# EGMONT POLICY BRIEF 274

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# Protecting Civilians From Those Who Should Protect Them

# **Delina Goxho**

As violent attacks targeting civilians in the Sahel region of West Africa are mounting, allegations of abuses perpetrated by Sahelian armed forces share the news with attacks committed by non-state armed groups<sup>1,2</sup>. This brief analyses the main shortcomings within the governments of Mali, Burkina Faso and Niger with regard to ensuring meaningful Protection of Civilians (PoC) from their own security and defence forces. It finds that formal, structural measures to address state security forces' abuse of civilians is lacking in all three states, although some promising initiatives to build trust between security forces and civilians have been held on a local level. On a regional level, the OHCHRmandated Human Rights Compliance Framework, which has partially been adopted by regional force Force Conjointe – G5 Sahel (FC-G5S), represents an example of a mechanism that could ensure better protection of civilians both for the region, and on a national level. However, the advent of Russian paramilitary group Wagner in Mali and the most recent massacre of civilians in Moura is challenging all optimistic forecasting<sup>3</sup>.

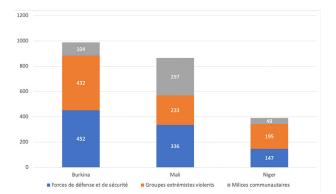
## **Setting the Scene**

2020 was the deadliest year for civilians in the three Sahelian central states (Niger, Burkina Faso and Mali) and 2021 was not faring much better, as ACLED reports show<sup>4</sup>. The Malian state security forces were implicated in over 250 unlawful killings and in several enforced disappearances from December 2019 through August 2020<sup>5</sup>. Most killings took place during counterterrorist

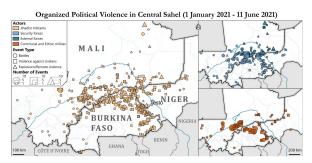
operations in the Mopti and Segou regions and targeted ethnic Peuhl. Most recently, and over the course of four days as of March 27, 2022, Malian armed forces, aided by Russian paramilitary Wagner group executed several hundred civilians in Moura village in the Djenné circle<sup>6</sup>. In Niger's Tillabéri region, a probe by the Commission Nationale des Droits Humaines (CNDH) reported that "there is no doubt that Nigerien Defence and Security forces have killed and thrown in mass graves 71 civilians in 2019"7. In the northern town of Djibo in Burkina Faso, about 200 kilometers away from Ouagadougou, security forces allegedly executed 31 detainees on April 9, 2020. It appears that the men were killed just hours after being arrested, unarmed, during a counterterrorism operation mandated by the Burkinabé government. Human Rights Watch reports that residents of Djibo believed they had been targeted because of the recent presence of some armed men around town: "The jihadists have been roaming around lately," one said. "It's like we're punished for their mere presence"8.

Although levels of violence had decreased in 2021, due to a tightening of controls by Sahelian governments, the graphs below show that these events are not sporadic, but remain structural, further complicating the security landscape of the region, and creating yet another threat against civilians, in addition to those posed by ethnic militia, armed jihadist groups and organised criminality. These numbers are nevertheless likely to increase in 2022 following recent events in Mali.





Source: ACLED<sup>9</sup>, data for 2020.



Source: Héni Naibia and Jules Duhamel (ACLED, 17 June 2021)<sup>10</sup>

Aside from the human rights implications of such violations, scholarly work conducted throughout the African continent showcase that previously believed primary reasons for recruitment, such as ideology, state fragility and poverty, are less significant in emboldening jihadist movements, than state abuses on the civilian population<sup>11</sup>. One example in the Sahel is the ethnic (or caste)<sup>12</sup> component in terrorist recruitment: the alleged higher numbers of Peuhls in jihadist ranks appears to have less to do with a particular tendency of Peuhl communities to join local terrorist networks, and more to do with the way these communities are treated by state security forces<sup>13</sup>. Thus, it is state action, not inaction, that better explains the rise of homegrown terrorism in the Sahel. In other words, recruitment into the ranks of jihadist groups is fostered by state abuses on civilians<sup>14</sup>, which means that protection of civilians from both nonstate armed groups and state security forces is necessary to stop the circle of violence.

## WEAK OR NON-EXISTENT STRUCTURES TO PROTECT CIVILIANS FROM STATE FORCES

Protection of civilians (PoC), understood here as protecting civilians from risks and threats to their physical integrity<sup>15</sup>, is framed as a non-political priority and has come to the forefront of relevant military deployments in the Sahel, such as UN Peacekeeping Mission MINUSMA. Within the humanitarian sector PoC activities have risen in prominence over the past 20 years<sup>16</sup>: what used to be the almost exclusive realm of the International Committee of the Red Cross (ICRC) and the UN High Commissioner for Refugees (UNHCR) has gradually found its way into the programming and rhetoric of many other organisations, including UN missions, such as MINUSMA in Mali. Yet, despite increased attention to PoC, the abuses committed by Sahelian security forces, which, as mentioned above, in some cases make up for more than half of civilian casualties, receive much less attention than abuses perpetrated by non-state armed groups, with national security forces rarely being held accountable for their crimes. This makes it easier for non-state armed groups to both present themselves as legitimate actors to local communities and thereby recruit new members, thus reinforcing a circle of violence.

Despite official sources claiming that civilian perspectives inform military planning, in all three Sahelian countries analysed below, there are limited formal mechanisms in place to report, investigate and make amends for when civilians are harmed.

#### Niger

In Niger, there is some involvement of the civilian population in the programming of security operations<sup>17</sup> and the security forces are not entirely unaccountable for the harm they cause, but PoC is not streamlined into daily practices or operations planning but implemented arbitrarily. The *Haute Autorité pour la Consolidation de la Paix (HACP)*, an institution attached to the Presidency of the Republic and in charge of prospective analysis, prevention and management of crises and conflicts, has

significant political capital and influence regarding PoC measures. The institution is headed by a president who has the rank of minister and who is an ex-officio member of the National Security Council. One example of a project implemented by the HACP is the 2016-2017 REGARDS project<sup>18</sup>, which improved civil-military relations and encouraged communities in three Nigerien regions (Tillaberi, Tahoua and Agadez) to alert authorities to threats to civilians. The project included 8 communes<sup>19</sup> and carried out training of 184 people (14% women) in dialogue, mediation and negotiation. The aim was to facilitate implementation of the community policing approach to improve security. This included setting up several dialogue tribunes between civilians and security forces and involving local radios. This project was a welcome development, which presented significant improvements regarding trust building between the Nigerien security forces and communities<sup>20</sup>.

In spite of these efforts, shortcomings are evident: in 2020 for example, armed groups attacked Nigerien military forces in Inates and Chinagodrar, causing respectively 71 and 89 deaths<sup>21</sup>, followed by a revenge attack on civilians by the Nigerien armed forces a few months later in Inates and Ayerou, which killed 71 civilians<sup>22</sup>. The lack of functioning feedback loops is also evident, since civilians' participation in PoC trainings (delivered by the ICRC, Search for Common Ground and CIVIC, amongst others) is encouraged, but no obligation for programming of operations exists. There is thus a risk that the civilian perspective gets lost in these trainings. A panel of Nigerien and Norwegian security experts in Niamey in October 2021 described relations amongst armed groups and security forces as "a predicament that puts civilians between the hammer and the anvil"23.

#### Mali

In Mali, incidents of civilian harm attributed to the Malian Armed Forces (FAMA) have been a structural problem for years. Tuareg and Arab communities have been the primary groups affected by this violence, as well as Songhai and Bellah. A Songhai man interviewed in Timbuktu in 2020 reported that "some civilians, mostly from Arab, Tuareg and Songhai communities, say that the [Malian] army has been known to avoid due process after using torture and sometimes killing those in question"<sup>24</sup>. The Malian transitional government, which has substituted the rule of former President Ibrahim Boubacar Keita, has not managed to change this overall negative picture. Moreover, given the current military rule, a recent DCAF series of policy recommendations underlined how a transition that is mostly led by military figures will need to be closely monitored, as "civic space tends to shrink with military interference"<sup>25</sup>, which arguably does not help improve the protection of civilians.

In contrast with what is taking place in Niger with the HACP, Malian authorities have not given any significant power to bodies working on peace consolidation, which could provide avenues for more concrete PoC measures. Even where national bodies have been set up to consult with citizens on security matters, there is a lack of focus on PoC.

MINUSMA's Human Rights Office and NGO Human Rights Watch have done significant reporting on human rights abuses, showing how, aside from communal militia and terrorist groups, state security forces (and now Wagner mercenaries<sup>26,27</sup>) are significantly responsible for harm caused to civilians<sup>28</sup>. Different security forces have, however, different reputations. The gendarmerie has for example historically a better reputation than FAMA among civilians: in the days following the army's return to Gao and Timbuktu in 2013, the arrival of the *prevoté* – the unit of the gendarmerie that carries out military police functions – helped reduce abuses and excesses by soldiers<sup>29</sup>. In recent years however, this trust is slowly eroding.

External training missions in Mali also present several shortcomings regarding PoC. The European Training Mission (EUTM Mali) has trained more than 14,000 Malian soldiers (trainings range from force protection, medical, logistics, intelligence), but it is unclear whether this has actually stemmed violence against civilians. Through EUTM, the FAMA has received more training

(and in higher numbers) than before, but at the same time abuses against civilians continue. Thus, more training has not necessarily led to a higher degree of professionalism in the Malian army, nor has it prevented the Malian army from abusing the civilian population.

#### **Burkina Faso**

As for Burkina Faso, much like with other countries in the region, the state is absent from a large part of the country. The state has therefore resorted to using local self-defence groups such as the Koglweogo to fight armed non-state actors. The Koglweogo experience has, however, not been a particularly positive one: these self-defence militia created in 2015 have been accused of perpetrating ethnic violence on civilians, rather than protecting them or their property<sup>30</sup>. In addition to the Koglweogo, on January 21, 2020, a law creating the *Volontaires pour la Defense de la Patrie (VDP)* was adopted. This foresees a diffused deployment of recruits hired as back-up for the defence of villages, but rather than back-up, these recruits often end up being the first line of defence against armed groups.

The VDP training, carried out by the Burkinabé army, lasts about two weeks, and volunteers are then armed - often through a "village crowdfunding" - and encouraged to patrol their assigned area. Despite having significant levels of public support, as they represent a barrier for cattle thieves, some communities perceive them as illegitimate and accuse them of discriminatory practices towards certain ethnic groups, chiefly the Fulani. Burkinabé analyst Mahamadou Sawadogo reports that for many in Burkina Faso, the VDP are nothing more than "koglweogo with the blessing of the state"31. As public opinion in Burkina Faso seems convinced that a certain number of civilian casualties are inevitable in the war against terrorist groups<sup>32</sup>, officials in Ouagadougou remain evasive on the issue of the Koglweogo: "we encourage them to respect the rule of law", but, similar to the VDPs, no mechanisms have been put in place to account for when they misbehave, despite them being integrated into the state armed forces. The proliferation of these self-defence groups has therefore increased, rather than decreased insecurity.

### A STEP IN THE RIGHT DIRECTION – THE FC-G5S HUMAN RIGHTS COMPLIANCE FRAMEWORK

While PoC structures on national levels in the Sahel region are still lacking, on a regional level, there have been important developments. In 2018, the Sahel-G5 Joint Force adopted the Human Rights Compliance Framework in cooperation with the Office of the High Commissioner for Human Rights (OHCHR). Its 7 pillars are:

(1) the selection and screening of the FC-G5S soldiers;

their training;

(3) the adoption by the *FC-G5S* of human rights and humanitarian law compliant rules and regulations to conduct hostilities;

(4) the integration of protection of civilians into the planning and conduct of operations;

(5) after-action reviews;

(6) internal monitoring and reporting mechanisms; and (7) accountability for allegations of violations of international human rights law and international humanitarian law by members of the *FC-G5S*<sup>33</sup>.

The project aims to operationalise the approach that human rights compliance during military operations enhances security and decreases the risk of civilian harm while at the same time contributing to addressing violent extremism and terrorism<sup>34</sup>. The Compliance Framework also mandates after-action reviews (AAR), casualty and incident tracking, and accountability measures. OHCHR has established a dedicated mobile monitoring team in Bamako, Mali, to be deployed as necessary across the five countries to provide additional capacity when needed. In addition, OHCHR teams use remote monitoring tools to gather information in line with the Office's detailed policies and practices in this regard. To date, the Framework has achieved the adoption of standards for the selection of personnel; the establishment of a mobile pool of trainers, and the development and implementation of a coherent training curriculum for key personnel on international humanitarian law, human rights and the protection of civilians. In addition, the latter have been integrated into the Force's doctrine and procedures, and across the planning, conduct, and review of military operations<sup>35</sup>.

Supported by the NGO CIVIC, the FC-G5 has also launched the Civilian Casualties Identification, Tracking and Analysis Cell (CITAC) which seeks to "establish internal monitoring and investigation mechanisms to track, identify, analyse and respond to casualties including incidents involving civilians"36. By advancing implementation of the CITAC, the Joint Force is also advancing the goal of improving its performance on some of the other pillars, as they cannot be observed and implemented in isolation. Pillar 7 for example relates to legal accountability for human rights violations and is currently very much dependent on national armies' internal investigation and legal proceedings. One interviewee from an investigation NGO mentioned that the more publicly known a certain abuse is, the higher the likelihood that it will be brought to justice, as it will receive more media attention.

The CITAC also carries strong significance regarding ownership. A series of closed-door events organized by the Konrad Adenauer Stiftung (KAS) in the framework of the German Presidency to the EU Council recognized the importance of ownership for regional forces such as the Joint Force<sup>37</sup>, including a series of procedures that account for civilian losses. Once the Joint Force appropriates the CITAC tool, there is no external access, thus making it entirely the responsibility of the Joint Force. One of the advantages with this mechanism would be building trust with civilians, who would in turn communicate with the Force in case of danger, thus improving civil-military relations and allowing for a more functional set of early warning systems.

From a strategic communication point of view, the January 2021 CITAC launch event in Bamako was presided by Joint Force Commander General Namata<sup>38</sup>, who has important political weight in the region. The event also saw participation from the Special Representative of the UN Secretary General and MINUSMA Chief, former EU Special Representative for the Sahel, the G5 Sahel Executive Secretary, and the Malian Ministry of Defence, thus showcasing top-level support for the mechanism. There is now a certain amount of pressure for CITAC not to disappoint: should this mechanism work well it could make a strong case for Sahelian armies to implement similar mechanisms on a national level. An initiative of this novelty and scope is not without challenges<sup>39</sup>. Three in particular stand out:

First, expectations are very high, risking widespread disappointment if they are not fulfilled. CITAC and the Compliance Framework are not the silver bullet, just as much as the FC-G5S is not the most significant force operating in the region: national armies matter more for the protection of civilians, and as long as they are not willing to incorporate and implement CITAC and the Framework into their armies, it will be hard to measure success and effectively improve the security situation in the region.

Second, a clear chain of command is still lacking as national army commands retain tactical control of their troops operating under the umbrella of the FC-G5S; currently, there is neither a clear information-sharing mechanism nor an effective practice to share information between the FC-G5S and the national authorities of the five countries.

Third, the mechanism takes time to be fully implemented because it is, more than anything, a strategic tool that relies on political will. Thus, if there is no political will to translate it into procedures, and report on abuses on civilians committed by the armed forces comprehensively and consistently, then the mechanism will just be cosmetic.



#### CONCLUSION

This brief has examined which mechanisms Sahelian governments have put in place to account for PoC, focusing on abuses committed by state security forces. Throughout the research phase however, it became increasingly evident that what could be measured was not formal PoC mechanisms, but rather the willingness of Sahelian governments to consider the issue of civilian protection in the first place. In Mali, Niger, and Burkina Faso, there are no formal procedures to account for civilian harm, no formal reporting mechanisms, no legal procedures and no obligation to involve civilians in programming. Challenges are not only structural: there is also a lack of interest on the part of some Sahelian authorities with regard to PoC. The regional Human Rights Compliance Framework is unfortunately also insufficient if there is no political will on the part of Sahelian states to implement this mechanism at the national level. Yet it remains an important symbolic signal towards better reporting more broadly.

In many regions in the Sahel, communities are doubtful of their state's commitment to protect them and are instead veering towards the conviction that state-backed abuses represent a condoned form of systematic discrimination. Acknowledging the harm done to civilians is a first and necessary shift in changing perceptions in the region, potentially leading to a stop in the worsening of violence. The recognition on the part of Chadian authorities that their forces raped two women and a girl in Tera in Niger in April 2021 and that the culprits will face judicial consequences is a first step towards accountability for Sahelian citizens<sup>40</sup>. However, as demonstrated by the Compliance Framework pillars, reporting is just one of the many steps Sahelian national governments must take to avoid both an expansion in violence against civilians and an increase of recruits to the ranks of jihadi groups. Legal consequences and an obligation to reparations for those who commit abuses must also follow suit: this will require better accountability on the part of not just the armed forces and their military leaders, but also the political elites of Mali, Niger and Burkina Faso. These trends should prompt Sahelian militaries and political leaders, as well as foreign security providers, to rethink their involvement in the region.

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