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Strengthening the Rule of Law and Human Rights in the Sahel

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Despite formal adhesion by countries in the Sahel to regional and international standards promoting governance, human rights and the rule of law, weak state institutions, poor human rights track-records, as well as poor governance and corruption remain widespread and have built up to erupt in the political and security crisis that unfolded in Mali. Strengthening human rights and the rule of law by renewing the commitment made by countries in the region to democratic, governance and human rights frameworks, has the potential to bring sustainable peace back to Mali while preventing escalation in the neighbouring countries. Beyond the complete ratification and effective implementation of these various instruments, efforts must be pursued to improve democratic practices; strengthen ineffective national institutions; and support human rights monitoring mechanisms established at national and regional levels. Moreover, comprehensive transitional justice processes must be implemented in countries emerging from crisis, with a view to addressing past human rights abuses.

Introduction

After years of recurring humanitarian crises linked to climate change and drought, high food prices and chronic poverty, the 2012 crisis that threatened up to 18 million people with food insecurity in the Sahel worsened with the political breakdown in Mali. A new Tuareg rebellion and the killing of close to a hundred Malian soldiers in January, a military coup in March, the country's partition and the occupation of its North by radical Islamists all shed a new light on the current and emerging peace and security challenges that weaken countries in the Sahel region. Although the crisis erupted in Mali, most countries in the region face the same threats to peace and security. Hence, more coordinated and comprehensive efforts are needed

to prevent general instability. In Mali, the slow erosion of the state behind a veneer of democracy, weak justice and security institutions, and the long-time marginalization of some ethnic communities in the north have combined to durably stall stability and development. The French-African military intervention in January 2013, which pushed back the Islamist groups' attempts to move southward, liberated Mali's northern cities of Gao, Timbuktu and Kidal, and prevented the country from becoming a haven for radical Islamism and terrorism. Nevertheless, further efforts are needed to bring sustainable peace back to Mali and the region.

In Mali, despite the formal adhesion to principles of democracy, governance, human rights and the rule of law proclaimed at national, regional, continental and international levels, the recent collapse of the state has exposed the limited (or lack of) implementation of these various principles,

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and the absence of strong and independent national institutions to support their realization. A renewed commitment to, and effective implementation of, the democratic, governance and human rights standards subscribed to by Mali, as well as its neighbours, have the potential to strengthen the rule of law and advance the protection of human rights in the Sahel region. Such a development could help address the root causes of the multifaceted crisis, and bring sustainable peace back to Mali while preventing escalation in the neighbouring countries. After the wake-up call addressed to all countries in the region by the Malian crisis, this paper examines the need for Sahelian countries to clearly manifest their adherence to principles of human rights and the rule of law as a way of addressing the crisis. First, the paper provides an overview of the human rights situation in the context of the Malian crisis. Second, useful legal frameworks and tools being developed at national and regional levels that have the potential to advance human rights and the rule of law in the Sahel are evaluated. Third, the paper presents concrete suggestions being developed or implemented that illustrate the effective contribution that respect for human rights and the rule of law can bring to the ongoing efforts to address the crisis in Mali and the Sahel.

Human Rights and Rule of Law Challenges as Sources and Consequences of the Crisis in Mali

Ineffective rule of law and weak security institutions, as well as poor governance and corruption have been listed among the root causes of the current crisis in Mali. Prior to the January 2012 Tuareg rebellion, specific human rights challenges concerned both civil and political rights, as well as economic and social rights. They included, among others, restrictions on freedoms of speech and assembly, impunity and widespread corruption in the judiciary and the police, domestic violence and discrimination against women, child labour, trafficking in persons, as well as

discrimination against certain ethnic groups (US State Department, 2011). A dysfunctional democracy with limited popular participation in regular elections and the absence of opposition; poor social service delivery especially in the border areas; political, economic and social marginalization of nomadic communities and years of poor management of ethnic Tuareg's grievances; as well as the challenges faced by an ill-trained, ill-equipped and divided national army all combined to fuel insecurity, weaken political institutions, and stall economic growth.

The conflict that unfolded after the renewed Tuareg rebellion in January 2012 and the military coup that overthrew former president Amadou Toumani Toure in March has triggered further human rights abuses. The collusion of Tuareg rebels with radical Islamists who had been operating in northern Mali for a number of years, and the latter's connections with terrorist groups resulted in the implementation of a strict version of sharia law. This led to numerous violations committed against civilian populations, including summary executions, arbitrary arrests and forced disappearances, rape and forced marriages, the destruction and looting of property, conscription of child soldiers by armed groups, and the destruction of places of worship. Since the January 2013 military intervention that pushed back the Islamist militants out of the main cities of Mali's north, reports have further denounced human rights violations committed by elements of the Malian security forces against the Tuareg and Arab communities as well as other groups that are perceived to have either been associating with rebel groups or cooperating with them (Amnesty International, 2013). Moreover, after 14 months, the conflict has forced 475,000 people, mainly women and children, from their homes in the north. Often fleeing for fear of violence due to their presumed links with Islamist or separatist groups, many found refuge in neighboring countries. Precarious conditions in refugee camps, including limited water supply, nutri-

tion and health facilities are some of the challenges facing Malian refugees and internally displaced persons.

These new human rights challenges develop while, as recalled by the March 2013 United Nations Secretary-General's report on the situation in Mali, over 77 per cent of the Malian population remains under the international poverty line. Most of them lack access to safe drinking water and sanitation services. Healthcare services and infrastructure also remain limited, and risks of malnutrition as well as infant and maternal death are high (United Nations, 2013). Meanwhile, undue influence on the judiciary, limited legal knowledge and assistance, the scarcity of legal infrastructure and the limited number of lawyers (there are less than 300 lawyers for the entire country) as well as the high cost of justice due to both filing fees and corruption, are some of the obstacles to access to justice (American Bar Association, 2012).

The crisis factors identified above are not unique to Mali. Despite its vast natural resources, Niger is listed among the poorest nations in the Human Development Index (HDI) with a score of 0.304, close to Chad and Burkina Faso, two other Sahelian countries (Human Development Report 2013). Women are disproportionately affected by underdevelopment and Niger ranked 146 out of 148 countries in the Gender Inequality Index. Only 2.5 per cent of adult women have reached a secondary or higher level of education compared to 7.6 per cent of men. Female participation in the labour market is 39.9 per cent while men's stands at 89.9. Fertility rates, including of adolescents, are also very high, as is the number of women dying from pregnancy-related causes. Niger further faces shortages in food supplies on a seasonal basis due to the limited ability of a large number of its population, who depend on local produce and subsistence farming, to provide for themselves every year from June to September when harvest is low. Corruption, the lack of transparency and impunity also prevent equitable sharing of the coun-

try's resources and an effective provision of the public service of justice. In Chad, the African Union (AU) Commission on Human and Peoples' Rights, a monitoring mechanism established under a 1981 regional charter, expressed its concerns about the human rights situation in the country. The Commission particularly underlined the high rate of illiteracy and low levels of education, in particular among girls and women; women's limited participation in the management of public affairs and the existence of traditional and religious practices restricting women's rights; as well as the working conditions of the National Human Rights Commission and the country's delay in fulfilling its report obligations under the African Charter on Human and Peoples' Rights (African Commission on Human and Peoples' Rights, 2013).

Moreover, in a region where most states are unable to ensure full control of their vast territories, porous borders, limited job opportunities and cultural specificities (including nomadic traditions across the Sahara desert) have gradually facilitated the enrooting of drugs, arms and human trafficking. West Africa and the Sahel-Sahara regions are now considered a transit hub of the cocaine trade from South America to Europe and beyond. The United Nations Office of Drug Control (UNODC) estimates that, since 2006, 20–40 tons of cocaine per year have been transited through West Africa to Europe, which amounts to a minimum value of about \$1 billion each year (Lacher, 2012). In Mali, the Islamist Movement for Unity and the Jihad in West Africa (MUJAO) was particularly pointed at for using religion only as a cover for drug and cigarette trafficking, an activity that critically impacts on communities' socio-economic fabric and increasingly raises health and security concerns especially for young males (Brown, 2013). Besides drugs, large numbers of arms are circulating in the Sahel, fuelling instability and violence. In addition to some 2,000 heavily armed Tuareg mercenaries who returned from Libya in 2011, the arms trafficking is

fuelled by the limited success of a disarmament, demobilization and reintegration program started in 1996, which saw only about a third of 12,000 rebel soldiers, mostly Tuareg, presenting their weapons (UNODC, 2013). With regard to human trafficking, additional cash flow is collected from migrants trying to reach Europe through the desert, and the business of hostage taking and the payment of ransoms.

In its March 2012 report on “Delivering justice: programme of action to strengthen the rule of law at the national and international levels,” the UN Secretary-General recalled, “(t)ransnational threats, such as organized crime, piracy and trafficking, are both the cause and consequence of a weak rule of law environment, and pose a serious challenge to the legitimacy of the State and to international peace and security” (United Nations, 2012). In Mali, the erosion of the state and government’s legitimacy linked to public officials’ collusion with local traffickers, a laissez-faire and profiteering attitude, and the weakness of the justice and security institutions are all illustrations of the weak rule of law environment that plunged the West African country and the region into recent turmoil. Mali’s state and security apparatus collapsed although the country had subscribed to a wide network of national and regional standards aimed at promoting the respect for human rights and the rule of law.

National and Regional Frameworks for Advancing Human Rights and the Rule of Law in Mali and the Sahel

Mali’s February 1992 Constitution, which formalized the country’s transition to democracy at the time, contains a Bill of Rights proclaiming individual civil and political rights, social and cultural rights, as well as group or third generation rights such as the right to a clean environment (Article 15). Mali has adopted several laws protecting human rights. These include the 2009 laws on medical assistance and on compulsory health-care

scheme, and a 2012 law to combat human trafficking. In addition, a family code, initially adopted in August 2009 after 10 years of discussion, developed measures to increase equality between men and women in relation to marital status, parental rights, ownership of land and inheritance, wages and pensions, employment laws and education. However, under pressure from Islamist groups, the family code was revised in 2011 and deprived of its progressive measures in favor of women and children (Luongo, 2012).

Complementing this normative framework, Mali has established national institutions such as the 2009 human rights commission mandated to promote and protect human rights. To improve the functioning of the Commission, its chairperson recommended, when presenting its first report in 2009, more independence, an autonomous management of its budget, as well as a new reading of its founding legislation to make it more compliant with the 1993 UN Paris Principles on the status of national human rights institutions (Sissoko, 2011). Like other countries in the Sahel, Mali has also established the *Médiateur de la République*, an ombudsman office that intercedes between citizens and public administration, and whose mandate was broadened to include conflict resolution and the promotion of governance, human rights and the rule of law. Moreover, countries in the Sahel have developed national policies and plans to organize and improve the public service of justice. In Mali, the Ten-Year Program for Reform of the Justice Sector (PRODEJ), launched in 2000, recognizes the importance of access to justice as “a fundamental right that determines the exercise of all other rights” (American Bar Association, 2012).

A series of human rights instruments that proclaim the categories of individual and collective civil and political rights, as well as social and economic rights, have also been adopted at regional and international levels. Specific treaties protect particular groups namely women, children, persons with disabilities, refugees and internally displaced per-

sons; or deal with particular issues such as the prohibition of genocide, torture, the proliferation of small arms and light weapons, and the involvement of children in armed conflict for example. This body of norms aims to ensure the dignity of every human being without discrimination. In the Sahel, it can serve to protect the wide-range of civilians, including women and children, who have been affected by enduring discriminatory practices and more recently by the Malian conflict, and the hundreds of thousands of internally displaced persons and refugees who fled the theatre of violence. While each individual country commits to implementing the rights proclaimed for all the people living on its territory, national protection is reinforced by the monitoring mechanism generally attached to each treaty. For the countries in the Sahel, these mechanisms include the Economic Community of West African States (ECOWAS) Court of Justice, the AU Commission on Human and Peoples' Rights, the AU Committee of the Rights and Welfare of the Child, as well as the African Court on Human and Peoples' Rights.

Inaugurated in 1987, the African Commission on Human and Peoples' Rights, located in Banjul, the Gambia, is the main African human rights monitoring mechanism. Making use of tools such as the consideration of state parties' reports on the measures they would have taken to implement the rights and freedoms contained in the 1981 Charter on Human and Peoples' Rights; communications or complaints alleging human rights violations committed by state parties; and any investigative method, the Commission helps advance human rights and the rule of law in Africa. To achieve this objective, the Commission has also established the mechanisms of special rapporteurs, working groups and committees, which lead its work in areas such as: women's rights, human rights defenders, refugees, asylum seekers, migrants and internally displaced persons, economic, social and cultural rights, the death penalty and extra-judicial, summary or arbitrary killings, and extractive indus-

tries, environment and human rights violations in Africa.

Moreover, the Commission adopts resolutions, which formulate principles and rules aimed at addressing issues relating to human rights across the continent. Recent resolutions have condemned unconstitutional changes of government following the military coup in Mali; and condemned the declaration of independence of Azawad in April 2012, the conflict between the Tuareg rebels and the Malian armed forces, as well as the ensuing human rights violations including looting and violence against civilian populations, abduction of foreigners, and the forced displacements of populations within and outside Mali. The work of the Commission is complemented by that of the African Court on Human and Peoples' Rights created in 1998 which, unlike the Commission, has competence to take final and binding decisions on human rights violations, therefore reinforces the protective mandate of the Commission.

Assessing the evolution of human rights protection in Africa twenty-five years after its establishment, the African Commission took note of the progress realized by the domestication of human rights instruments into national laws, some degree of willingness by AU member states to cooperate with the Commission by complying with its decisions, the Commission's increased visibility manifested in the growing number of communications brought before it, and the Commission's more prominent role in Africa, by its undertaking of fact-finding missions to countries including Mali and Mauritania. However, despite these achievements, the Commission has deplored the persistent lack of political will by member states to support its work, as evidenced by the limited ratification and implementation of several continental human rights instruments, the lack of implementation of its recommendations, including with regard to provisional measures issued to prevent irreparable harm to victims, and countries' reluctance in granting authorization for the Commission to conduct promotion and fact

finding missions (African Commission on Human and Peoples' Rights, 2013).

In addition to human rights instruments, African countries in the Sahel have subscribed to a broad range of regional frameworks that promote democracy and governance, and can usefully serve to advance human rights and the rule of law in the fragile region. The March 22nd military coup in Mali occurred about a month after the 2007 AU Charter on Democracy, Elections and Governance (ACDEG) entered into force in February 2012. Not yet ratified by Mali, the charter proclaims African countries' adherence to shared values including democracy, human rights, the rule of law and the independence of the Judiciary. The charter reaffirms the importance of holding regular, transparent, free and fair elections; the promotion of gender equality; transparency, fairness and citizen participation in development processes and the management of public affairs; and the condemnation and rejection of unconstitutional changes of government.

Monitoring of the ACDEG's implementation is entrusted to the Addis Ababa-based AU Commission, which, among other tasks, assists state parties with implementing the Charter (for example by developing benchmarks); assesses state compliance; and promotes the creation of favorable conditions for democratic governance in Africa, including by facilitating the harmonization of national laws and policies. The Commission also ensures that effect is given to the decisions of the AU Assembly (for example that perpetrators of unconstitutional changes of government are tried before the competent court of the AU). It assists the Chairperson of the AU to play a role in coordinating the AU electoral assistance and election observation missions.

In West Africa, the ACDEG complements the Economic Community of West African States (ECOWAS) Protocol on Democracy and Good Governance adopted in 2001. The ECOWAS Protocol, the ten-year anniversary of which was commemorated at a regional conference held in Bamako, Mali in Decem-

ber 2011, is considered to have facilitated West Africa's progress in peace, stability and democracy. The Protocol lists a series of constitutional values to be shared by countries in the region, among which: separation of powers, the empowerment and strengthening of parliaments; the independence of the Judiciary and access to justice; access to power through free, fair and transparent elections; popular participation in decision-making; the strict adherence to democratic principles and decentralization of power at all levels of governance; the apolitical nature of the armed forces; non-discrimination and respect for human rights; and the principle of zero tolerance for unconstitutional changes of government. The principle prohibiting unconstitutional changes of government served as basis for ECOWAS, and for the AU, to condemn coups d'état in Mauritania in 2009, in Niger in 2010, and in Mali in 2012.

Under the NEPAD (the New Partnership for Africa's Development) Declaration on Democracy, Political, Economic and Corporate Governance, adopted by African leaders in July 2002, African countries further committed to ensuring stability, peace and security; promoting closer economic integration; ending unconstitutional changes of government; supporting human rights; and upholding the rule of law and good governance across the continent. The Declaration established the African Peer Review Mechanism (APRM), a self-assessment mechanism that conducts reviews in four thematic areas: democracy and political governance, economic governance and management, corporate governance, and socio-economic development. As of January 2013, thirty-three countries had acceded to the APRM process, among which Sahel's Burkina Faso, Chad, Mali, Mauritania, Niger and Senegal. Seventeen countries have completed their self-assessment exercise and were peer-reviewed by the Forum of Heads of State and Government. In the Sahel, these include Burkina Faso, Mali and Senegal.

The APRM has highlighted cross-cutting issues that have the potential to cause tension in Africa. These include elections, diver-

sity management, resource control and management, unemployment, corruption, poor service delivery, and violence against women and gender inequality. In Mali, specific challenges highlighted by the 2009 APRM country report included issues of diversification and modernization of the economy, a better involvement of women in decision-making and development policies, as well as the need to tap into the asset formed by the diaspora. However, at the time, observers of the process noted the lack of specific mention of the rebellion in northern Mali among the topics retained for review (Touré and Diarra, 2010). The provision of useful conflict prevention and potential reform frameworks; the creation of a platform for peer learning and sharing of experiences and best practices; as well as opening up of the political space for citizens' participation in policy debates, increased advocacy for good governance, and improved service delivery have been identified as some benefits of the APRM processes. However, the limited implementation of the recommendations formulated at the end of the processes has in some cases appeared as a missed opportunity for preventing conflict, protecting human rights, and strengthening the rule of law.

The complex and multifaceted crisis in the Sahel region, which escalated in Mali, shows both in its causes and its consequences, the continuous gap that exists between the proclamation of rule of law and human rights principles in Africa, and their actual implementation on the ground. What further efforts can lead to a better protection of human rights and actual respect of the rule of law, thus contribute to a holistic response to the crisis in the Sahel? This is the question the third part of this paper addresses.

Strengthening Human Rights and the Rule of Law in the Sahel as a Response to the Crisis

For countries in the Sahel, a renewed commitment to strengthening human rights and the rule of law requires first the ratification of the regional and international instruments

adopted to advance democracy, governance and human rights. As indicated above, Mali has yet to ratify the AU charter promoting democracy, elections and governance. And beyond ratification, countries in the Sahel must fulfill their treaty obligations by adopting the necessary measures, including legislative, executive and administrative, to ensure the implementation of the principles proclaimed by the ACDEG, the ECOWAS Protocol on Democracy and Good Governance, as well as all human rights instruments ratified at regional, continental and global levels. Practical implementation measures include, among others, concrete and comprehensive programs to ensure the realization of economic, social and cultural rights by providing employment opportunities and basic social services such as healthcare, education and the fight against illiteracy. In addition, the political, social and economic marginalization of ethnic minorities, women and the youth, as well as the challenges facing other vulnerable groups such as internally displaced persons, refugees and migrants, should be addressed, including through regional cooperation and international assistance. To counter the treaty implementation challenges that are perennial to most countries in Africa, citizen participation in the definition and implementation of national human rights and development plans and policies is critical. And to facilitate civil society's involvement in the preparation and realization of such plans, sensitization and public awareness, training and education are also required.

Improved democratic practices facilitate the implementation of citizens' right to participate in the conduct of public affairs, including through elected representatives. Effective democratic practices also serve to limit powers by facilitating Parliament oversight on the Executive, thus strengthening the rule of law. Moreover, they ensure the accountability of the elected leaders, whose practical legitimacy also results from the provision of basic services or the realization of a number of economic and social rights. Inclusive and transparent democratic processes,

which take into account the risk of conflict in societies where winners-take-all electoral systems increase the stake of elections, should ensure that the political dimensions and not only the technical aspects of electoral processes are considered from the pre-election, to the election, to the post-election phases of the electoral cycle. In the context of Mali's presidential election scheduled to take place in July 2013, this entails the establishment of an independent and functioning election management body, the adoption of consensual, inclusive and consistent criteria to facilitate voter participation, clear rules for the organization of voting, vote counting and verification of results, as well as the conduct of post-election reviews. Additional requirements for the holding of credible and peaceful elections include adequate resources—also needed for advancing decentralization policies and strengthening local governance—the commitment of all political actors, and an active participation of women, both as voters and candidates. Moreover, context-specific challenges linked to the recent liberation of territories in northern Mali, and the organization of the vote for thousands of Malians displaced within and outside their country need to be addressed.

To strengthen weak institutions and overcome the challenges that facilitated the development of transnational organized crime in the Sahel, a reform of the security sector is further needed. In Mali, the national reform process of the defense forces is being conducted under the leadership of Captain Amadou Sanogo, the former head of the junta who led the March 2012 military coup — an appointment met with discontent by some of the Malian militaries in January 2013. The military committee for monitoring and reforming the defense forces is charged with preparing a reform program for the defense and security forces, as well as training troops and supervising military operations. It is anticipated that the committee will help reconcile the divided army, boost its morale, and address the training and equip-

ment challenges that led to the relationship breakdown between the Malian national army and the civilian authorities. Meanwhile, 150 European Union trainers, backed by 400 troops representing 22 European countries, have begun a 15-month EU Training Mission in Mali (EUTM) in April 2013. The mission aims to improve the capacity of the Malian army to take on the Islamist insurgency raging in the north and protect the country's territorial integrity. Both the national reform program of the defense and security forces and training of the Malian army by the EUTM should increase knowledge in, and improve human rights practices by the Malian security and defense forces, a process which will enhance civilians' safety and protection.

Like the security and defense forces, training in quality and quantity of judicial actors, and the provision of adequate working conditions have the potential to advance the rule of law. A request for support to the continued implementation of the PRODEJ was made during Mali's universal review in January 2013 by the UN Human Rights Council. A strong and independent justice system can help reduce influence by the Executive, ensure respect for human rights by providing legal recourses and remedies in case of violations, and restore citizen confidence in the state. Enhanced cooperation among law enforcement authorities across borders can also help tackle transnational organized crime in the Sahelian countries, contribute to the security of local communities and, in the long-term, help restore legal economies able to pave the way to sustainable development. Parallel national monitoring mechanisms should also be reinforced. Proper checks and balances of the definition and implementation of public policies require clear financial, human and material autonomy for parliaments to effectively represent people's rights and interests. Where they do not exist, control mechanisms to help institutionalize economic and corporate governance should be put in place. For example, anti-corruption commissions, the effective functioning of

which can also be hampered by their lack of autonomy, political interference and limited funding and institutional capacity, must be put in a position to fulfill their mandate to prevent, investigate and prosecute corruption (UNECA, 2009).

Moreover, national human rights institutions must be provided with the necessary material and financial resources to ensure their independence and facilitate the implementation of their mandate in accordance with the Paris Principles, a recommendation formulated by the Human Rights Council at the end of Mali's review. At regional and continental levels, human rights monitoring mechanisms should also be supported and reinforced. For the African Commission on Human and Peoples' Rights, this calls for political will on the part of state parties to cooperate with the commission and comply with their charter's obligations. Continuous and constructive dialogue between the commission and all stakeholders, especially state parties, is critical for supporting the promotion of human rights across Africa, including by implementing the commission's recommendations and decisions. At the level of the AU, adequate human, financial and material resources must be provided for the commission to carry out its mandate and activities. Moreover, the various continental mechanisms supervising the democratic, governance and human rights and the rule of law principles proclaimed by the AU must improve their necessary collaboration, as well as with national human rights institutions, civil society organizations and other partners working in the area of human rights and the rule of law on the continent.

In post-conflict and post-authoritarian rule contexts, transitional justice is another tool that can usefully contribute to strengthening human rights and the rule of law. Transitional justice mechanisms provide significant avenues for addressing past human rights abuses by ensuring accountability, establishing the truth and granting reparations to the victims. They constitute an important way to

build or reform institutions, restore confidence in the state and, ideally, move towards peace and reconciliation. In Mali, transitional justice processes have been initiated to overcome the human rights deficit caused by the crisis. Acknowledging the national courts' inability to prosecute or try the alleged perpetrators of the crimes committed since January 2012 in Mali, the government decided in July 2012 to refer the situation in the country to the International Criminal Court (ICC). The Office of the Prosecutor initiated a preliminary examination of the situation and decided, in January 2013, to formally open an investigation. In July 2012, the Prosecutor had already warned belligerent groups in the north that the deliberate destruction of UNESCO-classified ancient shrines in the city of Timbuktu might constitute a war crime under the Rome Statute. Noting that "the crimes committed in Mali have deeply shocked the conscience of humanity," the ICC Prosecutor recalled, "justice can play its part in supporting the joint efforts of ECOWAS, the AU and the entire international community to stop the violence and restore peace to the region" (ICC, 2013); an ambition that should be duly considered following recent threats during the May 2013 AU summit of a mass withdrawal of its members from the Rome Statute, in protest namely of the perceived targeting of African leaders by the ICC.

Complementing the judicial efforts, the Malian authorities adopted a transitional roadmap in January 2013 that established a Dialogue and Reconciliation Commission, a truth-seeking mechanism that will facilitate an all-inclusive national dialogue to address the various factors that constituted the root causes of the crisis. The Commission will specifically seek to identify the armed groups eligible to participate in the national dialogue; record human rights violations committed during the crisis; propose all necessary measures to help the victims overcome the trauma they have gone through; and make proposals for actions that can help

strengthen social cohesion and national unity and focus on dialogue and peace. Over its first two-year term, the Dialogue and Reconciliation Commission is expected to contribute to restoring peace and reconciliation in Mali, a process which will also serve to build citizens' confidence in the country's institutions and therefore help advance the rule of law. While the composition of the 33-member Commission takes into account the diversity of the Malian society, the commissioners' appointment, essentially led by the political authorities may raise concerns about the commission's independence, as well as civil society's support and ownership of the process by the population (Labelle, 2013). Other lessons learned from transitional justice processes implemented in Africa can help the Malian Dialogue and Reconciliation Commission achieve its objectives. These include the provision of sufficient resources for the commission to implement its mandate; the involvement and empowerment of traditionally marginalized groups such as women, children, as well as refugees and internally displaced persons; and government's sustained commitment throughout the process, and its political will to implement the recommendations to be adopted by the commission.

Conclusion

It is now acknowledged that Mali's twenty years of democracy were built on fragile foundations and the erosion of the West African country's institutions paved the way to the current political, security, humanitarian, as well as human rights crisis. While the conflict erupted in Mali, the same factors are present in neighbouring countries and have the potential to durably threaten peace, stability and development in the entire Sahel region and beyond. At the same time, several instruments and frameworks have been developed at national, regional and international levels, which can usefully address the root causes of the crisis in Mali and other countries in the region. In searching for comprehensive and durable responses to the crisis, countries in

the Sahel, with the support of the international community, are called upon to fulfil their commitments to promote governance and democracy, respect for the rule of law, and ensure the protection of human rights across the region. Thus, the complete ratification and effective implementation of the various instruments adopted at the regional and continental levels by ECOWAS and the AU, as well as at global level by the United Nations, must be pursued among the priorities identified to respond to the crisis. In addition, the specific measures needed to realize the norms and principles enshrined in these instruments should be developed by the countries concerned. These include implementing the basic civil and political rights, as well as economic, social and cultural rights recognized to the people in the Sahel. It further calls for improved democratic practices and the organization of free, fair and peaceful elections that give due consideration to the political aspects and the risk of violence attached to electoral processes in the region. Weak national institutions must be strengthened, and administrative oversight must be improved. Moreover, the national and regional mechanisms established to monitor the implementation of human rights must be reinforced and supported. And transitional justice mechanisms in countries emerging from crisis must be established. Strengthening human rights and the rule of law are critical components of the strategies being developed or implemented by the multiple national, regional and international actors trying to find a response to the multidimensional crisis in Mali and the Sahel. With the mandate given to the newly-established United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to ensure, with a focus on women and children, the protection of civilians, the promotion and protection of human rights, national and international justice, humanitarian assistance and cultural preservation, human rights and the rule of law will be further reinforced in Mali and

the Sahel region, paving the way to durable peace in this fragile region.

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