



## The implementation of the responsibility to protect in the Malian crisis since 2012

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### Abstract

The international community's intervention in the Malian crisis since 2012 reflects its commitment to respect for the policy of the responsibility to protect, which focuses on the security of populations in circumstances that may seriously violate their rights, but also to restore the sovereignty of the de facto failing State. The fulfillment of this obligation by the worldwide community has made it possible to restore much of the sovereignty of the State of Mali and to save the lives of the civilian populations left behind. Despite these successes, deficiencies are still evident in the application of the responsibility to protect process. There are some at the level of the State of Mali as well as at the level of the actors of the global community. Strengthening the capacity of the country's security forces and militarizing the conflict zones will address the shortcomings identified.

**Keywords:** the responsibility to protect, mali, the international community, ECOWAS, populations

### 1. Introduction

Under public international law, each State has the obligation to protect its population. The fulfillment of this internal obligation is part of the State's obligations towards the international community. If the State fails to respect human rights on its territory, it is up to the international community to assume this role of protecting populations from gross human rights violations. This has been the case in Mali since March 2012.

The current tragedy in Mali reflects its history of colonization. Its territory continued to be coveted for its mineral resources. Located in the heart of West Africa, this country has long been considered a crossroads of trans-Saharan trade. Since the 11th century, the passage of many caravans in the region has contributed to the progress of the cities of Gao, Djenné, and Timbuktu. Following the difficulties of succession and the emergence of Touareg territorial claims, the Malian empire declined and several kingdoms followed one another: the Songhai empire, the warrior state of Segou and the Fulani empire of Macina. French colonization began in 1883 and Mali was named French Sudan. After the creation of the ephemeral "Federation of Mali" bringing together Senegal and French Sudan, the latter declared its independence on 22 September 1960, and took the name of Mali, referring to the prosperous period of the Malian territory from 1990 to 1995, the Touareg rebellion marked major differences compared to previous crises. Better organized, it has mobilized almost all Touareg and Arab communities, all tribes and strata combined, around a platform that has been able to interfere with the political, economic and socio-cultural aspects that correspond to the deep aspirations of the habitants of northern Mali. The regions affected by numerous droughts and for many years had not received the necessary attention from the Republic authorities.

Despite the signatures between the State and the Touareg uprising in Tamanarasset 1 and 2 for the reestablishment of security and peace, the validation of the National Pact of 11 April 1992, the rebellion has always continued through

murders, untimely desertions with complete impunity of Arab-Touareg army integrators, theft and kidnapping of vehicles and all other well followed by the demolition of public buildings <sup>[1]</sup>. Since then, despite a political history marked by several military coups, the country has been described by some authors as an exemplary democracy.

However, history repeats itself, and on March 22, 2012, the democratic government was overthrown by a coup d'état. The military denounces the political power's inability to manage the conflict in the northern of the country, in connection with the Touareg rebellion allied to the terrorist group Al Qaeda for the Islamic Maghreb, the Movement for the Unity of Jihad in West Africa (MUJAO) and Ansar Dine from Libya. These armed groups have perpetrated all forms of human rights harms and all inhuman and degrading practices against civilians and the military. Faced with this situation, the transitional government is reluctant to ask for French intervention to stop the advance of terrorists towards the capital. Secondly, the UN Security Council considered in resolution 2085 that the situation in Mali is a threat to international peace and security.

Indeed, it authorized a delegation of the International Mission in Support of Mali (MISMA) to assist the Malian government in fulfilling their primary responsibility to protect the citizens against human rights violations. So, the question that arises as to knowing how this responsibility to protect is being implemented in the Malian conflict. The diagnosis of this issue will first make it possible to understand the conception of the responsibility to protect, the actions taken to this end, and then to analyze the shortcomings of the actors of the accountability to protect in order to propose solutions.

### 2. The Concept

In September 2000, the Canadian government and a group of major foundations responded to the UN Secretary-General's call. They announced the creation of the ICISS. Their objective was to reconcile the idea of sovereignty with that of intervention. In 2001, the Commission issued a

report titled "*Responsibility to Protect*". This report indicated that sovereignty gave States the right to control their affairs, but it also conferred on them the primary responsibility to protect their own populations throughout the national territory. It proposed that, in the event that a State failed to guard its population either because of lack of capacity or lack of will, this responsibility should be transferred to the all-inclusive international community. This report stated that: "*When a population is seriously affected by the consequences of civil war, insurrection, repression by the State or failure of its policies, and when the State in question is unwilling or unable to put an end to or avoid such suffering, the international responsibility to protect takes precedence over the principle of non-intervention*".

It implies that a State that fails in its duty to protect its civilian population would support a subsidiary responsibility of the international community. This subsidiary responsibility is applied when a particular State is noticeably either unable or unwilling to achieve its responsibility to protect or is itself the real offender of the crimes or atrocities in question. It also applies when persons living outside a given State are right endangered by acts taking place in that State. This responsibility may take the form of intervention, as measures taken against a State or leaders, without their consent, for humanitarian or protective purposes. Military intervention for human protection purposes concerns two main categories of circumstances, namely stopping or avoiding. According to this ICISS report, there are "*considerable losses of human life, actual or apprehended, whether or not there is genocidal intent, resulting either from the deliberate action of the State, its negligence or inability to react, or from a failure for which it is responsible; or large-scale ethnic cleansing, actual or apprehended, whether perpetrated by killing, forced expulsion, terror or theft*".

The ICISS, in its 2001 report, analyses several responsibilities such as the obligation to prevent, react, rebuild. It offers particular consideration to the responsibility to respond by proposing principles for military intervention. However, this ICISS report is only a product of experts. Therefore, it has no legal value. Official documents retain the terminology related to the notion of intervention. It then officially appeared in UN documents. Kofi Annan, a true standard-setter, is responsible for the survival of the "*Responsibility to Protect*" within UN bodies. The latter allows the concept to follow its path by creating other reports that use the terminology of the ICISS report. The reports of the High-Level Personality Group "*A More Secure World: Our Shared Responsibility*"<sup>[2]</sup> and the 2005 report "*In Larger Freedom*"<sup>[3]</sup> have been submitted to him.

Both reports stressed that when a State is unable to protect its population from crimes, the international community has a duty to protect peoples threatened by crimes, and must first resort to more appropriate diplomatic, humanitarian or other means. It is right that at the 2005 World Summit, at the High-level Plenary Meeting of the sixtieth session of the General Assembly, the United Nations approved the ICISS report entitled "*Duty to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing*"<sup>[4]</sup>. This commitment of States to assume the responsibility to protect the civilian population from crimes was reinforced by Resolution 1674 in 2006 on the protection of

civilians in armed conflict. This resolution officially referred for the first time to the responsibility to protect by setting the normative framework for the work of the UN Security Council on the protection of civilians in armed conflict. Building on the 2005 Summit Document, the UN General Assembly is pursuing the carrying out of the responsibility to protect.

## 2.1 Obligations

Executing the responsibility to protect has three mandatory pillars. It is about preventing, reacting, and rebuilding<sup>[5]</sup>. It is a continuum adopted by the commission that consists of deploying all possible means to avoid the happening of crimes or disasters. Then, act when these means prove ineffective. In addition, it innovates an important aspect, that of reconstruction.

## 2.2 Prevention

Being considered as the first pillar of the responsibility to safeguard, the commission urges a strong commitment to prevention in States. This process gives a lecture the root causes and immediate causes of humanitarian crises. It also advocates an early warning mechanism as a means of information to stop the event of imminent danger.

For the prevention of the root causes of clashes and other forms of disasters, the Commission proposes three ways at the national level. The first is good governance. The committee considers that the rational and efficient management of State resources makes it possible to avoid situations that could lead to serious crises. Governments must, therefore, manage the State in accordance with the values of good governance. When these principles are observed, the risk of war and conflict is considerably reduced. The second is the protection of human rights. This is a challenge for all States. Today, it is clear that States are working to promote and defend human rights. Respecting them not only significantly reduces the occurrence of their transgression but also consolidates them. Finally, the commission advocates the promotion of socio-economic development and the equitable distribution of resources. The development of a country, especially the standard of living of its population, contributes to the outbreak of conflicts and crises when national resources are unfairly and unequally distributed.

At the international level, the success of prevention requires strong support from the international community. This support may take account of development assistance and other actions that can help to eradicate the root grounds of potential crises. It may also include support for initiatives to promote good governance, respect for human rights or the rule of law. It can proceed the arrangement of a mission of good offices, mediation, and reconciliation. Often, it can take the form of incentives and even constraints<sup>[6]</sup>.

As for prevention at the level of the immediate causes of crises, it involves political-diplomatic, economic, legal and military measures. Political-diplomatic measures involve the direct intervention of the UN Secretary-General, as well as fact-finding missions, the efforts of commissions of eminent persons, negotiation and intermediation through good offices and international appeals. When these measures fail, the international community can go as far as imposing political sanctions: diplomatic isolation, suspension of participation in the work of certain organizations, restrictions on the assets of certain individuals. Economic

prevention measures include both positive and negative incentives. Positive incentives include the promise of new financing or investment, more favorable commercial conditions. These prevention efforts can also have a negative impact if they are taken as a sanction against a State. These include, for example, trade embargoes or financial sanctions, withdrawal of investments, threats of withdrawal of support from the International Monetary Fund or the World Bank, and cancellation of aid and other kind of assistance.

As well as that, there are legal preventive measures. These include offers of mediation and arbitration, or even settlement, and the deployment of observers to monitor compliance with human rights standards and help reassure communities or groups that consider themselves at risk. That is why international criminal tribunals were established, such as the former Yugoslavia, Rwanda, Sierra Leone, and the effective institution of the International Criminal Court is a means of deterrence that will bring to light possible perpetrators of crimes against humanity <sup>[7]</sup>.

With regard to military measures, the committee mentions that they are limited. They can include the arrangement of remote reconnaissance operations, and in particular, consensual preventive deployment such as the United Nations Preventive Deployment Force in Macedonia. In extreme cases, prevention can go as far as the threat of the use of force <sup>[8]</sup>.

In addition to this, there is an early warning mechanism. Early warning in the event of a threat of conflict is essentially an ad hoc process. It has led to the creation of non-governmental organizations such as the International Crisis Group, which monitor areas likely to be sources of potential tension. These NGOs provide information on what is happening there, and actively work to alert governments and the media if they believe that preventive action is urgently needed. Their work is complemented by the monitoring and reporting capacity of international and national human rights organizations such as Amnesty International, Human Rights Watch and the International Federation for Human Rights.

To address this problem, the Commission adjusted the pace of the United Nations Study Group on Peace Operations. Indeed, it has proposed the setting up of an early warning system that is centralized at UN headquarters, underneath the control of the Secretary-General. Such a service, composed of aggregated experts trained in conflict prevention, reporting to the Secretary-General, will centralize and process data from several sources, thus preventing conflicts that could lead to massive human rights violations or even genocide. This implementation of alert mechanisms requires the active participation of regional stakeholders who have sufficient knowledge of the local situation. These regional actors are in a better position to understand local dynamics, although this is not without its drawbacks, especially since they are not indifferent to the outcome of a deadly conflict. The Commission recommends that more resources be made available for regional and subregional conflict prevention initiatives, as well as for the response of capacities to improve the effectiveness of regional and subregional organizations in the areas of peacekeeping, peace enforcement, and intervention.

### 2.3 Reacting

After the failure of the prevention mechanisms, intervention

measures by the international community may be necessary. These measures are political, economic, judicial and beyond, military action.

On the one hand, these are sanctions that limit the ability of the targeted State to interact with the outside world without physically preventing it from acting internally. The purpose of these measures is to persuade the authorities of the State requested to act or refrain in such a way. Any sanctions are taken with great care to ensure that populations that are supposed to be protected are not affected by the consequences of these measures. They are among others: the embargo on the sale of military kits and spare parts; the interruption of military cooperation and training programmes; restrictions on profit-making activities (for example, oil; diamonds, timber); the prohibition of air links to or from a particular destination; restrictions on the diplomatic representation and travel of the political leaders of rebel movements around the world; suspension of participation, expulsion or denial of admission to an international organization and interruption of technical or financial cooperation offered by such organizations <sup>[9]</sup>. These measures demonstrate the good faith of the international community, which refrains to the extreme before taking military action.

On the other hand, the military intervention must be taken under well-defined conditions. That is why the commission mentions six criteria that lead to military intervention. This is the appropriate authority, the right cause, the right intention, the last resort, the proportionality of reasonable means and perspectives <sup>[10]</sup>. This ICISS method is therefore intended to be an almost complete transposition of these prerequisites from just war to humanitarian intervention.

### 2.4 Rebuilding

The responsibility to react must ipso facto be accompanied by the obligation to rebuild. This is the wish of the Commission and the third pillar of the responsibility to protect. It is, therefore, necessary to establish a post-intervention strategy in order to better consolidate and guarantee post-conflict peacebuilding and to ensure genuine reconciliation and relaunch the country's development. The objective is to inhibit the factors that led to armed intervention from reappearing. To succeed in the reconstruction challenge, the Commission proposes to work on three major areas. There are: security, justice, and development to ensure the smooth running and success of the whole process because a missing or weak link may block the functioning of the dynamic process <sup>[11]</sup>. These areas are essential for the restoration of security and public order and at the beginning of the reconciliation process for a normalized life in the area concerned.

### 3. Putting into practice the responsibility to protect in the context of Mali

Since the events of 22 March, Mali has been going through the worst crisis in its history. Indeed, following a mutiny in the military barracks of "Kati"; the President of the Republic resigned. This has led to the disruption of the chain of command within the army. This situation has led to the suspension of all forms of cooperation, with the exception of the humanitarian component, with the main partners. On the northern front, one of the impacts of the absence of the State was the invasion of the northern part of Mali by armed gangs such as the National Movement for the

Liberation of Azaouad (MNLA), Ançar-dine, the Movement for the Unity of Jihad in West Africa (MUJAO). Since the adoption of the framework agreement between the NCRDSR and ECOWAS, the constitutional order has returned to Mali. Despite the establishment of transitional institutions, Mali remained isolated and even subject to an arms embargo. In response to this situation, actions have been taken by the Government of Mali and subregional and international institutions in the context of the responsibility to protect. This is the State's responsibility for protection, international support and capacity building, timely and decisive response.

With regard to the actions of the Malian State to protect populations as required by the responsibility to protect, are purely formal and political in a conflict situation. It has reestablished the chain of command in the army that disappeared during the military mutiny and created the Transitional Institutions Security Operations Coordination Centre. To restore the national army, it was necessary to set up a military committee to monitor the reform of the defense and security forces. So the purchase of military equipment was imperative for the reconquest of the northern regions of the country. To punish abuses and crimes against humanity committed by rebel and terrorist armed groups, the State has also made the referral to the International Criminal Court as a priority. The World Heritage sites of Mali were also inscribed on the list of heritage in danger because their tangible and intangible components were endangered by the invasion of rebel and terrorist groups from the northern regions of the country. The four sites on UNESCO's World Heritage List, including the city of Timbuktu, were particularly damaged. The fourteen of the sixteen mausoleums were destroyed; about four thousand two hundred and three (4203) ancient manuscripts were burned<sup>[12]</sup>. This situation, which demonstrates the inability of the State of Mali to fully protect part of its territory as required by the responsibility to protect, has lent a helping hand to the international community. An effort to put a definitive end to the crisis, the Malian government has begun talks with the parties to the conflict. These negotiations resulted in the validation of the Alger Agreement in 2015.

On the humanitarian front, the Government of Mali has created the Ministry of Solidarity, Humanitarian Action and Northern Reconstruction. This Ministry is responsible for planning and coordinating the return of refugees and their socio-economic integration, coordinating humanitarian actions in crisis situations, coordinating and mobilizing and using food aid for populations affected by the crisis in northern Mali. Indeed, it has adopted a national strategy for the socio-economic reintegration of populations affected by the conflict in general and returnees. This strategy contributes significantly to the overall pacification process in the northern regions of Mali since stabilization and the resumption of normal life for the population are likely to prevent new ones and heal the social wounds left open by the conflict<sup>[13]</sup>.

In the area of protection, this strategy has enabled the government and its partners to support the effective implementation of mechanisms for managing return and reintegration at the local level. It facilitated the development of a legal framework for the voluntary repatriation of refugees and for durable solutions for returnees and internally displaced persons; assistance to refugees, their

awareness of the danger of mines and persistent war explosives and the prevention of gender-based on violence. These activities are building the capacity of communities to manage conflicts but also the rule of law in favor of returnees and refugees.

With regard to the integration of returnees, the government provides emergency assistance to the population on the basis of vulnerability. It initiates income-generating activities for vulnerable groups, builds basic social infrastructure as a shelter, five-year projects to strengthen social cohesion and community recovery, and even labor-intensive projects. In addition, the activities of the Ministry of National Reconciliation and the Justice, Truth and Reconciliation Committee are working to rebuild the social fabric torn apart by the conflict.

In the area of justice, progress has been made since 2014 in restoring the judicial system in the Timbuktu and GAO regions. The resumption of the activities of the courts and prison services and the redeployment of prosecutors, judges and members of the judicial police who had left the premises demonstrated this success. War crimes and other abuses have been prosecuted. The conditional release of several dozen men arrested in connection with the conflict, including several commanders of armed groups in the North who are likely to be involved in abuses, has raised concerns about a de facto amnesty for these crimes<sup>[14]</sup>. International law also encourages countries to grant amnesty or a general pardon to captured combatants and other individuals arrested for participating in a conflict, provided they have not committed war crimes and other serious abuses. However, their ability to investigate outside the major cities is limited by the precarious security situation. Consequently, the draft agreement presented to the parties at the end of October 2014 entitled "Elements for an agreement for peace and reconciliation in Mali" supported a profound reform of the justice system. To help put an end to impunity, this draft agreement affirmed the "imprescriptibility of crimes against humanity" and urged the Malian State to cooperate and establish an international commission of inquiry. It stipulates that the Malian judiciary must continue to investigate violations of international humanitarian and human rights law committed during this conflict.

### 3.1 ECOWAS's contribution

Since March 2012, ECOWAS has been demonstrating its commitment to help Mali emerge from the crisis. It drafted and negotiated the Ouagadougou Framework Agreement with the National Committee for the Restoration of Democracy and State Restoration (NCRDSR), which allowed for a return to constitutional life and instituting an interim president (Accord Cadre, 2012). It sent battalions to Mali but only to the south. But ECOWAS troops are not ready to fight in the Malian desert against terrorists and protect populations at risk as indicated in the second pillar of the responsibility to protect. However, this organization prevented the Malian army from taking possession of the weapons ordered by the government since the beginning of the crisis.

### 3.2 International Community

Like ECOWAS, the international community focuses on political life in the south and makes it the condition if not the condition for any aid or assistance to the Malian army in its regalian mission to defend the national territory<sup>[15]</sup>. Yet,

the second pillar of accountability is the commitment of the international community to help States meet their obligations to protect their populations. The international mediation team led by Algeria facilitated the talks and includes members of the African Union, the Economic Community of West African States (ECOWAS), the European Union, the United Nations and the Organisation for Islamic Cooperation, as well as members of the governments of Burkina Faso, Nigeria, Chad, Niger and Mauritania.

The UN Security Council has appealed to the Member States for logistical and military assistance. In its resolution 2080, 2012, the Security Council, in acknowledging the terrorist threat to Mali, responds to the request for assistance made by the Malian Government. He created MISMA, whose mandate was to help the Malian army reclaim the territory and authorize it to use armed force. The Council also asked interested States to provide MISMA and the Malian army with "any kind of assistance necessary to reduce the threat posed by terrorist organizations" [16]. Admittedly, the Council, acting under Chapter VII of the Charter of the United Nations, considered Mali's situation as a threat to international peace and security. Thus, it authorized such a deployment, for an initial period of one year, of the international support mission in Mali under African leadership. This mission helped the Malian authorities to fulfill their primary responsibility to protect the population. On 25 April 2013, the Security Council adopted Resolution 2100 establishing UNMISMA to replace MISMA. UN military contingents assisted the Malian army in the recovery of Timbuktu and Gao regions. The diplomatic community has taken an interest in Mali because of concerns about the deteriorating security situation and the displacement of groups reportedly affiliated with terrorists to the south of the country. The French government has played a key role in military matters; the European Union in security sector training and reform; and the United Nations in the areas of rule of law and stability through the United Nations Integrated Multidimensional Stabilization Mission in Mali (UNMISMA). The UN Security Council has renewed UNMISMA's mandate and authorized the deployment of 12680 peacekeepers, including forty (40) military observers [17]. The United Nations Peacebuilding Fund has supported projects aimed at reconciliation and justice.

The military operation led by France in the region and bringing together 3000 men under the name of operation BARHANE instead of the « serval operation »; continues its activities in Mali. The French military operation "serval" deployed from 10 January 2013, which made it possible to avoid the takeover of the Malian capital by armed groups and began the reconquest of the northern part of the territory, should be commended. This French military intervention was in response to the invitation of the interim president of Mali [18]. Resolution 2100 definitively puts an end to the doctrinal controversy concerning the justification of the legality of France's unilateral intervention in Mali [19]. The Security Council "authorises the French army, within the limits of its capabilities and in its areas of deployment, to use all necessary means, from the beginning of UNMISMA's activities until the end of the mandate authorised by this resolution, to intervene in support of elements of the mission in the event of serious and imminent danger at the request of the Secretary-

General, Requests France to report to it on the implementation of these terms of reference in Mali and to coordinate the presentation of this information with the preparation of the report of the Secretary-General referred to below in paragraph 34, and decides to review the terms of reference within six months of the beginning of its implementation" [20].

The EU Training Mission in Mali continues to train soldiers and has led to the establishment of the EU Capacity-Building Mission to train the police, gendarmery and national guard [21]. UNMISMA, the UN Development Programme, the EU, the Netherlands, and Canada have set an example by establishing programmes to support the justice sector and tackle corruption. However, the lack of coordination has hampered the achievement of adequate progress in this area. In addition, this international community is doing its utmost to exonerate the Azaouad liberation movement allied to terrorist groups and armed bandits, despite the fact that the International Federation for Human Rights and the Malian Human Rights Association recognize them as co-responsible for the looting and abuses perpetrated in the north of the country. The American army provided logistical support for this French operation.

On the judicial side, the judgment of Ahmad Al Faqi Mahdi, head of the vice brigade, by the International Criminal Court was salutary and unprecedented. In cash, between late June and mid-July 2012, an attack was carried out on the ten Timbuktu monuments listed as UNESCO World Heritage Sites [22]. After investigations, the prosecutor's office charged Ahmad Al Faqi Mahdi with "crimes against the cultural heritage of humanity and charging him as a co-author". On 27 September 2016, the court sentenced the accused to nine years' imprisonment [23]. This case breaks new ground in terms of interesting features for international criminal law, both procedural and substantive. First, the processing time, one year between the transfer of the accused and his judgment, reflects the length of time it took to complete the other trials, which lasted nearly eight years, such as the case of the former Ivorian President, Laurent Gbagbo, and others. This speed must be welcomed in a context where the effectiveness of the Court is disputed. Then the court made important clarifications on the criminalization of crimes against the cultural heritage of humanity for the first time.

#### 4. Failures

Not everything is rosy in the application of the responsibility to protect in the Mali crisis. Despite the efforts made by the subjects of international law, many shortcomings have been noted at all levels.

On the one hand, the Malian State has failed to comply with the first pillar of the responsibility to protect. For years, it has tolerated the presence of armed groups on its territory since 2006. There was a kind of tacit agreement between the authorities and these groups. The zone was demilitarized according to the will of the leaders to make way for bandits and traffickers of all kinds. This is reflected in government interventions with these groups to secure the release of hostages held by terrorists and armed bandit groups for ransom. Also, the State had no equipment policy for its army. Almost all the weapons available to the armed and security forces had been acquired before the advent of democracy. And yet, the parliament voted the national budget by including the purchase of military equipment and

army expenses. The misuse of the army's budget has created a rivalry between the different parts of the army, which exposes the population to growing insecurity. This situation reached its peak in 2012 following the tactical and strategic withdrawal of the armed and security forces to the occupied regions. After the events of March 2012, the lack of patriotism of political parties and some leaders did not allow for a peaceful socio-political front. This has contributed to undermining the country's credibility with its strategic partners.

Armed Islamist groups and rebel bandits have executed many people and imposed increasing restrictions on village life. The Malian government has been unable to protect vulnerable civilians in these areas. Civilian populations have suffered from bloody inter-community clashes and increased acts of banditry. Despite the validation of the peace agreement in 2015, which seeks to end the armed conflict, the signatories have failed to implement several of its key provisions. These include the disarming of thousands of fighters. Malian security forces and peacekeepers have been potential targets for attacks by terrorist armed groups and bandits. Among them were teenagers. They imposed their version of "Sharia law" that prevented people from practicing their customs. Basic health care, education, and humanitarian aid have been significantly affected by insecurity. The Malian authorities have rarely opened investigations into these crimes and hold those responsible for such acts to account for lack of an effective presence of the army and the administration in some regions such as Kidal just as they are today.

However, international humanitarian law, or the law of war, applies to all parties to armed conflict. The applicable law includes Article 3 common to the 1949 Geneva Conventions, Protocol II to the Geneva Conventions and customary law of war. These texts expressly prohibit the execution of captured combatants or civilians in detention<sup>[24]</sup>. Individuals who deliberately commit serious violations of the law of war may be prosecuted for war crimes. Mali is a party to the Rome Statute of the International Criminal Court. It also prohibits attacks against personnel in peacekeeping missions and provides them with the same protections as civilians in time of war. Attacks on peacekeepers and United Nations facilities are considered war crimes. The UN Security Council requires members of peacekeeping forces to be impartial and to use force only to defend themselves or the mission's mandate in the country.

On the other hand, it is important to note the shortcomings of the international community. After NATO's intervention in Libya<sup>[25]</sup>, the international community was well informed about the massive influx of weapons and what was being prepared in northern Mali. However, it has not done anything to prevent this situation. This reflects the international community's delay and hesitation in implementing pillars one and three of the responsibility to protect. NATO should have carried out the cantonment, disarmament and socio-economic reintegration of the armed groups that fought in Libya. When the crisis broke out in the north of the country, some powers gave their blessing to the attackers by acknowledging military victories on the ground and providing them with media propaganda outlets.

ECOWAS offered its assistance but made the political situation the obvious priority. This priority should be given to the occupied regions. It preferred to leave the victim populations to their own fate. This attitude violates pillar

two of the responsibility to protect under international law. The populations have seen an ECOWAS that protects heads of state and not the victim populations. Because of institutional instability, all the countries that are friends of Mali have turned their backs. The only assistance that succeeded in doing so was humanitarian. However, under the second pillar of the responsibility to protect, the international community has a responsibility and duty to assist States in fulfilling their obligation to protect populations. Just that, with the holding of the presidential elections in July 2013, the weapons purchased by the Malian State were blocked in some ports in the sub-region, and this was done with the full knowledge of ECOWAS and the international community. No international institution or State has agreed to help Mali to take possession of its weapons. While the international community wants to intervene in Mali in the name of the "responsibility to protect".

### 5. Possible remedies

At the national level, the Malian State must respect the principle of laicity and equality before the law as one of the fundamental principles of the Republic of Mali. It must effectively carry out its sovereign functions as required by the responsibility to protect and the principles of domestic law. To achieve this in this extremely complex and conflictual situation, it would require the militarization of the northern regions of the country by the armed forces of Mali on the front line. The provision of the armed and security forces with adequate means to reconquer the occupied areas, which is then essential. Militias and rebel groups allied with terrorist groups complicit in the occupation of northern Mali must be disbanded. This will facilitate border security to prevent the infiltration of weapons and populations against early dangers. This measure will enable them to maintain hope through awareness-raising and information activities that could have been undertaken by the national authorities. This mechanism will help to create conditions for the effective return of displaced persons and the administration to conquered areas, and to raise awareness among the civilian population of the dangers of anti-personnel mines and other warfare devices. This will enable the Malian State to comply with its obligations under the responsibility to protect its population in an emergency situation.

Similarly, national authorities must take action against impunity by ordering the referral to national and international courts of cases of violations of rights and war crimes against the defense and security forces, as well as against those of United Nations peacekeepers or even humanitarian convoys. However, the groups that signed the Algiers agreement must act in good faith in implementing their commitment to end the crisis. These are the cantonment, the operational coordination mechanism (OCM) and joint patrols, disarmament, demobilization, reintegration and the implementation of long-term and medium-term economic, social and cultural development projects.

Civil society organizations, for their part, must work towards patriotism to support the process of the responsibility to protect, especially political parties. The practice of partisan politics or bias must be ruled out. This conviction for national unity in diversity calls on the Malian people to favor traditional conflict resolution mechanisms.

The aim is to promote dialogue between the parties, mutual forgiveness, reconciliation, and cousinhood as a sacred pact between two or more ethnic groups that prohibits any conflict or dispute. In addition, the various layers of civil society are invited to develop the concept of solidarity between the sons of the nation in order to establish a culture of peace throughout Mali.

At the level of the international community, ECOWAS, the African Union, the United Nations, and technical and financial partners are requested to support the Government of Mali with technical, logistical and humanitarian assistance to enable it to ensure the protection of the population. The provision of armed and security forces with adequate resources for the reconquest of the occupied Kidal region will strengthen the capacity of the State and the security of the conquered areas. For the successful disarmament of combatants, it would be preferable for the international community to monitor the process and, if necessary, resort to possible sanctions against the recalcitrant party. The African Union and ECOWAS must accelerate the implementation of their post-conflict reconstruction and development policies to cultivate peace in Mali.

## 6. Conclusion

In short, the implementation of the responsibility to protect appears to be one of the major challenges of today's world. It symbolizes a universal awareness to protect all human beings from acts that shock the human consciousness. To this end, the implementation of its three main pillars deserves to focus on human security and the restoration of the sovereignty of the failed State in this case.

Thus, the operations carried out by the "Serval force" have saved civilians from inhuman abuses and dispersed terrorist groups. The efforts of the international community made it possible to organize the presidential and legislative elections. UNMISMA continues its security mission with the armed forces of Mali. However, this implementation has suffered from some failures of the international community due to the reluctance to take preventive measures against terrorist threats detected by the early warning system put in place. Today, Malian security forces are not yet deployed in the Kidal region, still under the control of the Azaouad liberation movement in collusion with terrorists. This only increases the level of insecurity not only in Mali but throughout the Sahel. It is therefore clear that the responsibility to protect in the conflict in Mali has not fully restored the country's sovereignty because the security forces and the administration are not present in Kidal. The few elements present that can be found on the spot are under the instructions of UNMISMA and the Barkhane Force of France. This is something that the people and armed forces of Mali do not like. As long as Mali's security forces do not control the entire territory of Mali, the concern to protect by the global community would remain ambiguous without achieving its main objective of helping the country to fulfill its primary obligation to care for the citizens. To be effective, does UN must review plan in Mali?

## 7. References

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