wider national debate and peacebuilding efforts. To incorporate these structures into a modern system of governance, Mali can study the methods used by neighbouring countries (i.e. the House of Chiefs in Ghana) and ECOWAS'-Council of the Wise.



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