

# Maliens Want a United Country, Post-Conflict Justice

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**Afrobarometer Policy Paper 13 | Michael Bratton, Massa Coulibaly and Boniface Dulani**

## **Introduction**

According to an Afrobarometer survey conducted in December 2013 with over 2400 respondents,<sup>1</sup> the vast majority of Malians stress that their country must remain a single, unified nation. Citizens decisively reject the 2012 attempt by armed groups to create a breakaway state in Mali's northern territories. But can the supporters of a unified country and advocates of *jihad* or autonomy settle their differences peacefully in the aftermath of an intense conflict, brutal occupation, and harsh military response? In short, is national reconciliation possible?

In post-conflict situations, the prospects for national reconciliation often hinge on whether justice is seen to be done. For example, people want to know whether the truth will be told about human rights violations during the hostilities. Will perpetrators – whether ethnic separatists, religious insurgents, coup makers, government soldiers, or ordinary citizens – be held accountable for their actions? Will victims of abuses be compensated for their losses? These issues are central to the challenge of transitional justice, that is, the quest in new democracies to come to terms with abuses of power committed during past authoritarian regimes. The 2013 Afrobarometer survey reveals that Malians, perhaps weary of repeated conflicts and failed peace agreements, give highest priority to the legal prosecution of wrongdoers.

The question remains however, whether peace and justice can be obtained at the same time.<sup>2</sup> Will an emphasis on national reconciliation sweep injustices under the carpet, only to fester later? Or will an aggressive campaign of legal prosecutions render impossible any real chance of peace?

## Key Findings

### *National Reconciliation*

- More than nine out of ten adult Malian citizens (92%) want Mali to endure as one undivided country. This nationalist sentiment is held especially strongly in the northern regions that were most directly affected by politically motivated violence.
- Conflict and occupation in Mali's northern regions has undermined inter-ethnic trust. People are twice as likely to say that they now have a "less favorable" view of "other" ethnic groups rather than a "more favorable" view (56 versus 28%).
- While larger ethnic groups such as the Bambara reveal a lack of social and political tolerance for members of minority groups such as the Tuareg, the reverse does not hold true; Tuareg respondents in fact reveal a high degree of openness towards Bambara.

### *Transitional Justice*

- When asked to choose, Malians prefer retributive justice – meaning that offenders will be punished – rather than restorative justice – meaning that victims will be compensated (64 versus 35%).
- For example, people see the main role of the proposed Commission on Truth, Justice and Reconciliation (CVJR) as referring rights violators to the courts (90%). This role for the commission takes priority over promoting community dialogue (79%) or giving voice to victims (74%), though these approaches to justice also attract popular support.
- More Malians prefer to prosecute human rights trials in national courts (47%) than to refer cases to international courts (25%). They do not see the customary justice system as equal to this task (2%).
- Most Malians (58%) have not heard of the CVJR. Thus only one third of all Malians (36%) express informed confidence that the Commission can successfully combine a quest for peace and the delivery of justice.

## National Reconciliation

### *National Unity*

Are Malians ready for national reconciliation? A basic sign of the preparedness of adversaries to settle differences is whether they are willing to live together in the same political community. In this regard, Malians speak loudly and clearly. More than nine out of ten adult citizens (92%) say that Mali “must remain a united country” (Table 1). This nationalist sentiment is held especially strongly in the northern regions that were directly affected by recent conflict and occupation, for example by 97% of persons interviewed in Mopti, 98% in Timbuktu, and 100% in Gao. Even in Kidal – where secessionist sympathies might be expected to reach a peak – 92% of residents prefer that the country remain united.<sup>3</sup>

According to the Afrobarometer survey, only a minority fringe is attracted by the idea of a separate state of Azawad. In December 2013, only 6% of all survey respondents said that “the north must secede from the rest of Mali.” The proportions willing to express this unpopular sentiment is vanishingly small in places like Mopti, Timbuktu and Gao, though 8% remain resolute supporters of northern secession in Kidal, where the MNLA still enjoys some control. Perhaps in the wake of military setbacks to the separatist cause during 2013, people no longer find it politically wise or socially acceptable to reveal a preference for “going it alone.” Or perhaps many of the supporters of the Movement for the National Liberation of Azawad (MNLA) and its fellow travelers have fled into desert retreats or international refugee camps beyond the reach of the survey.

Remarkably, some residents of southern regions – notably Kayes (13%) and Sikasso (10%), the areas most distant from the north – favor northern secession. Perhaps they reason that, given ongoing regional rebellions dating back to the time of Mali’s independence, it is better for the country to be rid of the secession problem once and for all. But, importantly, such attitudes hardly dent the dominant view that the national political community must be kept intact.

Table 1: Popular Attitudes to a United or Divided Country  
 | by region |

	Bamako	Kayes	Koulikoro	Sikasso	Segou	Mopti	Timbuktu	Gao	Kidal	Mali
<b>Prefer unified country</b>	95	86	91	90	91	97	98	100	92	<b>92</b>
<b>Favor northern secession</b>	4	13	6	10	4	3	2	0	8	<b>6</b>

N= 2267, weighted. Figures may not add to 100 due to “don’t know” responses (not shown).

### Trust

To achieve national reconciliation, however, Malians must also trust each other. Social surveys measure interpersonal trust by a standard item that asks, “Generally speaking, would you say that most people can be trusted, or that you must be very careful in dealing with people?” On this front, there is both good news and bad news. The good news is that reported levels of interpersonal trust in Mali are well above the 34-country Afrobarometer mean; whereas, on average, only one in five Africans (20%) say “most people can be trusted” in 2012, one in three (34%) does so in Mali in 2013 (Table 2).<sup>4</sup> But the bad news is that two thirds of the adult population still says that “you must be very careful” about extending trust, which is hardly a promising social foundation on which to foster reconciliation.

The data on trust also reveal a puzzling anomaly. Apparently, persons interviewed in Gao and Kidal – where armed conflict and Islamist occupation were most intense – are more trusting than wary, unlike other Malians. This result seems to fly in the face of expectations that experience with conflict and occupation would breed distrust. But, perhaps those who continue to live in these key northern regions are especially eager to enter into an accord with fellow citizens from the south that would protect them from future unrest.<sup>5</sup> Unfortunately, their sentiments are not reciprocated in the south, where expressions of interpersonal distrust are especially high in Kayes and Sikasso. Persistent conflicts in the hinterland seem to have alienated key constituencies in the south from their fellow citizens to the north.

Table 2: **Interpersonal Trust**  
| by region |

	Bamako	Kayes	Koulikoro	Sikasso	Segou	Mopti	Timbuktu	Gao	Kidal	Mali
<b>Trust others</b>	42	19	36	24	38	36	42	61	55	<b>34</b>
<b>Wary of others</b>	57	81	64	76	63	64	58	39	46	<b>66</b>

There is little doubt that armed hostilities have undermined inter-ethnic trust. The survey asked if “the conflict in the north has changed your perception of other ethnic groups?” People are twice as likely to say that, in the post-conflict era, they now hold “less favorable” rather than “more favorable” views of other ethnic groups (56 versus 28%) (Table 3).<sup>6</sup> In this regard, respondents in the north resemble those in the south; in every region of the country, the armed conflict worsened popular perceptions of “the ethnic other.” Such sentiments are especially prevalent in Segou and Gao regions. Rising levels of interethnic distrust are likely to make a meeting of the minds on a shared political future that much harder to achieve.

Table 3: **Interpersonal Trust**  
| by region |

	Bamako	Kayes	Koulikoro	Sikasso	Segou	Mopti	Timbuktu	Gao	Kidal	Mali
<b>More favorable</b>	29	21	42	30	10	37	28	25	33	<b>28</b>
<b>No change/ Don't know</b>	34	23	7	19	9	9	19	4	25	<b>16</b>
<b>Less favorable</b>	37	56	51	51	81	54	52	71	42	<b>56</b>

### *Tolerance*

In African countries, the search for a shared national vision is often foiled by quarrelsome relations between large ethnic groups and small ethnic minorities. In the aftermath of the 2012 crisis in Mali, the most relevant ethnic cleavage is between people who self-identify as Bambara (28%, Mali’s largest ethnic group) and Tuareg (4%, the main protagonists in the quest for a separate state).<sup>7</sup>



The survey reveals an underlying social tension in relations between these groups (Table 4). For example, Bambara respondents are highly tolerant of another Bambara person moving into their neighborhood or marrying into their family (both 96%). But only 37% of Bambara would abide a Tuareg neighbor and just 26% say they could accept a Tuareg as a family member by marriage. These strong feelings of social chauvinism are matched by Malians in general but are not returned from the other side. Most Tuareg say they have no problem with a Bambara neighbor or spouse (90 and 82% respectively). And, remarkably, more Tuareg say that they would prefer a Bambara neighbor or spouse rather than Tuareg ones.<sup>8</sup>

Table 4: **Social Tolerance\***  
| by ethnic group |

	Bambara respondent	Tuareg respondent	Malians
<b>Bambara neighbor</b>	96	90	<b>92</b>
<b>Bambara spouse</b>	96	82	<b>88</b>
<b>Tuareg neighbor</b>	37	77	<b>40</b>
<b>Tuareg spouse</b>	26	68	<b>29</b>

\*Percentage of respondents who express a positive feeling about having a neighbor or relative by marriage from a named ethnic group (Bambara or Tuareg).

Two implications follow. First, any problem in majority-minority social relations would appear to emanate mainly from the larger group. If national reconciliation depends on underlying inter-communal tolerance, then this form of social capital appears to be lacking among many people of Bambara and associated identities. Second, the Tuareg have never been a single “people”: their origins lie in scattered nomadic clans and they remain today internally divided among lineage, status and generational factions.<sup>9</sup> The survey provides further suggestive evidence that Tuareg are a diverse set of groups with multiple opinions, ranging from ethnic separatism to broad nationalism.

Finally, national reconciliation also requires *political* tolerance, namely the willingness of citizens to accept the expression of opinions different from their own, including opinions they may consider wrong. Defined this way, political tolerance contrasts with cultural notions of political consensus – common in Mali as in the rest of Africa – in which people purportedly talk until everyone agrees. Because political disagreements are inevitable, reconciliation requires the acceptance of political diversity rather than a false unanimity born of silencing dissent. It also requires a willingness to imagine the other person’s point of view, which is essential for open dialogue and the establishment of a genuine, negotiated consensus.<sup>10</sup>

By these standards, are Malians politically tolerant? The survey suggests that a majority (64%) adheres to cultural notions of consensus that “we should all talk until we agree” (Table 5). By contrast, people in the areas of the north that were occupied by rebels or insurgents during the 2012 armed conflict are much more evenly split on the issue of political tolerance. Almost half in the formerly occupied north (45%) believes that “we should accept differences of opinion,” versus one third (34%) in the non-occupied south. By region, the biggest distinction is between Kayes in the south (18%), where a majority insists on establishing a common point of view, and Kidal in the north (55%), where a majority prefers to “accept differences.”<sup>11</sup>

Those in the formerly occupied north are also 10 percentage points more likely than those in the non-occupied south to believe that freedom of speech is “important” and 15 percentage points more likely to think that freedom of speech is actually “available.” In other words, people in the north appear to have greater tolerance for political diversity than those in the rest of the country. By contrast, most Malians, the vast majority of whom live in the non-occupied south, seem inclined to believe that a broad “consensus” is adequate national reconciliation, though it is unclear what room this leaves for minority rights.

**Table 5: Political Tolerance**  
| by occupied/ non-occupied zone\* |

	Formerly Occupied North	Non-Occupied South	Mali
<b>We should talk until we all agree</b>	52	66	<b>64</b>
<b>We should accept differences of opinion</b>	45	34	<b>35</b>
<b>Freedom of speech is important</b>	72	62	<b>63</b>
<b>Freedom of speech is not important</b>	28	37	<b>36</b>
<b>Freedom of speech is available in Mali</b>	73	58	<b>60</b>
<b>Freedom of speech is not available in Mali</b>	25	40	<b>39</b>

\*The following areas were occupied by insurgents, at least temporarily, during the armed conflict of 2012-2013: the three northern regions of Timbuktu, Gao and Kidal, plus Douentza cercle in Mopti region and parts of Niono cercle in Segou region.

## Transitional Justice

### *The Need*

Apart from seeking the conditions that will secure a lasting peace, Malians also say they wish to pursue justice. They cannot overlook the violations of human rights that occurred as a result of the March 2012 coup and the recent conflict and occupation of the north.<sup>12</sup> These violations include the destruction of life and property by the MNLA and the imposition of sharia punishments by Al Qaeda in the Islamic Magreb (AQIM), Ansar al-Din, and the Movement for Oneness and Jihad in West Africa (MUJAO). But violations also included extra-judicial killings by the Armed Forces of Mali (FAMA) during the offensive to take back the north and the alleged torture and disappearance of loyalist “red berets” paratroopers at Kati, near Bamako.

The general public recalls previous Tuareg uprisings in 1990-1995 and 2006. Leaders from all sides of the political divide draw the public’s attention to unreciprocated concessions and unmet promises that led to the failure of previous peace agreements. Perhaps for these reasons, Malians wonder whether renewed efforts at dialogue in 2014 will again fail to resolve the problems of national unity and political disorder. In other words, can national reconciliation ever be established without transitional justice? In other words, will those responsible for past abuses be held accountable during a transition between autocratic rule and democracy?<sup>13</sup>

### *What Form of Justice?*

The Afrobarometer survey asked Malians to choose whether it is better to reveal the truth about recent rights violations or forget about what happened in the past. People opt decisively for truth (73 versus 26%) (Table 6). Thus, a solid popular constituency seems to want a justice mechanism – perhaps a truth commission – that would allow victims to tell their stories on the public record. At minimum, such a body would acknowledge that individuals had been victimized and perhaps even offer an opportunity for victims to name their persecutors.

But Malians also acknowledge that truth-telling is not enough. Nine out of ten (90%) insist that perpetrators of political crimes must be held accountable for what they have done. Only 9% of survey respondents would entertain the possibility of an amnesty – granted perhaps by the president in the name of national reconciliation – that would ignore or pardon past abuses. As such, they clearly reject the precedent of the 2006 Algiers Agreement, which provided impunity for war crimes in the form of an amnesty for Tuareg fighters. Whether people (and politicians)



also have the stomach to hold all those in the Malian army accountable for atrocities committed in a time of warfare, however, remains to be seen.

On balance, Malians clearly prefer a retributive form of justice – meaning that offenders would be tried and sentenced – over a restorative form of justice – meaning that victims would be compensated for their losses (64 versus 35%). In other words, most Malians are in no mood to forgive and forget; instead they seem determined to prosecute and punish. Of course, punishment and reparations are not mutually exclusive; they could be pursued simultaneously or in sequence. There is evidence in the survey that a mix of justice measures might eventually attract significant popular support. But, at least at the outset, the popular urge to deter the agents of violence takes priority over making sure that the casualties of conflict are made whole.<sup>14</sup>

According to Malian public opinion, the net of retributive justice should be cast wide. It should catch not only the “big fish” (those who planned and supervised abuses) but even the “smaller fry” (that is, all persons suspected of carrying out politically motivated violence). And people are especially emphatic about the need for a thorough housecleaning within the ranks of the Malian government. For example, 87% say that persons implicated in human rights violations should be banned from holding elective positions. Support for what is known in post-communist Eastern Europe as “lustration” (removal from office) apparently extends to the armed forces too. An independent survey of opinion in February 2014 confirmed that 64% of urban dwellers approved the arrest, imprisonment, and indictment for murder of coup leader Amadou Haya Sanogo.<sup>15</sup>

Table 6: Popular Attitudes to Transitional Justice

With reference to the “recent conflict in the North” (Choose A or B):	Formerly Occupied North	Non-Occupied South	Mali
A. It is necessary to reveal the truth about what happened	82	71	73
B. It is better to forget about what happened in the recent past	17	27	26
A. Those responsible for past political crimes should be granted amnesty	7	9	9
B. Those responsible for past political crimes should be held accountable	90	90	90
A. To obtain justice, perpetrators must face criminal prosecution in a court of law	77	63	64
B. To obtain justice it is most important for victims of violence to be compensated for their losses	22	37	35
A. Only those who planned or supervised violence should be held accountable	20	30	30
B. Every person suspected of involvement in violence should be held to account, regardless of status	77	67	69
A. Persons implicated in human rights violations should be allowed to remain in elected office	8	11	10
B. Persons implicated in human rights violations should be banned from holding elected positions	89	87	87

N= 2267, weighted. Figures may not add to 100 due to “don’t know” responses (not shown).

Does ethnic identity affect the way people view justice? Once again, the preferences of Bambara people represent the national norm: 64% want retributive justice and 35% want restorative justice (Table 7). By comparison, Tuareg people are even more likely to call for prosecuting offenders rather than for compensating victims (69 versus 28%). This sentiment in

favor of retributive justice is universal in Kidal region (100%) and prevalent among the Sonrhai people (77%), who live mainly in Gao and Timbuktu regions. Dogon people give somewhat more emphasis to restorative justice but, even within this group, a majority still calls for legal accountability (57 versus 38%). Internally displaced persons (IDPs), who suffered significant losses as a result of conflict and occupation, might be expected to have high demands for compensation. Yet, when asked to choose, they also hew closely to the national norm in preferring retributive to restorative justice (65 versus 34%).

**Table 7: Preferences for Retributive or Restorative Justice**  
| by ethnic group |

	Bambara	Peulh/ Fulfulde	Dogon	Soninké	Malinké	Sonrhai	Tuareg	Maliens
<b>Prefer Retributive Justice</b>	64	65	57	62	64	77	69	<b>64</b>
<b>Prefer Restorative Justice</b>	35	35	38	35	34	21	28	<b>35</b>

### *What Form of Prosecution?*

How, then, should alleged human rights violations be prosecuted? For example, legal cases could be referred to a global authority (such as the International Criminal Court [ICC] in The Hague) or to a specially constituted tribunal (on the lines of the International Criminal Tribunal for Rwanda). Alternatively, perhaps existing justice mechanisms within Mali – either modern or customary – would prove equal to the task. The national court system has failed to hold violators accountable in Kenya, though some analysts believe that a combination of national courts and community-based *gacaca* hearings has proved effective in Rwanda.<sup>16</sup>

As of December 2013, almost half of all Malians interviewed prefer to keep any legal proceedings within the country: 47% want the national courts to hear human rights cases (Table 8). This vote of confidence in the national court system is somewhat surprising given that the Malian judiciary faces profound logistical constraints, especially in the north. Moreover, over one third of Malians think that “all” or “most” judges, magistrates and public prosecutors are corrupt. Yet, perhaps because of antipathy toward the ICC, only one quarter (25%) favor an international court and even fewer (15%) want to convene a special tribunal. The preference for invoking international jurisdiction is significantly higher in the formerly occupied north (33%) and among Tuareg (40%). Indeed, the latter prefer an international court

almost as much as a national court, perhaps because they do not trust the latter to protect their interests.

One might expect Malians to turn to customary justice systems given the relatively high levels of trust they assign to traditional chiefs and elders.<sup>17</sup> But almost no Malians (including none of the Bambara and Tuareg in the survey) expressed confidence in the ability of traditional leaders to arbitrate human rights cases arising from the multiethnic conflict and *jihadist* occupation in the north.

Table 8: **Retributive Justice: Preferred Venue of Human Rights Trials**

	Formerly Occupied North	Non-Occupied South	Bambara	Tuareg	Malians
<b>National court</b>	50	47	52	43	<b>47</b>
<b>International court</b>	33	24	24	40	<b>25</b>
<b>Special tribunal</b>	12	16	14	8	<b>15</b>
<b>Expulsion of foreign suspects</b>	3	11	9	8	<b>10</b>
<b>Customary justice system</b>	2	2	0	0	<b>2</b>
<b>No trials</b>	1	1	0	3	<b>1</b>

### *What Form of Compensation?*

How should the victims of violence be made whole? A small majority (55%) favors direct payments in cash or kind to individuals, though a large minority (30%) would instead opt for collective compensation in the form of development programs in affected regions (Table 9). Because IDPs suffered heavy losses and because some IDP households have relocated to the south, they tend to look especially favorably on direct compensation to individuals (64%). And because of the underdevelopment of the outlying northern regions, persons who continue to live in the formerly occupied areas are more likely than persons in the non-occupied south to choose collective development projects (35 versus 29%). Tuareg respondents were especially prone to signal that compensation should take the form of development projects in the north (47%).

Few people think that compensation should flow through traditional chiefs (10%) or local government authorities (5%). This leaves the cash-strapped central government with

responsibility for providing compensation and development, which are obligations unlikely to be met in the absence of an infusion into the country of substantial assistance from abroad.

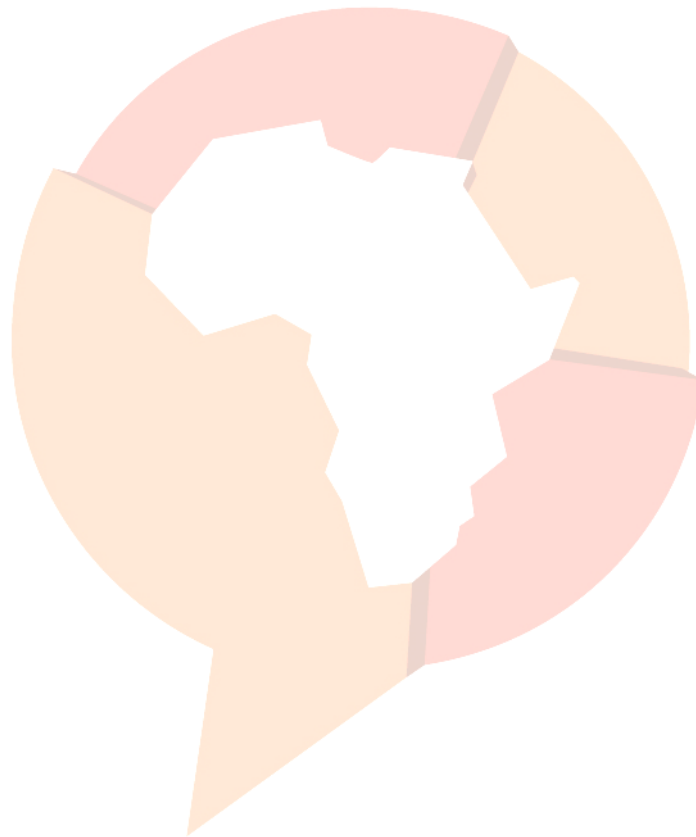




Table 9: Restorative Justice: Preferred Forms of Compensation

	Formerly Occupied North	Non-Occupied South	Bambara	Tuareg	Maliens
To individual victims	50	56	56	40	<b>55</b>
To development programs in affected regions	35	29	29	47	<b>30</b>
To traditional chiefs or whole communities	13	9	10	13	<b>10</b>
To local governments	2	6	5	0	<b>5</b>

Restorative justice need not, of course, take a material form. Victims of human rights abuses can take succor from public acknowledgment of their hardships and from measures to set straight the historical record. Asked in December 2013 about options to memorialize victims, survey respondents preferred the construction of physical monuments (30%), which is something of a tradition in Bamako and, to a lesser extent, in other cities in Mali (Table 10). Former president Alpha Oumar Konaré (1992-2002) invested

Table 10: Restorative Justice: Preferred Forms of Memorialization

	Formerly Occupied North	Non-Occupied South	Bambara	Tuareg	Maliens
Construct monuments	38	28	31	50	<b>30</b>
Create a national day of remembrance	29	27	28	18	<b>27</b>
Develop teaching materials for the schools	9	18	16	13	<b>17</b>
Produce a documentary	6	9	9	3	<b>9</b>
Rename buildings or streets	8	8	8	0	<b>8</b>
Create museum exhibits	4	8	8	8	<b>7</b>
Nothing needs to be done	8	1	1	10	<b>2</b>

heavily in cultural and political monuments that have become well-established and valued landmarks in the city.<sup>18</sup> Others prefer the creation of a day of national remembrance (27%). The only other option to attract a meaningful amount of public support, especially in the south, was the development of teaching materials for the schools. Notably, ten times as many Tuareg (10%) as Bambara (1%) considered that “nothing needs to be done” to memorialize victims.

### **The Commission on Truth, Justice and Reconciliation (CVJR)**

To address issues of national reconciliation and transitional justice, the interim Government of Mali established a National Dialogue and Reconciliation Commission (CDR) in March 2013. But it was grossly underfunded and contained few representatives from the north. In January 2014, President Ibrahim Boubacar Keita (IBK) set up a new Ministry of National Reconciliation and Development of the Northern Regions under the leadership of Cheick Oumar Diarra. The new minister changed the name of the commission to Commission on Truth, Justice and Reconciliation (CVJR), marshalled enabling legislation through the National Assembly, and sent signals that justice would be done and that impunity would be discouraged.<sup>19</sup> But the surprise replacement of the prime minister and cabinet in April 2014 assigned yet another set of players to the task of “mending the social fabric” through national reconciliation.<sup>20</sup>

As of December 2013, 42% of adult Malians said that they had heard of the new CVJR, though awareness was lower in the formerly occupied northern zone (35%) (Table 11). Since, at the time, the Commission was still in the proposal stage, these results reflect an acceptable level of name recognition.

All survey respondents, including those who had never heard about the CVJR were asked subsequent questions. Regarding the membership of the Commission, citizens lean heavily toward popular ownership and political independence. They prioritize membership by autonomous, non-partisan organizations in civil society (94%). Also high on their proposed membership list are representatives drawn from the citizenry itself (90%) – including individual victims of the conflict (86%) – as well as traditional and religious leaders (both 90%). The general public grants much lower priority to membership in the Commission by representatives of political parties (55%) and especially of the rebel groups responsible for fomenting the conflict (24%).

In general, residents of the non-occupied south favor a somewhat more open commission of inquiry than those who live in the formerly occupied north. Whereas southerners advocate a louder voice for citizens, victims and civil society, northerners would like to see a larger official role for political parties.

What should the CVJR do? The survey asked Malians, even those who had not yet heard of the Commission, to respond to alternative proposals for justice. Only about half (50%) say that the CVJR should provide a forum for perpetrators of human rights abuses to publicly confess their crimes (Table 12). Many more – about three quarters (74%) – instead emphasize the casualties of the conflict, asserting that victims should use the CVJR as a platform to tell their individual stories. A similar proportion (79%) see truth telling in collective terms, that is, as an opportunity for whole communities to recount what happened during the dark days of 2012 and 2013 (and perhaps even during earlier uprisings) and to engage in public dialogue about a way forward.

**Table 11: Popular Awareness of the Commission on Truth, Justice and Reconciliation (CVJR)**

	Formerly Occupied North	Non-Occupied South	Malians
<b>Have heard of the Commission for Truth, Justice and Reconciliation</b>	35	43	<b>42</b>
Want the following groups to be members of the CVJR:			
<b>Civil society organizations</b>	88	95	<b>94</b>
<b>Citizens of Mali</b>	81	92	<b>90</b>
<b>Traditional leaders</b>	89	91	<b>90</b>
<b>Religious leaders</b>	89	90	<b>90</b>
<b>Victims of the conflict</b>	79	87	<b>86</b>
<b>Government officials</b>	81	85	<b>84</b>
<b>Non-governmental organizations</b>	81	84	<b>84</b>
<b>Political parties</b>	68	53	<b>55</b>
<b>Representatives of the rebels</b>	28	23	<b>24</b>

However, the most popular option – supported by 90% – would have the CVJR refer alleged rights violators to the courts. In short, people seem to see the Commission as the instrument for putting into effect their clearly stated preference for retributive justice. This view is

consistent with the commission's presumed official mandates for fact-finding and the referral of indictable offences to the courts. However, perhaps recognizing that prosecutions mainly address wrongs committed in the past, more than three quarters of all adults interviewed also see the CVJR as fostering community-based dialogue as a means to avoid conflicts in the future. In this way, public opinion leaves the door open for the commission to address peace as well as justice.

In almost every respect, ideas for transitional justice draw stronger support in Mali's non-occupied south than in the formerly occupied north. Popular enthusiasm reaches similar levels in both regions only with regard to "community dialogue and truth-telling." Otherwise, gaps in justice preferences are especially wide between Bambara and Tuareg communities, especially when it comes to the referral of alleged violators to the courts (90 versus 72%). As such, the Commission should be careful that any strong retributive thrust to its activities does not turn into the imposition of "victor's justice" by the south against the north.

Finally, the survey asked Malians about the likelihood that the Commission would be able to promote national reconciliation and a lasting peace. Including those who had never heard of the CVJR (58%), only about one in three Malians (36%) expressed confidence that the Commission would succeed at these tasks. To be sure, those who said they had heard about the CVJR were much more confident (86%) than pessimistic (13%) about its prospects. And Tuareg respondents are somewhat more optimistic about the CVJR's proposed work (46%) than their Bambara counterparts (36%). But the fact remains that, overall, only a minority of Malians currently believes that a national commission can produce peace and reconciliation. Perhaps they think that a national effort to rebuild social trust and confidence in government needs to be supplemented by similar efforts at regional and community levels.

Table 12: Popular Preferences for the Role of the CVJR

	Formerly Occupied North	Non-Occupied South	Bambara	Tuareg	Maliens
<i>Want Commission to enable:</i>					
Perpetrators of human rights violations to confess their crimes	36	52	50	51	<b>50</b>
Victims of human rights violations to tell their stories	67	75	70	67	<b>74</b>
Communities to engage in dialogue and truth telling	78	79	79	69	<b>79</b>
The referral of alleged rights violators to the courts	79	91	90	72	<b>90</b>
Think CVJR can promote reconciliation and peace	33	36	36	46	<b>36</b>

## Conclusion

The December 2013 survey of a representative cross section of adult Malians confirms that an overwhelming majority of citizens wants northern Mali to remain an integral part of a unified country. Northerners want this outcome too. A strong popular sentiment in favor of national unity provides an essential basis for national reconciliation, a stated priority of Mali's new government. Having tried and failed to deter northern rebellions by previously providing amnesty to rebels, the government now seeks to end the cycle of violence by insisting on a retributive form of transitional justice. In a major result from the survey, clear majorities of citizens in both north and south agree. They insist that, in order for political dialogue to lead to genuine reconciliation, persons who committed abuses must first be held accountable.

To achieve national reconciliation, however, Malians must avoid the temptation to celebrate "victor's justice." The low levels of trust and tolerance revealed by the survey – particularly in the way that ethnic majorities in the south view ethnic minorities in the north – do not augur well in this regard. To counteract potential bias, any trials held in the national courts that Malians favor must be seen to be even-handed, that is, by directing charges against



perpetrators regardless of which side they were on. As for restorative justice, the construction of monuments is unlikely to satisfy northerners, especially the Tuareg, who say they would much rather see investments in development to uplift their region.

In conclusion, the Afrobarometer survey raises as many questions as it answers:

- Will all sides actually be held accountable? Or will partisan politics or international pressures intrude on the justice process?
- In favoring punishment for wrongdoers, are people expressing a heartfelt opinion? Or are they taking their cues from politicians?
- Is a national commission the most appropriate and capable forum for political dialogue? Will it be sufficiently independent? Must it be supplemented by regional and community forums?
- Are citizens correct in hoping that retributive justice and national reconciliation are compatible? Will selective prosecutions simply inflame old animosities? Or will an even-handed approach to justice set the stage for lasting peace?

## Endnotes

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<sup>1</sup> The Afrobarometer is a survey research project managed by a network of African social scientists. It measures public opinion on key political, social and economic issues. Data are gathered by means of face-to-face interviews in local languages with national probability samples of African citizens. In Round 5 of the Afrobarometer, which included a 2012 Mali survey (not reported here), more than 50,000 citizens were interviewed in 34 African countries.

This Policy Paper is based on a customized Round 5.5 survey on “Democracy, Governance and Conflict Resolution in Mali” with fieldwork conducted from December 17, 2013 to January 5, 2014. Results are reliable within a margin of sampling error of +/- 2% at a level of 95% confidence.

The sample for the Mali study has unique characteristics. Totalling 2,486 cases, it has three components:

- A randomly selected national probability sample stratified to cover the urban and rural areas of all nine administrative units of the country in their correct proportions (N=2,067).
- A randomly selected oversample in the north to compensate for the fact that the population of the northern regions constitutes only 10% of the national population. This oversample (N=200) generates enough cases to increase the reliability of generalizations about the three regions of the north and the zone occupied by rebels and insurgents during the 2012-13 conflict.
- An oversample of internally displaced persons (IDPs). IDPs are identified by the following survey question: “Are you, or have you been, displaced from your home as a result of the recent occupation and conflict in the north?” This procedure yielded 396 IDPs, of which 177 were selected randomly in the national probability sample or northern oversample and 219 were purposively oversampled in selected areas of the south. Most IDPs had left homes in the northern regions, including Timbuktu (54%), Gao (32%), Kidal (8%), and Mopti (6%). A clear majority (60%) expressed an intention to return home, with 25% saying they had already done so and 15% indicating that they had no intention of returning.

The results in this paper are based on the national probability sample plus the northern oversample. IDPs are included in the sample reported here *if* they were selected as part of the random national sample or the random oversample in the north. But IDPs from the purposive IDP oversample are not included in the figures reported here, except as specifically noted. The merged data are weighted to reflect correct stratum proportions by region, location (urban-rural), sampling unit size and household size. Occasional reference is made to the (unweighted) IDP oversample.

<sup>2</sup> “Where a post-conflict country remains intact, so that former mortal enemies are forced to live together, new leaders must choose between justice and reconciliation.” *The Economist*, April 5, 2014: 54.

<sup>3</sup> All figures for Kidal must be treated with caution due to small sub-sample size (N=24). The margin of sampling error around the figures for Kidal is therefore much wider than for the sample as a whole.

<sup>4</sup> The 34% figure represents an increase from 24% in December 2012 in Afrobarometer Round 5 in Mali (conducted only in the six southern regions, including Bamako) and is perhaps a reflection of the “newfound hope” in the public mood reported in *Afrobarometer Policy Paper* No. 9.

<sup>5</sup> Or perhaps the survey respondents interpreted the question on trust as referring to one’s own community, which might be higher in tightly knit communities in the north. Another possibility is that a climate of trust was so prevalent in the northern zone that it even facilitated acceptance of foreign insurgents.

<sup>6</sup> Respondents interpreted the phrase “other ethnic groups” as code for “Tuareg” or “Arab.” It seems unlikely, for example, that Dogon have lost trust for Bozo, or Soninke for Fulani, etc. In other words inter-ethnic mistrust may not be generalizable to all groups. Thanks to Bruce Whitehouse for this insight. Thanks also to John Staatz, Cheick Oumar Tangara and Moussa Traoré for other comments.

<sup>7</sup> These figures are derived from the weighted survey sample and refer to an individual’s ethnic group (“tribe”) and not his/her language group. For this reason, this report refers to Bambara “people,” not Bambara “speakers.” If

language is used as a signifier of ethnicity, then 49% would claim Bambara as their mother tongue. The number of Tuareg respondents in the survey was boosted by random oversampling in the northern regions, yielding 95 such individuals, a sufficient number to yield basic generalizations about the attitudes of this ethnic group.

<sup>8</sup> Perhaps Bambara have had less experience living alongside Tuareg, while Tuareg will have known many different ethnic groups, including their own. For the former, distrust may simply derive from unfamiliarity.

<sup>9</sup> The Tuareg are “at the very center of the storm in Mali, but within this diverse group every shade of opinion can be found.” Andy Morgan, “What Do the Tuareg Want?” [www.aljazeera.com/indepth/opinion/2014/01](http://www.aljazeera.com/indepth/opinion/2014/01).

<sup>10</sup> Thanks to Steve Esquith for encouraging us to see both sides of this, and other, complicated issues.

<sup>11</sup> By ethnic group, 16% of Soninke versus 54% of Tuareg favor this approach.

<sup>12</sup> The most blatant case is the mass execution of surrendered Malian soldiers in Aguelhok in January 2012 by armed groups that occupied the north. For further details see Roland Marchal, “Mali: Visions of War,” *Stability: International Journal of Security and Development*, 2 (2) 2013: 1-8. See also Human Rights Watch “Mali: Ensure Justice for Grave Abuses: Hold All Sides to Account to Break the Cycle of Violence,” [www.hrw.org/print/news/2014/02/21](http://www.hrw.org/print/news/2014/02/21). In addition, La fedère défense des droits humains, *Mali: La justice en marche: Analyse de procédure judiciaires portant sur des graves violations des droits humains commises depuis 2012* (Bamako: FIFH, 2013).

<sup>13</sup> Paige Arthur, “How Transitions Reshaped Human Rights: A Conceptual History of Transitional Justice,” *Human Rights Quarterly*, 31 (2), 2009: 321-67.

<sup>14</sup> Despite its label, restorative justice does not mean “restoring” injustices that may have existed in the past but, rather, moving beyond them to address current needs and inequalities. Some prefer to call this approach “reparative” justice, especially when it directed at whole communities rather than individuals. See Erin Kelly, “Reparative Justice” in Tracy Isaacs and Richard Vernon, eds., *Accountability for Collective Wrongdoing* (New York: Cambridge University Press, 2011).

<sup>15</sup> “Nouveau sondage d’opinion de l’ingénieur statisticien économiste, Sidiki Guindo,” *L’indépendant* (Bamako), 10 March, 2014. Note: the sample in this survey was limited to Mali’s major cities and, therefore, is not nationally representative.

<sup>16</sup> This last point is controversial. Some commentators criticize *gacaca* for imposing politicized justice without due process, thus potentially inciting further conflict (Corey and Joireman “Retributive Justice: The Gacaca Courts in Rwanda,” *African Affairs*, 103, 2004: 73-89). Others praise *gacaca* as a participatory process that satisfied both pragmatic goals – clearing a huge backlog of cases from the courts – and meaningful principles – including truth, justice and peace. (Phil Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice Without Lawyers*. New York: Cambridge University Press, 2010).

<sup>17</sup> Earlier Afrobarometer surveys have shown customary leaders to be among the most trusted institutions in Mali.

<sup>18</sup> Mary Jo Arnoldi, “Symbolically Inscribing the City: Public Monuments in Mali, 1995-2002” *African Arts*, 36 (2) 2003:56-65.

<sup>19</sup> “Les députés ont voté le texte créant la Commission vérité, justice et réconciliation : La CVJR sera bientôt mise en place,” *L’indépendant* (Bamako), 21 March 2014.

<sup>20</sup> Zahabi Ould Sidi Mohamed, who is Diarra’s successor, set a six month target for reaching a settlement with armed groups. And IBK named a special “high-level state representative for inter-Malian inclusive dialogue”, former PM Modibo Keita.

**Michael Bratton** is University Distinguished Professor of Political Science and African Studies, Michigan State University and Senior Advisor, Afrobarometer.

**Massa Coulibaly** is a professor at the Université de Bamako and Executive Director of the Groupe de recherche en économie appliquée et théorique (GREAT).

**Boniface Dulani** is a Lecturer in the Department of Political and Administrative Studies, University of Malawi. He is also the Fieldwork Operations Manager for the Afrobarometer.

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