UNHCR POSITION ON RETURNS TO MALI – Update II

July 2019

Introduction

1. This position supersedes and replaces UNHCR’s Position on Returns to Mali – Update I from January 2014. Despite concerted multilateral engagement and a 2015 peace agreement, the north and centre of Mali continue to be affected by conflict. Due to persistent violence, intercommunity-clashes, human rights violations and a deteriorating humanitarian situation, increasing numbers of Malians have fled abroad or have become internally displaced since the publication of UNHCR’s 2014 position.

Political Developments

2. On 15 May 2015, the Government of Mali signed the Agreement on Peace and Reconciliation in Mali with the “Coordination des mouvements de l’Azawad” (CMA), an alliance of armed groups, and with the Platform, a loose coalition of pro-government militias. The Agreement aimed to create a roadmap to establish a governance system that would take into account local characteristics and foster national unity while respecting territorial integrity and cultural diversity. In October 2018 the UN and the government signed the Pact for Peace, which “reaffirms the Government’s commitment to the full implementation” of the Agreement. In an annex to the Pact the armed groups that are signatories to the Agreement equally stated their full adherence to the Pact. However, little progress has been achieved in implementing the peace agreement, and the 2018 reaffirmation of the 2015 peace agreement has not succeeded in addressing the ongoing violence throughout the country.

7. Ibid.
armed groups that are affiliated with either the CMA or the Platform have failed to respect the peace agreement and hindered its implementation.\(^9\) Additionally, certain currently active armed Islamist extremist groups, which have been linked to Al-Qaïda and Islamic State (IS), were not parties to the 2015 peace agreement and are not compliant with its terms.\(^10\)

3. On 28 June 2018, the Security Council unanimously extended the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), which was first established in 2013,\(^11\) for an additional year, until the end of June 2019.\(^12\)

4. Presidential elections took place in July and August 2018. The incumbent president, Ibrahim Boubacar Keïta, was re-elected for a second term.\(^13\) UNHCR supported Malian refugees’ right to cast their vote out-of-country. The parliamentary elections were postponed in October 2018 and again in April 2019, with the government deciding in June 2019 to extend the current parliament’s mandate until May 2020, citing the current “political and security situation.”\(^14\) In April 2019 the Prime Minister and his cabinet resigned in response to a public outcry following the massacre of 160 Fulani villagers (see also para. 10 below).\(^15\) The President appointed the finance minister, Boumbou Cissé, as prime minister; Cissé formed a cabinet in early May 2019.\(^16\)

**Security Situation in Mali**

5. The security and humanitarian situation in Mali has not fully stabilized and has even deteriorated significantly in some respects recently.\(^17\) In particular, ongoing conflicts have continued in the North, while spreading to central Mali and the surrounding countries.\(^18\) Violence affecting Mali includes intercommunity violence, sporadic violence by armed groups who were party to the peace agreement, and escalating conflict caused by Islamist extremist armed groups.\(^19\) On 31 October 2018, the Government extended the state of emergency first declared in November 2015 for a further year.\(^20\) In

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\(^11\) The Secretary General noted in March 2019 that ex-combatants from “signatory armed groups” and “non-signatory but compliant armed movements” had begun to demobilize, yet the security situation “…in northern Mali remained complex, while it continued to deteriorate in the Centre, and in Koulkoro region in the West.” UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 26 March 2019, [https://undocs.org/S/2019/2100](https://undocs.org/S/2019/2100).

\(^12\) “Despite the 2015 peace accord, elements within the platform—including the Imghad Tuareg and Allies Self-defense Group (GATIA), the Arab Movement for Azawad-Plataform (MMA-PF), and the Coordination of Patriotic Resistance Forces and Movements (CMFPR)—and elements in the CMA—including the National Movement for the Liberation of the Azawad (MNLA), the High Council for the Unity of Azawad (HCUA), and the Arab Movement of Azawad (MAA)—committed serious human rights abuses….” US Department of State, *Country Report on Human Rights Practices 2018* – Mali, 13 March 2019, [www.ecoi.net/en/document/2004170.html](https://www.ecoi.net/en/document/2004170.html).


January 2019, the Independent Expert appointed by the Human Rights Council found that the security situation "...is worsening in the centre and north of the country." The boundaries of the conflict are not well-defined, and insecurity has affected the northern region (Timbuktu, Gao, Kidal, Taoudenni and Ménaka), central region (Mopti), some parts of the southern region (Koulkoro, Ségou and Sikasso) and the border areas with Niger and Burkina Faso. In contrast, Bamako and the Kayes region have been less affected by the conflict.

6. In late December 2014, five states of the Sahel region, namely Burkina Faso, Chad, Mali, Mauritania and Niger (in this context often referred to as the G5 Sahel), established an institutional framework for coordinating and monitoring regional cooperation on development and security policies. In July 2017, the G5 Sahel Heads of State formalized in Bamako the launch of a joint cross-border force to pool their efforts in the fight against security threats in the Sahel. Its first operation took place in November 2017 involving the armies of Burkina Faso, Mali and Niger.

7. Despite the creation of the task force, in March 2019 the Armed Conflict Location & Event Data Project (ACLED)—an NGO and mapping project—noted that it had "recorded a massive spike in deadly violence across the Sahel," with 547 reported civilian fatalities in Mali linked to direct attacks targeting civilians between November 2018 and March 2019, representing an increase of over 300% compared to the same period the year before. According to the UN Secretary General, the last quarter of 2018 saw 64 attacks by armed groups, and 48 incidents of improvised explosive devices. The conflict in Mali has caused the death of almost 200 UN peacekeepers between 2013 when the UN mission was created and May 2019, making it the deadliest peacekeeping operation in the world.

8. In June of 2018, the headquarters of the joint task force in Mopti were destroyed in a jihadist attack, forcing their relocation to Bamako. In 2018, groups such as the Group for the Support of Islam and Muslims and Islamic State in the Greater Sahara targeted civilians, representatives from local, regional and State institutions, humanitarian organizations, and state and international security forces. In 2018, the boundaries of the conflict are not well-defined, and insecurity has affected the northern region (Timbuktu, Gao, Kidal, Taoudenni and Ménaka), central region (Mopti), some parts of the southern region (Koulkoro, Ségou and Sikasso) and the border areas with Niger and Burkina Faso. In contrast, Bamako and the Kayes region have been less affected by the conflict.

Ibid.


there were significant increases in incidents of intimidation, kidnappings and targeted assassinations of both civilians and of members of parties to the peace agreement, especially in the central regions of the country.33

9. While much of the violence in 2018 was caused by armed Islamist groups, violence has also increased along ethnic lines between the Dogon and Fulani, both over access to resources and over perceived sympathies to extremist Islamist groups.34 In March 2019, gunmen killed 160 people in the Fulani village of Ogossagou in what was widely considered to be an ethnically motivated attack, causing international outcry and prompting a UN investigation.35 The massacre, which took place near Bankass in the Mopti region, is an example of the escalating intercommunity violence that has complicated the security situation in recent years.36 Just days after the UN Secretary-General warned of a “high risk” of atrocities in Mali—issuing a report to the Security Council that called for maintaining U.N. peacekeeper numbers and strengthening the U.N. mission’s presence in the strife-torn centre of the country37—another massacre in a Dogon village in Central Mali left at least 35 persons dead during the night of 9 to 10 June 2019,38 while two further attacks on 17 June reportedly killed about 40 people.39 In 2018, over 300 people were killed in various conflicts between ethnically aligned self-defence groups against communities accused of supporting Islamist armed groups.40

Human Rights Situation

10. Security concerns prevented state institutions from adequately functioning in the northern and central regions, with only 29 percent of civil administrators “present at their duty stations” as of March 2019.41 This absence of state authority in many parts of the country continued to weaken the rule of law and “heightened the population’s vulnerability to all forms of violence.”42 The crisis in Mali has had


34 The Global Centre for the Responsibility to Protect noted in May 2019 that “Dogon and Fulani communities have historically clashed over access to land, water and grazing rights,” but some self-defence Dogon groups “have also targeted Fulani communities for their perceived sympathy with armed Islamist groups.” Global Centre for the Responsibility to Protect, R2P Monitor, Issue 45, 15 May 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/R2P_monitor_final1.pdf.


devastating consequences and a disproportionate impact on children.\textsuperscript{43} Human Rights Watch expressed concern about the recruitment and use of children, killing and/or mutilation, sexual and gender-based violence, abduction, attacks on schools and hospitals, and denial of access to humanitarian aid throughout 2018.\textsuperscript{44} In January 2019, the Independent Expert on the Situation of Human Rights in Mali expressed his concern about sexual and gender-based violence in Mali, including the targeting of women on public transportation in Mopti and Timbuktu.\textsuperscript{45}

11. Between September and December 2018, there were 90 documented cases of serious violations of human rights, which occurred mostly in the centre of the country.\textsuperscript{46} The counter-terrorism operations conducted by the Malian defence and security forces in Mopti Region are reported to have led to “summary executions, enforced disappearances, torture, ill-treatment and arbitrary arrests.”\textsuperscript{47} On the other hand, persons suspected of collaborating with national or international defence forces were targeted by armed groups.\textsuperscript{48}

### Humanitarian Situation

12. Access to basic services such as education, health, water, sanitation and shelter have not been restored to pre-conflict levels, prevented by ongoing insecurity and a lack of state institutions.\textsuperscript{49} Humanitarian access was severely restricted throughout 2018 and 2019 due to pervasive conflict and significant operational challenges.\textsuperscript{50} As noted by the UN Independent Expert, the country “faces complex and multifaceted challenges (security, political, humanitarian, social, economic and ecological).”\textsuperscript{51}

13. The conflict in Mali has been exacerbated by drought and desertification, which has led to increased competition for scarce resources.\textsuperscript{52} Overall temperatures are rising in the Sahel at a rate “1.5 times higher than the global average”, which has contributed to the increased scarcity of land for grazing and farming.\textsuperscript{53} The World Food Programme (WFP) expressed concern in April 2019 that there was a deterioration of 36 per cent between the food insecurity projections from November 2018 and April 2019; significantly, the WFP noted that this was largely due to “escalating violence and conflict, leading to a sharp rise in internal displacement, the continued disruption of markets, and a deterioration in the supply of basic social services.”\textsuperscript{54} On the other hand, in August 2018 six out of Mali’s ten regions experienced heavy rainfall which led to flooding, affecting 70,700 people and damaging homes and...
food stores.55 According to UNICEF, the flooding destroyed 1,554 hectares of crops.56

14. An estimated 3.2 million Malians are in need of humanitarian assistance, approximately 2.9 million of whom are in areas of the country affected by the ongoing conflict.57 The Food and Agriculture Organization (FAO) reports that 404,930 people are projected to be severely food insecure in June-August 2019.58 In addition, it was reported in January 2019 that armed groups had targeted communities in ways designed to affect their livelihoods by stealing oxen used to plow fields.59 In some case these attacks included destroying schools.60 The Independent Expert noted that attacks such as these are designed to affect food security and the population’s humanitarian situation.61

Refugees and Internal Displacement

15. As of the end of April 2019, UNHCR and partners continued to address the needs of 137,975 Malian refugees mainly in Burkina Faso, Mauritania and Niger.62 The number of Malians arriving in Europe along the Western and Central Mediterranean routes increased during 2018.63 There were an estimated 106,164 internally displaced persons (IDPs) inside Mali as of April 2019, according to the Malian Commission of Population and Movements.64 The Internal Displacement Monitoring Centre reported a 360 percent increase in the number of people who were internally displaced in Mali in 2018 compared to 2017.65

16. According to the Norwegian Refugee Council, an intensification of violence and conflict in northern and central Mali has caused the displacement of more than 202,000 people between January 2019 and July 2019; NRC notes that this is “close to a six-fold increase compared to the same period last year.”66

55 This occurred during “a period where Mali was also affected by various other crises (food insecurity, conflicts, etc.), highlighting need for urgent action.” The six regions affected were Timbuktu, Gao, Kidal, Sikasso, Koulikoro, and Kayes. International Federation of Red Cross and Red Crescent Societies (IFRC), Emergency Plan of Action Final Report (Mali): Floods, 11 June 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/MDRML013dr.pdf; IFRC, Emergency Plan of Action (EPOA) – Mali – Floods, 4 September 2018, http://adore.ifrc.org/Download.aspx?FileId=211142;
17. UNHCR considers that persons fleeing the ongoing conflict in Mali are likely to be in need of international refugee protection in accordance with Article 1(2) of the 1969 OAU Convention. In addition, persons fleeing the conflict in Mali may also meet the 1951 Convention criteria for refugee status. Depending on the profile and individual circumstances of the case, exclusion considerations may need to be looked into.

18. Against this background and in light of the deterioration of the security and humanitarian situation, UNHCR calls on States not to forcibly return to Mali persons originating from the following regions: Timbuktu, Gao, Kidal, Taoudenni, Ménaka, Mopti, Ségou and Sikasso. In addition, in relation to the Koulikoro region, UNHCR calls on States not to forcibly return persons originating from the following cercles: Nara, Kolikana, Banamba and Koulikoro.

UNHCR does not consider it appropriate for States to deny international protection to persons originating from the areas listed above on the basis of an internal flight or relocation alternative to any of the remaining parts of Mali (i.e. the regions of Kayes or Bamako, or the southern cercles of the Koulikoro region, viz. Kati, Dioila and Kangaba), unless that person has close and strong links to the proposed area of internal flight or relocation. Any such return would require careful consideration of the person’s individual circumstances.

19. The bar on forcible return serves as a minimum standard and needs to remain in place until such time as the security, rule of law, and the human rights situation in Mali has significantly improved to permit a safe and dignified return of those determined not to be in need of international protection.

Voluntary Returns

20. UNHCR and the Government of Mali have entered into tripartite agreements on voluntary repatriation with Burkina Faso (2015), Mauritania (2016) and Niger (2014). By June 2019, more than 70,000 refugees from Mali have returned, including those who self-organized their return.

21. Any assistance provided by UNHCR for return to Mali aims at supporting individuals who, being fully informed of the situation in their places of origin or an alternative area of their choice, choose voluntarily to return. Any action by UNHCR to support voluntary repatriation, including efforts aimed at sustainable reintegration for returnees and IDPs in Mali, should not be construed as an assessment by UNHCR of the safety in Mali for individuals who have applied for international protection in countries of asylum. It should be noted that voluntary repatriation and forced return are processes of a fundamentally different character, engaging different responsibilities on the parts of the various actors involved.

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70 UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 23 July 2003, HCR/GIP/03/04, www.unhcr.org/refworld/docid/3f771a44.html