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Insight

'War weapons like peanuts': Mali needs to make SALW proliferation a priority again

by Léo Géhin

9 March 2021

Abstract

The August 2020 military coup in Mali put on hold several initiatives to combat small arms and light weapons (SALW) proliferation in the country, including the ongoing review of the 2004 Law on Weapons. Amid a worsening security situation owing to the activities of armed groups, criminal undertakings and interpersonal violence, the Transitional authorities should make the fight against SALW proliferation a priority again. As the de facto leaders have engaged in a dramatic overhaul of the institutional architecture, they could seize the opportunity to strengthen the tools to combat SALW proliferation in the long term.

Introduction

A few days after the military coup in August 2020, the Malian police seized at least six AK-pattern rifles and their ammunition in Bamako and Mopti, as well as six other assault rifles at the Diallabougou border crossing, in the Koulikouro province.¹ Of course, these 'ant' seizures look pale compared to the huge quantities of illicit weapons circulating in North Mali or nearby countries such as Libya. But they happen so frequently that the local newspaper reporting the Bamako/Mopti cases titled: 'Insecurity in Mali: war weapons like peanuts!'

The illicit proliferation of small arms and light weapons (SALW) in the hands of criminals, armed groups and ordinary citizens is a longstanding problem in Mali with direct consequences on armed violence. In 2018, the Small Arms Survey estimated that roughly 40% of violent deaths in Mali were committed with firearms, while the number people injured by these weapons may be even higher.² The proliferation of such weapons has not stopped since the coup. On the contrary, the ousting of President Ibrahim Boubacar Keita momentarily froze reforms that could help make progress on this issue, including the review of the 2004 Law on Weapons.

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SALW proliferation in Mali has multiple sources: transborder trafficking; unregulated craft manufacture; losses, thefts and diversion from national police or military stockpiles; or conversion of alarm guns. But gaps in the national legislation and structural weaknesses in the institutions involved in preventing and combating trafficking have also facilitated this phenomenon. These legal and institutional weaknesses have become major blind spots that the Transitional authorities have now to address in order to claim victory, in the long run, against SALW proliferation and violence.

I) The case for fast tracking legal review

With regards to the legal framework, Mali does not start from scratch. The 2004 Loi n°04-050 sur les Armes et Munitions en République du Mali (hereafter referred to as the Law on Weapons) regulates civilian firearms detention and strictly prohibits certain categories of items.

A) Meeting the actual challenges of proliferation

However, the current framework no longer lives up to the actual challenges of SALW proliferation.

First, the 2004 Law does not apply to SALW held by armed and security forces, while these war weapons regularly end up illegally in civilian hands.³ Second, the manufacture of craft firearms, which are frequently used in armed robberies and banditry, remains loosely regulated.⁴ Third, the Law on Weapons does not address the issue of record-keeping and information exchange about national stockpiles, which has been identified as a significant driver of diversion.

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To tackle these issues, the then Malian government under President Ibrahim Boubacar Keita initiated a review of the Law on Weapons. A reviewing process was then launched, that reached an advanced stage in early 2020.⁵ The process was however affected by the military coup and has remained in limbo since.

According to the latest information available to the author⁶, the review of the Law on Weapons provides for clear measures to close the legal loopholes identified. It provides for strict controls on SALW intended specifically for the armed and security forces; the prohibition of craft manufacturing without prior authorisation; strengthened controls on the weapon's permit application; and the establishment of centralised registers on SALW transfers intended for civilian and State's end-users alike.

B) Reasserting Mali's unity

After almost a decade-long political and security turmoil, the Malian State would reassert its role as guarantor of public security by enacting new regulation on arms flows in its territory. The reaffirmation of common rules for all Malian civilians seeking to acquire a weapon, as stipulated in the review of the Law on Weapons, would demonstrate the State's commitment to equality before-the-law and confirm its rejection of community rights.

The review of the Law on Weapons will send a strong signal to all communities affected by SALW violence and trafficking that the State has not given up on their plight.

In this respect, some hunting groups have been lobbying to obtain acknowledgement of their special relationship to weapons that could have justified different rules of acquisition, owning and carrying. As community clashes have been on the rise over the last two years, including the alleged involvement of hunting groups in forming self-defence militias, any concession of this sort would have dashed the fragile hopes to rebuild confidence between the State and the various ethnic segments of the population.⁷

In contrast to this divisive logic, the review of the Law on Weapons will send a strong signal to all communities affected by SALW violence and trafficking that the State has not given up on their plight. For that matter, the new legislation on weapons will simultaneously reinforce other initiatives aimed at improving security such as the Plan de Sécurisation Intégrée des Régions du Centre (PSIRC); the Loi d'Orientation et de Programmation de la Sécurité Intérieure ; and ongoing Disarmament, Demobilization and reintegration (DDR) processes. All these instruments address different aspects of SALW proliferation.

C) Time to speed up the process

Bridging current gaps in SALW policy and reasserting national unity are sufficient motives for the Transitional authorities to speed up the reviewing process and bring about a new law as soon as possible.

Bridging current gaps in SALW policy and reasserting national unity are sufficient motives for the Transitional authorities to speed up the reviewing process and bring about a new law as soon as possible. This goes in two steps. First, the Vice-President of the Transition must take over the reviewing process as per the defence and security competences he granted to himself through the Transitional Charter.⁸ In cooperation with the relevant Ministers and governmental institutions, he must complete the intergovernmental sequence that was nearing completion before the coup.

Second, once the legislative body called Conseil National de Transition (National Council of the Transition, CNT) has become fully functional, the draft law should be submitted to its representatives as soon as possible for examination in the tantamount of specialized commissions, before being scheduled for vote. The main task of the CNT probably pertains to institutional reforms and the preparation of future general elections. However, its mandate clearly includes the restoration and improvement of security on the entire territory which SALW proliferation contributes to undermine.

Thus, the transitional representatives can add the examination of the draft law on weapons to their plan of actions with a view to implement the Roadmap of the Transition.

II) Empowering constrained institutions

However, the adoption of the new law alone will fail to deliver tangible progress. Indeed, this should be accompanied by a thorough reorganisation that strengthens the capabilities of key institutions involved directly or indirectly in fighting SALW proliferation. Beyond the usual stakeholders (security forces, justice, customary authorities...), two specific institutions should be targeted: the Commission Nationale de Lutte contre la Prolifération des Armes Légères (National Commission to Fight Small Arms Proliferation, CNLPAL) and the Inspection Générale des Armées et Services. (Inspectorate General of the Armed Forces and Services, IGAS).

A) Stepping up interagency capabilities

The Commission Nationale de Lutte contre la Prolifération des Armes Légères (CNLPAL) was established in 1996 and mandated to assist the President of the Republic in developing, implementing and coordinating the national policy to fight SALW proliferation.⁹ The Commission is a valuable instrument because it gathers a variety of actors as the State's agencies, Ministries, craft manufacturers, as well as the civil society (hunters, NGOs, journalists).

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The CNLPAL undertakes a broad range of activities to prevent and fight SALW proliferation such as coordinating and providing expertise on legal reviews ; raising awareness on legislation or organising training workshops for law enforcement agencies. It also contributes to the elaboration of policies, strategies, and action plans, and had been coordinating the reviewing process of the 2004 Law on Weapons. Finally, it plays the role of national focal point for the implementation of international instruments on SALW, such as the United Nations Programme of Action on SALW and its International Tracing Instrument.

Given the nature of its assignments, the CNLPAL needs to swiftly reach out to and mobilize a wide range of national stakeholders scattered around various judicial,

security and political authorities. This requires having a significant influence over them all, which justified the initial affiliation of the Commission to the Presidency of the Republic.

However, the CNLPAL underwent an institutional reform that has led it to depend on the Ministry of Security and Civil Protection rather than the Presidency.¹⁰ This reform has had adverse effects on the capacity of the Commission to fulfil its duties as its new supervisory authority does not exercise any formal leverage over other Ministries. It became even more difficult for the CNLPAL to get in touch with the (then) National Assembly.¹¹ To sum up, this reform has made it more difficult or significantly longer to establish cooperation or conduct projects with other governmental or State-affiliated institutions.¹²

To give CNLPAL a chance to live up to the current SALW challenges, the Transitional executive and legislative authorities should address its re-affiliation in the short term (i.e. by the end of the 18-month transition) under the highest executive authority constitutionally established. If the Vice-President of the Transition, Colonel Assimi Goïta, wants to deliver on his promise to improve security in the entire country, he should also consider placing the CNLPAL temporarily under his authority, at least until the 2004 Law on Weapons is reviewed. Indeed, the CNLPAL officers could help fast track the intergovernmental sequence and provide training on the new provisions to law enforcement agencies as well as prosecutors.

B) The pressing problem of the armed forces' accountability

SALW proliferation in Mali features a military dimension which requires to strengthen the armed forces' accountability. Indeed, the diversion of war weapons and ammunition from military stockpiles constitutes one of the main sources of SALW illicit market. Between 60 and 80% of all weapons circulating in the North are reported to have been diverted from national stockpiles.¹³

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While battlefield captures account for a significant part of these diverted stockpiles, poor security standards, corruption as well as deliberate leaks of weapons to State-aligned armed groups fuel diversion too. In its latest report, the United Nations' Panel of Experts on Mali pointed out to the Forces Armées Maliennes (Malian Armed Forces, FAMA) as regularly involved in providing 'material support' to armed groups and pro-governmental militias.¹⁴ Once they disappeared from stockpiles, these weapons can be illegally used, trafficked or resold at will, depending on the armed groups' interest.

This deliberate diversion of stockpiles is facilitated by the weakness of the military's monitoring agencies. In theory, the IGAS is entitled to investigate alleged cases of diversion in the military's stockpiles as part of its broader mandate to monitor the use,

financial management and accounting operations relating to the resources of the Ministry of Armed Forces.¹⁵ However, the IGAS answers to the Ministry of Armed Forces' orders, which hampers its capacity to conduct investigations against the latter's opinion.¹⁶ Furthermore, the Minister of Armed Forces is solely competent to decide whether the IGAS' reports ultimately justify sanctions. If the diversion of stockpiles is organized with the complicity of corrupted officials at the Ministry's senior echelons, there is little chance for the Inspectorate to stop it.

The lack of controls in stockpile management increases the likelihood of diversion from individuals at the expense of the military institution, which can then be wrongly portrayed as entirely corrupted or incapable. Like in the CNLPAL case, the Transitional authorities should therefore review the affiliation of IGAS in order to place it under the direct authority of the Presidency of the Republic, and no one else. This would enable the Inspectors to investigate suspected cases of theft, looting or losses in the national stockpiles upon the President's request or on their own initiative. In addition, it would open the way to enhanced cooperation with the civilian-led Bureau du Vérificateur Général (BVG), which is also competent for auditing the expenses of any civilian or military agency.¹⁷

Conclusion

In his 22nd September speech to the nation for the 60th anniversary of the independence, the Vice-president of the Transition Colonel Assimi Goïta acknowledged that 'Still in 2020, insecurity prevails over large parts of the territory'.¹⁸ While he was mainly pointing at the 'asymmetric wars' against terrorist and secessionist groups, there was little doubt that his pathway would quickly bring him face to face with an equally pressing problem, SALW proliferation and violence.

This requires to allocate significant time and resources to security matters in a politically-centred transition, and convince all the Transitional institutions that SALW proliferation is just as important as redesigning the State's architecture.

Through the review of the Law on Weapons and other institutional reforms, Malian leaders precisely have the opportunity to strengthen the capabilities and legal framework of their country to meet such a challenge. This requires to allocate significant time and resources to security matters in a politically-centred transition, and convince all the Transitional institutions that SALW proliferation is just as important as redesigning the State's architecture.

Author

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- ¹ Mariam Sissoko, '[L'insécurité au Mali : les armes de guerre comme des cacahuètes !](#)', *Le Sursaut*, 7 September 2020; Mamadou Makadjy, '[Trafic illégal d'armes au Mali : Saisie de six armes PM dans les cars Diarra Transport et Air Faso au poste de Diallabougou](#)', *Nouvel Horizon*, 1 September 2020.
- ² Small Arms Survey, [Global Violent Deaths Database](#), last accessed 22 November 2020.
- ³ This paragraph is based, unless otherwise stated, on a written briefing delivered by Ousmane Kornio, senior consultant on security and development, August 2020.
- ⁴ See the causes of proliferation identified in CNLPAL, [Plan d'Action National de Lutte contre la Prolifération des Armes Légères et de Petit Calibre](#), not dated, p. 8-9.
- ⁵ The government can initiate bills and submit them to the legislative body for a vote. See République du Mali, '[Assemblée Nationale](#)', last accessed 26 October 2020.
- ⁶ Written briefing delivered by Ousmane Kornio to the author, *op. cit.*
- ⁷ '[Mali bans hunting society after attack kills 130](#)', *BBC News*, 24th March.
- ⁸ Georges Ibrahim Tounkara, '[Mali : Que prévoit la Charte de Transition](#)', *Deutsche Welle*, 2 octobre 2020.
- ⁹ CNLPAL, [Plan d'Action National de Lutte contre la prolifération des armes légères et de petit calibre au Mali 2014-2018](#), not dated, p. 5.
- ¹⁰ Boubacar Païto, '[La secrétaire permanente de lutte contre la prolifération des armes légères et de petits calibres, le colonel-major Nema Sagara : "Notre approche est essentiellement basée sur l'interaction directe avec les populations"](#)', *Aujourd'hui Mali*, 5 octobre 2019.
- ¹¹ Communication with CNLPAL officers, February 2020.
- ¹² These obstacles are partially offset by the personal connexions of CNLPAL officers with their counterparts scattered in other Ministries.
- ¹³ Conflict Armament Research, 'Investigating Cross-Border Weapon Transfers in the Sahel', November 2016.
- ¹⁴ UN Panel of Experts on Mali, [Rapport Final du Groupe d'Experts des Nations unies créé en application de la résolution 2374\(2017\) du Conseil de Sécurité sur le Mali](#), 7 août 2020, p. 19.
- ¹⁵ Email exchange with a FAMA commander, 22 November 2020 ; Sean Smith, '[Développer l'Intégrité Dans le Secteur de la Sécurité et de la Défense au Mali](#)', Transparency International Defence and Security's report, October 2019, p. 16.
- ¹⁶ Niagalé Bagayoko, '[Le processus de réforme du secteur de la sécurité au Mali](#)', Centre francopaix en résolution des conflits et missions de paix de l'UQAM, février 2018, p. 56.
- ¹⁷ [Loi n°2012-009 du 8 février 2012 abrogeant et remplaçant la loi n°03-30 du 25 août 2003 instituant le vérificateur général.](#)
- ¹⁸ Nadia Chahed, 'Mali : [Assimi Goïta promet de vaincre le terrorisme et de consacrer la réconciliation nationale](#)', *Anadolou Agency*, 22 septembre 2020.