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# African States and the International Criminal Court

By Oumar Ba



## EXECUTIVE SUMMARY

**States that are presumed to be weak** have devised strategies that allow them to use international courts as fora for the pursuit of their security and political interests.

**There is a whole field of critique** that lays beyond the spectacular and episodic shortcomings of the International Criminal Court (such as scandals, the acquittals, the withdrawals, etc.). These events are indeed just the symptoms of the problems that underpin the Court's organization, functions, and place in international justice and politics.

**Fragile or fragmented states** in highly volatile political or security environments often invite the Court's intervention, as in the Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo and Mali.

**These states would cooperate** with the Court if ensured that the ICC's intervention would not extend to their own agents, while the Office of the Prosecutor selectively engaged in investigations and prosecutions..

**African states**, constituting the largest regional bloc in the ICC membership, show prima facie a widespread adoption of the norm of individual criminal accountability in the face of international crimes. But this claim hides more complex dynamics.

**There is a need to re-think the place** of African states in the international system, even those deemed to be "fragile".

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The current international criminal justice emerged in the 1990s at a euphoric moment of the promise of liberalism, cosmopolitanism, and internationalism. At the end of the Cold War, and in the wake of genocide, ethnic cleansing, and other mass atrocities, the international community established international courts as the best way to achieve justice.

This era was marked by the creation of ad hoc courts, hybrid tribunals, commissions of inquiry, and the International Criminal Court (ICC or the Court). Advocates for this regime viewed criminal justice and individual accountability as the appropriate venue to mitigate the destructive effects of atrocity crimes and to "put an end to impunity for the perpetrators of these crimes", as stipulated in the Preamble of the Rome Statute.

Yet, more than two decades on, many states and various conflicts remain outside of the purview of international criminal justice, and the impunity gap remains glaring. Moreover, accountability is not guaranteed even in instances where the ICC has jurisdiction over the alleged crimes. Indeed, the Court is entangled in the wider web of political instrumentalization and strategic calculations, even from states that are presumed to be less powerful players in the international system.

My book, [States of Justice: The Politics of the International Criminal Court](#)<sup>1</sup> demonstrates the extent to which states that are presumed to be weak have devised strategies that allow them to use international courts as fora for the pursuit of their security and political interests. Going beyond current debates regarding the ICC's undue focus on Africa, I argue that African states have strategically instrumentalized the Court to their advantage.

## The crisis of International Criminal Justice

As the first *permanent* international criminal court, the ICC is a product of long and arduous negotiations between stakeholders with competing interests. Because of its unique and complex architecture, the ICC comes with its own set of challenges that ad hoc tribunals and hybrid courts do not face. For instance, not being a UN court and lacking universal jurisdiction, ICC jurisdiction can only be triggered by a referral by a state party to the Rome Statute, a referral from the UN Security Council, or the prosecutor using her *proprio motu* powers in instances where the court would otherwise have jurisdiction. states, and African ones especially, have been able to use these mechanisms and other levers to engage strategically with the Court in ways that were not anticipated. These states, albeit weaker in the international system, have devised strategies through which they have used international justice norms and institutions to defeat - whether militarily or politically - their adversaries or opponents, be they opposition leaders, warlords, or rebel groups.

Moreover, the instrumentalization of international justice shows that the "justice cascade"<sup>2</sup> may not be emerging as hypothesized. The supposedly widespread adoption of norms of individual criminal responsibility and prosecutions in the wake of massive violations of human rights may be more symptomatic of their instrumentalization than of any trend towards justice and accountability. In that sense then, norms are not adopted because

states have been socialized into believing the normative value of using prosecutions to respond to human rights abuses, but rather, they use domestic, hybrid, or international courts in ways that are underlined by strategies in pursuit of political and security interests.

Yet, mainstream accounts of the history of international criminal justice typically adopt a master narrative of progress, the journey "from Nuremberg to the Hague through Rome and beyond"<sup>3</sup>. This journey portends to chart the trajectory of humanity's progress, from the darkness of (international) lawlessness to the promise of a civilized era of justice, redress, and accountability. The ICC is then viewed as a central driver in "this civilizing process of introducing the rule of law into the cynical, sordid culture of international politics"<sup>4</sup>. After all, even ICC Chief Prosecutor Bensouda declared that "The ICC...meets needs for humanity's progress in the modern era; because without the ICC, we will regress into an even more turbulent world where chaos, volatility and violence take the upper hand as inevitable norms".

However, the perceived centrality of the ICC to humanity's predicament masks the extent to which the international criminal justice regime project is in fact deeply flawed. This narrative fails to take into consideration the serious critiques leveled against the Court and other institutions of the international criminal justice regime, their ideology, and their instruments. It views crises of international criminal justice as bumps in the road towards a more perfect world of justice, rather than the structural flaws rooted in the foundations of the project itself.

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*"These states, albeit weaker in the international system, have devised strategies through which they have used international justice norms and institutions to defeat - whether militarily or politically - their adversaries or opponents."*

For international justice scholars then, there is a whole field of critique that lays beyond the spectacular and episodic shortcomings of the Court (such as the [scandals](#), the [acquittals](#), the [withdrawals](#), etc.). These events are indeed just the symptoms of the problems that underpin the Court's organization, functions, and place in international justice and politics. Why is it, for instance, that ultimately, the Court seems only able to deliver justice on behalf of states, rather than victims and communities affected by atrocity crimes?

Proponents of the Court may claim that the mere existence of the ICC has changed the world and positively impacted global politics and processes of conflict. However, this overlooks potential harms that the Court causes by its actions or omissions<sup>5</sup>. As Mark Drumbl eloquently put it, "The question that we should really be asking is: what kind of utility can the ICC serve when it is abundantly clear that today it will never be able to achieve the goals that were initially placed on its shoulders?"<sup>6</sup> This conversation will require honesty and contrition and may lead to the conclusion that the ICC will never live up to expectations. The ICC's version of justice is bound to states' will and intricacies of global politics and power dynamics.

## The instrumentalization of the Court by African States

Is the ICC equipped to hold individuals responsible for atrocity crimes committed in the name of their state? Or does the current international justice system merely cater to the needs and interests of states, allowing them to dispose of individuals deemed enemies of the state? The reality is that states mold international institutions to further their interests. The arguments developed in the book point to an instrumental use of the international criminal justice system in ways that advance the political and security interests of the states. Indeed, the ICC's prosecutions to date show that it is nearly incapable of successfully prosecuting high-ranking state officials. Although the international criminal justice system is geared towards individual accountability for core international crimes, it is embedded in an institutional framework that is prone to absolving states and their agents of responsibility. States therefore use the ICC strategically to shield themselves and their agents, while facilitating the prosecution and demise of their adversaries.

The book presents a theoretical framework around the pattern of behavior seen or expected from states, around four themes: the strategic use of self-referrals, complementarity, the limits of state cooperation with the ICC, and the strategic use of the Court in domestic politics. It shows for instance the extent to which fragile or fragmented states in highly volatile political or security environments often invite the Courts' intervention (Central African Republic (CAR), Côte d'Ivoire, Democratic Republic of the Congo (DRC), Gabon, Mali and Uganda). States would cooperate with the Court if ensured that the ICC's intervention would not extend to their own agents, while the Office of the Prosecutor selectively engaged in investigations and prosecutions. Moreover, states challenge the Court's intervention through the complementarity principle or withdraw their cooperation with the Court when their interests shifted. When states felt threatened by the ICC, they either rallied their allies for support, exerted pressure on the Court, or threatened to withdraw from the Rome Statute (Burundi, the Gambia, Kenya, Sudan).

The four examples that follow highlight how African states have used the ICC strategically in pursuit of their security and political interests.



Mausoleum of Sheikh Baber Baba Idjé, Tombouctou, Mali. It was destroyed by Ansar Dine during the Malian conflict, and [rebuilt by UNESCO in 2014](#).



*"President Kabila saw the ICC intervention as an opportunity to sideline opposition leaders, armed groups and vice-presidents in his coalition government, such as Jean-Pierre Bemba."*

## Democratic Republic of the Congo

In April 2004, the DRC referred the situation in its territory to the ICC Prosecutor. The subsequent investigation focused on alleged crimes and crimes against humanity committed by various rebel groups in the eastern provinces of the country. To date, the DRC cases have resulted in the conviction of three former rebel leaders. This self-referral and cooperation with the ICC when it suited its agenda - and non-cooperation where it lacked incentives to do so - demonstrates the dynamic process through which engagement with the ICC can be instrumentalized. Following in the footsteps of Uganda against the "Lord's Resistance Army", the DRC sought ICC intervention as a tool against the rebels.

President Kabila saw the ICC intervention as an opportunity to sideline opposition leaders, armed groups and vice-presidents in his coalition government, such as Jean-Pierre Bemba.<sup>7</sup> The Congolese state ensured that the investigations and prosecutions would focus on the Ituri province and rebel groups, preserving Kabila's interests and resulting in positive dividends for his regime.

## Central African Republic

In December 2004, the CAR government invited the ICC to investigate alleged war crimes and crimes against humanity committed in the context of its internal conflict. The ICC investigation in CAR focused on the involvement of former DRC Vice-President Jean-Pierre Bemba's Movement for the Liberation of the Congo (MLC) rebel group in the CAR conflict in

2002 and 2003, following a call for support from then-President Ange Felix Patassé to help fend off an attempted coup by General Felix Bozizé. Bozizé ultimately overthrew the Patassé regime but he too would face countless rebellions. It is in that context that the Bozizé government appealed to the ICC in a bid to incapacitate Patassé's forces and allies and gain the upper hand in the conflict to establish his regime.

The prosecutor's investigation led to a major case against Bemba. The Court found Bemba guilty of command responsibility over two counts of crimes against humanity and three counts of war crimes. In June 2016, Bemba was sentenced to eighteen years in prison; the Appeals Chamber later acquitted him.

A decade later, CAR's transitional government, led by President Catherina Samba-Panza, referred a separate conflict between the Seleka rebels and [anti-balaka forces](#) to the ICC. Both ICC interventions in CAR highlight how the Court's intervention has been used as a strategy by fragile governments in volatile situations, as well as the Court's prosecutorial focus on rebels, rather than state actors.

## Mali

The ICC intervention in Mali originated from an invitation issued by the Malian authorities in the aftermath of the 2012 crisis and the subsequent Islamist takeover of the northern part of the country.<sup>8</sup> The ICC issued a warrant for the arrest of Al Mahdi - the leader of the moral police for one of the Islamist groups that had overtaken northern Mali - in connection to war crimes of destruction of nine mausoleums and one

mosque in Timbuktu. Al Mahdi pleaded guilty to the charges and was sentenced to nine years in prison. Al Hassan, a second suspect in the Mali situation, was taken into ICC custody and transferred to The Hague on 31 March 2018. The ICC intervention in Mali too was triggered by an invitation from an interim government struggling for legitimacy in a highly fluid political and security environment.

## Côte d'Ivoire

There is little doubt that Alassane Ouattara and his camp had a lot to gain in terms of political stability by quickly outsourcing the trials of Laurent Gbagbo and Charles Blé Goudé to the Hague. Ouattara's refusal to surrender Simone Gbagbo to the ICC too, despite the warrant for her arrest, is another example of a strategic use of the Court to advance a domestic political agenda.

In order to consolidate his political power, Ouattara found that his safer bet was to let the ICC handle his major political enemy Gbagbo and the latter's major acolyte, Blé Goudé. He was not the first one to use the ICC to outsource problems at home, however. Self-referrals, as used by Uganda, DRC, CAR, and Mali are typical examples of outsourcing, although Ouattara's government was the first to use the ICC to handle political opponents turned enemies, rather than rebels or warlords.



## Conclusion

Since it began operating in 2002, the ICC has achieved only four convictions for core crimes - former Congolese rebel leaders Thomas Lubanga, Germain Katanga, and Bosco Ntaganda, and the guilty plea from Ahmad Al Mahdi for the war crime of the destruction of religious edifices in Mali.<sup>9</sup> Indeed, the Court has had very limited successes, and faced drastic failures, during its short mandate. Yet, the Court has also made its mark on global politics and conflict processes, especially in Africa.

African states, constituting the largest regional bloc in the ICC membership, show *prima facie* a widespread adoption of the norm of individual criminal accountability in the face of international crimes. But this claim rests on shaky grounds if we consider the ways in which these states, although appearing to have adopted the norm, have nonetheless devised strategies to circumvent it and bend the rules to fit their calculations. Joining the ICC and working with international tribunals can be a mere cost-benefit analysis for states that are eager to find avenues to prosecute their enemies while at the same time shielding their agents. This argument helps us rethink the place of African states in the international system, even those deemed to be "fragile".

<sup>1</sup> Forthcoming in 2020 with Cambridge University Press.

<sup>2</sup> The "justice cascade" literature contends that transnational emulation and normative socialization of States echoed the works of domestic activists and norm entrepreneurs from the 1970s onwards. This resulted in the emergence of "an interrelated, new trend in world politics towards holding individual State officials, including heads of State, criminally accountable for human rights violations". See Sikkink, Kathryn. 2011. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. New York: W. W. Norton & Co.

<sup>3</sup> For a critique of this narrative, see Vasilev, Sergey. 2019. "The Crises and Critiques of International Criminal Justice." In *The Oxford Handbook of International Criminal Law*, ed. Heller, Kevin Jon et al. (Forthcoming).

<sup>4</sup> CBC Radio. 26 April 2019. "[Payam Akhavan on How to Fix the International Criminal Court](#)."

<sup>5</sup> On the negative impact of ICC intervention on African politics, see for instance, Clark, Phil. 2018. *Distant Justice: The Impact of the International Criminal Court on African Politics*. Cambridge: Cambridge University Press.

<sup>6</sup> Justice Info. 16 July 2019. "[Mark Drumbl: 'Law Cannot Solve the Biggest Problems We Face'](#)".

<sup>7</sup> Clark, Phil. 2018. Op. cit.

<sup>8</sup> For a background analysis of the 2012 crisis, see for instance, Susanna Wing. 2013. "Making Sense of Mali". *Foreign Affairs*, 20 January; Alex Thurston and Andrew Lebovich. 2013, *A Handbook on Mali's 201-2013 Crisis*, Institute for the Study of Islamic Thought (ISITA)'s Working Paper series, No 13-001; Lecoq et al. 2012. "One Hippopotamus and Eight Blind Analysts: A Multivocal Analysis of the 2012 Political Crisis in The Divided Republic of Mali." *Review of African Political Economy*, 40:137.

<sup>9</sup> Ntaganda's conviction in July 2019 is currently under appeal.

# Turning point? Mali's potential dialogue with Jihadists

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On 10 February 2020, in a television interview with France 24 and Radio France International (RFI), president Ibrahim Boubacar Keïta (IBK) officially let the cat out of the bag : through the efforts of his High Representative for central Mali, Dioncounda Traoré, the Government of Mali is seeking to enter a process of negotiation and dialogue with armed Islamist groups operating in the country<sup>1</sup>. How do we explain this turn of events?

## #1 : For the Malian Government and Malian politics, this is nothing new

Efforts to dialogue with certain jihadist leaders in Mali have occurred since at least 2016. That year, the President of the Haut conseil islamique du Mali, imam Mahmoud Dicko, entered into indirect communication with key leaders of the armed Islamist insurgency, namely Hamadou Kouffa and Iyad Ag Ghaly. Through intermediaries based in the northern Kidal Region, a

message of Malian Government interest in commencing dialogue with Iyad was transmitted to him : an informal (and culturally appropriate) start to the process which he allegedly accepted. In April 2017, participants of the Conférence d'entente nationale au Mali made an unequivocal recommendation that the Government begin a serious process of dialogue with Iyad and Kouffa. Dicko's efforts were then formalized (if not widely known to the public) under the authority of Prime Minister Abdoulaye Idrissa Maïga<sup>2</sup>. Over the course of that year, Dicko's work was allegedly well-received by both jihadist leaders. Kouffa recorded a widely-circulated audio that expressed his openness to communicate directly with imam Dicko. Other informal, intra-community efforts to communicate and establish the potential for dialogue were also underway at that time, notably amongst Mali's Fulani community<sup>3</sup>. The French Government, however, allegedly scuttled Dicko's mission by applying pressure on IBK and Prime Minister Maïga<sup>4</sup>. Relations between Dicko and IBK subsequently soured by early 2018. Nevertheless, informal discussions between community leaders and members of the jihadist insurgency have continued since, notably with groups from the centre of the country.

Ongoing informal overtures are the order of the day. Such informal strategies reflect the constraints that the Malian Government faces logistically and programmatically with regard to dialoguing with armed groups, but also diplomatically. Given the French colonial history, financial support, and crucially its current military presence in the country,

Malian government actors must pursue informal measures to dialogue with armed Islamist groups at an arm's length from officialdom since their French counterparts have been adamantly against negotiating with people like Iyad Ag Ghaly. If anything, IBK's announcement is but an officialization and acknowledgment of practices that have been ongoing for several years.

## #2 : Armed Group politics at the ground level are key

The last quarter of 2019 and into 2020 have witnessed mounting tensions and armed skirmishes between Jama'at Nasr al-Islam wal Muslimin (JNIM)<sup>5</sup> battalions and Islamic State in the Greater Sahara (ISGS) forces in central Mali, the Gourma and in northern Burkina Faso<sup>6</sup>. As tensions have mounted, several local JNIM commanders from central Mali and their combatants have defected to ISGS. These defectors accuse Kouffa of several slights connected to the distribution of resources associated with the war economy (capturing war booty), the local political economy of the centre of Mali, and the informal discussions with the Malian Government. When the risks involved in attacking military positions are borne by ordinary foot soldiers who subsequently fail to receive what they see as their fair share of the spoils, the pressures of armed group fragmentation and potential defections are bound to increase.

Second, Kouffa's success in recruitment was to a significant extent connected to his initial

position on the question of access to grazing land for Fulani herders. As explained so well by Brossier et al. 2018<sup>7</sup>, Fulani elites from the Niger Delta floodplain have historically controlled access to grazing spaces known as «les bourgoutières». These elites have tended to exploit their position and charge herders traveling with their herds from neighbouring Cercles exorbitant sums as access fees, while keeping these fees relatively low and reasonable for local herders from the flood plain. Kouffa had initially explained that such practices were un-Islamic and unjust. As a result, "allochtones" herders immediately saw the benefit of following his movement, providing an important rationale for hundreds of local fighters to join his ranks. However, following indepth discussions in central Mali involving JNIM's local regulatory council (Shura), the majority of the council's members (including Kouffa) agreed that the local governance system of access to grazing spaces must be respected - thus reversing his initial decision which was so favoured by allochtones herders. Defections to ISGS thus in part reflect a localized reaction to changes in the local political economy of the floodplain, and to a certain extent a betrayal by Kouffa.

In combination to these two grievances, defectors accuse Kouffa of being «laxiste» since he has been seen to negotiate with agents of the Malian State and its informal representatives. For many of JNIM's fighters in the centre, a large part of which have joined the jihadist insurgency out of a will for revenge against the Malian Armed Forces for having committed massive human rights abuses against Fulani communities, negotiation is simply not a possibility. Their hardline stance opposes Kouffa's pragmatism to discuss instances of prisoner exchanges, access to humanitarian actors, or administrators from the Office du Niger. In other words, they believe Kouffa to be "soft" in addition to being greedy and stingy towards his fighters, and unreliable due to his "flip-flopping" land rights policy.

What these localized politics of jihadist groups mean for the possibility of the Malian Government pursuing dialogue with them could be the development of an understanding that there are "good jihadists"

and there are "bad jihadists". Interestingly, the military strategy that Emmanuel Macron and his G5-Sahel counterparts outlined at the recent Heads of State Summit at Pau already officialised a concentration of military operations in areas considered ISGS strongholds, which possibly indicates the development of such an understanding and security policy consensus. In any case, dialogue with 'amenable' jihadists in this context opens "new fields of possibility"<sup>8</sup> which could theoretically reduce inter-communal violence and attacks against Malian security forces.

### #3 : Will this change anything? Cautious optimism

There are many reasons to be pessimistic that dialogue can bring about a change to Mali's political violence and international intervention. Since IBK's announcement, Barkhane has conducted several military operations in central Mali, claiming to have killed some fifty insurgents, not only from ISGS but also Katiba Macina (the predominantly Fulani branch of JNIM)<sup>9</sup>. The Pau Summit announcement seemed to hint to Barkhane reducing its targeting efforts on JNIM to instead pursue its 'mini-surge' and a more exclusive focus on ISGS. However, their February operations make clear that French officials see neither value in dialogue with jihadists, nor that current initiatives will amount to anything. In response to IBK's announcement, representatives of the Quai d'Orsay stated that finding peace in Mali and the Sahel will involve multiple dimensions which could include negotiations. Nevertheless, it reminded all listening that Barkhane is in the Sahel to fight and kill armed terrorist groups<sup>10</sup>. JNIM attacks on Malian security forces, meanwhile, have also continued unabated. Thus, there are

good reasons to expect that in the face of continued violence the possibility of in-depth negotiations will be less likely, and will only be marked by a steady-held suspicion by all actors involved.

Nevertheless, there are also strong grounds to be optimistic. First, historical lessons in international interventions have consistently demonstrated that in the face of significant international pressures, different coalitions of local elites will railroad over intervener efforts in order to protect their stakes in local political economies<sup>11</sup>. Malian elites have often found imaginative ways of circumventing the interests of international actors in the pursuit of their own when they find it necessary to do so. If IBK and his entourage are serious about pursuing dialogue with Iyad and Kouffa, they will find a way to do so, even if this means a continuation or intensification of strategies based on informalized mechanisms conducted through local elites.

Finally, while IBK reiterates that is not naïve about the limits of dialogue, he nevertheless reminded the international community that he is not trail-blazing some new form of counter-hegemonic practice that fundamentally contests the international order by referencing previous and current efforts to dialogue with jihadist forces across the globe. He specifically referenced how dialogue with jihadists in Algeria was a key mechanism to end its brutal civil war, and Afghanistan, where the international community and the Taliban have been dialoguing for over a year and have agreed to a roadmap forward. Not only do these references call out a degree of hypocrisy on the part of the international community, it also speaks directly to JNIM's core leadership which has strong ties to Tuareg communities in Algeria, and allegedly with the Algerian regime. Making such comparisons is a highly



*"What these localized politics of jihadist groups mean for the possibility of the Malian Government pursuing dialogue with them could be the development of an understanding that there are "good jihadists" and there are "bad jihadists."*



political move, which IBK recognizes.<sup>12</sup>

Armed with these historical precedents and an imaginative skill-set of subversive tactics to counter the will of the country's former colonial master, Malians have a good chance of changing the slow-burn of insecurity it has experienced since 2014. Given the quagmire that Malians unequivocally recognize in their country but which the French government stubbornly refuses to acknowledge, perhaps altering course from a strategy of militarized counterinsurgency to an expansion of the limits of political possibilities is warranted. This would include attempting to understand and talk to opponents that see the world differently.

<sup>1</sup> France 24. 10 February 2020. « [Exclusif : Le président malien IBK confirme l'ouverture d'un dialogue avec des chefs jihadistes.](#) »

<sup>2</sup> Benjamin Roger & Baba Ahmed. 21 December 2018. « [Mali : Mahmoud Dicko dévoile des tentatives de contact entre Iyad Ag Ghaly et le gouvernement.](#) » *Jeune Afrique*.

<sup>3</sup> See Alex Thurston. 2018. « Règlements politiques avec les djihadistes en Algérie et au Sahel ». *West African Papers* n°18. Paris : OECD Publishing.

<sup>4</sup> Interview, associate of imam Dicko involved in negotiation efforts, Bamako, 20 January 2020.

<sup>5</sup> JNIM is led by Iyad Ag Ghaly. Hamadoun Kouffa is one of Iyad's deputies.

<sup>6</sup> See the map provided by MENASTREAM on the location of these battles [here](#).

<sup>7</sup> Marie Brossier, Cedric Jourde & Modibo Ghaly Cissé. 2018. *Relations de pouvoir locales, logiques de violence et participation politique en milieu peul (Région de Mopti)*. Montreal : Centre FrancoPaix en résolution des conflits et missions de paix.

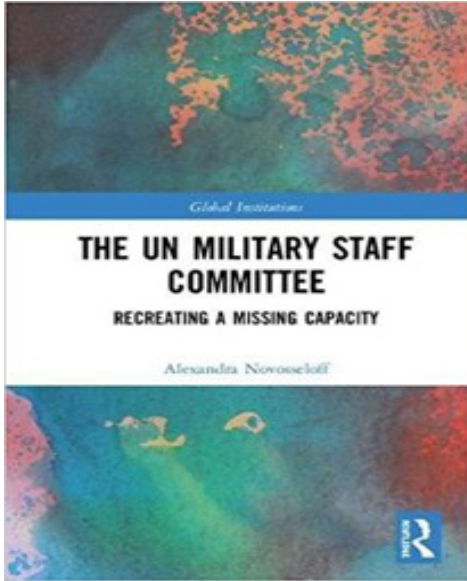
<sup>8</sup> Amaury Hauchard. 11 February 2020. « [Pourquoi le Mali a opté pour le dialogue avec les djihadistes.](#) » *Agence France-Presse*.

<sup>9</sup> Ministère des Armées. 20 February 2020. « [Barkhane : Opérations dans la région de Mopti.](#) »

<sup>10</sup> Radio France internationale. 14 February 2020. « [Mali: Paris réagit à l'offre de dialogue d'IBK aux chefs jihadistes.](#) »

<sup>11</sup> Shahr Hameiri and Lee Jones. 2015. *Governing borderless threats: Non-Traditional Security and the Politics of State Transformation*. Cambridge: Cambridge University Press; Tarak Barkawi. 2006. « The postcolonial moment in security studies. » *Review of International Studies* 32(2): 329-352.

<sup>12</sup> Bruno Charbonneau & Adam Sandor (2019). « Power and comparative Methods: Performing the worlds of armed conflicts. » *Civil Wars* 21 (4): 437-447.



The book "[\*The UN Military Staff Committee: Recreating a Missing Capacity\*](#)" tells the story of a little-known body, even though, according to Article 47 of the UN Charter, its prerogatives and responsibilities are very broad: to direct, at the strategic level, the national armed forces placed at the disposal of the Security Council. It was conceived as a strategic and operational forum for all matters of a military nature and those relating to security and disarmament.

This body of the UN is little known for a fundamental reason: it never really worked. Its establishment did not resist the disagreement between the Big Five from 1947 onwards. As a controlling body of their military power, the five permanent members soon perceived it with suspicion. Their disagreements over its functioning and the negotiation of special agreements provided for in the Charter for the provision of armed forces quickly put the Staff Committee to sleep.

The book shows the steps in the construction of "this unlikely creation". Chapter 2 then details the consequences of not setting up this military body within the Security Council, mainly a truncated politico-military system

and the development of a military council outside the Security Council structures. The UN has thus developed as a purely civilian organization, where the political dominates and the military is sidelined. Today, the UN is the only international organization where its governing body, the Security Council, does not rely on a military advisory body to make its decisions, even though it deploys the second largest military force in the world (82,800 uniformed personnel deployed as of 31 January 2020 ; only the US forces are larger). The setting aside of the Military Staff Committee has thus brought the Secretariat to the frontline of the political and military management of peacekeeping operations with a strong military component (generally 80 % of the personnel).

Since 1948, this organ has been in a comatose state, but none of its member states has ever wanted to pull the plug. In September 2005, an opportunity had presented itself at the world Summit, but China and Russia strongly opposed the deletion of Article 47 from the Charter and, instead, the Summit's Final Declaration called on the Security Council "to review the composition, mandate and working methods of the Military Staff Committee." The book describes all the attempts made by member states to bring this body out of the coma and reactivate it. At every major military operation conducted by the UN (Democratic Republic of Congo, Bosnia, Sudan/Darfur) or on its behalf (Korean War, Gulf War), states have realized that there was a gap in the structures and the UN and this has led to discussions on a possible reactivation of the Military Staff Committee. However, none of these attempts were successful. No real consensus could be reached among the permanent members on the role that this committee should have in an international context that has changed considerably since 1945.

The discussion on a possible reactivation of the Military Staff Committee was relaunched in January 2009 by France and the United Kingdom in the Security Council during

discussions on how to improve the planning, conduct and monitoring of peacekeeping operations. This proposal has led to the restart of a discreet work to use this body informally and, as a first step, to recreate a habit of working together. The "Five" wished that this reflexion be done in cooperation with the non-permanent members. The book thus describes the developments that followed this reactivation, that does not say its name. It also discusses the deep blockages that persist and that prevent the permanent members of the Council from going further. It also details the functions that could be performed by the Military Staff Committee in the current context of complex peacekeeping operations, such as explaining mandates in military terms, monitoring the application of the rules of engagement, organizing military triangular dialogues and establishing relations with the command of forces deployed in parallel with peacekeeping operations.

This book describes the life of this little-known body of the Security Council but also tries to convince the reader that a modest reactivation of this military committee could be useful, even an indispensable tool on the long road to professionalize peacekeeping as its operations are deployed in increasingly complex and dangerous contexts. In the words of the Military Liaison Officer to the Military Staff Committee, the military representatives of the member states of the Security Council constitute a "vast under-used resource".<sup>1</sup>

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<sup>1</sup> « [The Evolution of the Security Council's Military Staff Committee](#) », DPPA Politically Speaking, november 2019.

### → Adib Bencherif

published an op-ed, on 29 January 2020, in the periodical *Jeune Afrique* entitled "[L'Algérie doit repenser le Sahel](#)".

### → Tony Chafer and Elisa Lopez Lucia

participated in a research project, the results of which were presented at the Africa Program roundtable discussion of Chatam House "Mobilizing Multinational Military Operations in Africa: Quick Fixes or Sustainable Solutions?". [The executive report is available online.](#)

### → Niagalé Bagayoko

took part, on 23 February in Bamako, to a debate "[Le débat africain](#)" organized by Radio France internationale, hosted by Alain Foka, in the presence of Moussa Mara, former Prime Minister of Mali. She also took part in the panel "The challenges of multilateralism" alongside former Prime Minister Soumaylou Boubaye Maïga and his excellency Hanadif, head of MINUSMA, as part of the Bamako Forum on 21 February.

She was also interviewed on [BBC NewsDay](#), on 3 February, and by the [Dutch newspaper TROUW](#), on 14 February.



Collège des chaires de recherche  
sur le monde francophone  
de l'Université d'Ottawa

Chaire de recherche  
en francophonie internationale  
sur les aspirations et mouvements  
politiques en Afrique francophone

### → Bruno Charbonneau

participated in the symposium "[Rebuilding State and Society after Civil War: Post War Rebuilding](#)" at Kent State University on February 20-21.

### → Marie-Eve Desrosiers becomes research chairholder on international Francophonie in [Political Aspirations and Movements in Francophone Africa](#)

Sub-Saharan Africa has been at the heart of recent waves of mobilization, with some of the most significant episodes of contestation taking place in Francophone Africa. Our understanding of this African wave of mobilization often overlooks not only what is happening at the individual and local level, but also the specificities of protest in the African Francophonie. As this is one of the most important political movements today, we have a poor understanding of them, which affects our ability to anticipate its impacts and to respond to them. The International Francophone Research Chair on Political Aspirations and Movements in Francophone Africa therefore seeks to shed light on the trajectories of citizen and popular protest, by examining individual motivations and local dynamics of political mobilization in Africa. In doing so, it intends to pay particular attention to the influence of the Francophone context on these movements, especially in the context of recent episodes of protest in Burkina Faso, Guinea and the Democratic Republic of Congo.



MINUSMA patrol in central Mali.



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**The Centre FrancoPaix in Conflict Resolution and Peace missions** aims to promote scientific research, academic training and the development of conflict resolution research in the Francophonie.

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