

UNHCR POSITION ON RETURNS TO MALI – Update II

July 2019

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Introduction

1. This position supersedes and replaces UNHCR’s *Position on Returns to Mali – Update I* from January 2014.¹ Despite concerted multilateral engagement and a 2015 peace agreement, the north and centre of Mali continue to be affected by conflict.² 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.³

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.⁴ 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.⁵ 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.⁶ In an annex to the Pact the armed groups that are signatories to the Agreement equally stated their full adherence to the Pact.⁷ 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.⁸ Some

¹ UNHCR, *Position on Returns to Mali – Update I*, January 2014, www.refworld.org/docid/52cc405a4.html.
² UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 28 December 2018, <https://undocs.org/en/S/2018/1174>.
³ Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2019*, 10 May 2019, www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf, pp. 2, 45.
⁴ UN Security Council, Letter Dated 22 January 2018 from the Permanent Representative of Mali to the United Nations Addressed to the President of the Security Council, 31 January 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/N1802709-1.pdf>.
⁵ UN Security Council, Identical Letters Dated 19 May 2015 from the Chargé d’affaires a.i. of the Permanent Mission of Mali to the United Nations Addressed to the Secretary-General and the President of the Security Council, 22 May 2015, S/2015/364, <https://undocs.org/S/2015/364>, and UN Security Council, Letter Dated 20 August 2015 from the Permanent Representative of Mali to the United Nations Addressed to the President of the Security Council, 21 August 2015, S/2015/364/Add.1, <https://undocs.org/en/S/2015/364/Add.1>.
⁶ UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 28 December 2018, <https://undocs.org/en/S/2018/1174>, para. 5.
⁷ Ibid.
⁸ UN General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Mali*, 21 January 2019, A/HRC/40/77, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1901202.pdf>.

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-Qaida 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, Boubou 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 in recent years.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

⁹ "Despite the 2015 peace accord, elements within the platform—including the Imghad Tuareg and Allies Self-defense Group (GATIA), the Arab Movement for Azawad-Platform (MAA-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.

¹⁰ US Department of State, *Country Report on Human Rights Practices 2018 – Mali*, 13 March 2019, www.ecoi.net/en/document/2004170.html. 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 Koulikoro region in the West." UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 26 March 2019, <https://undocs.org/S/2019/262>. See also, International Crisis Group, "Speaking with the 'Bad Guys': Toward Dialogue with Central Mali's Jihadists", 28 May 2019, [https://d2071andvip0wj.cloudfront.net/276-speaking-with-the-bad-guys%20\(1\).pdf](https://d2071andvip0wj.cloudfront.net/276-speaking-with-the-bad-guys%20(1).pdf).

¹¹ UN Security Council, *Resolution 2100 (2013)*, 25 April 2013, S/RES/2100, [https://undocs.org/S/RES/2100\(2013\)](https://undocs.org/S/RES/2100(2013)).

¹² UN Security Council, *Resolution 2423 (2018)*, 24 June 2018, S/RES/2423, www.securitycouncilreport.org/atf/cf/%7b65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7d/s_res_2423.pdf.

¹³ UN News Service, *UN Security Council Welcomes Results of Mali's Presidential Elections*, 24 August 2018, www.refworld.org/docid/5bc4952f2e.html.

¹⁴ Bloomberg, *Mali Extends Parliament's Mandate as Legislative Vote Delayed*, 8 June 2019, www.bloomberg.com/news/articles/2019-06-08/mali-extends-parliament-s-mandate-as-legislative-vote-delayed. See also RFI Afrique, *Mali: Le mandat des députés prolongé jusqu'en mai 2020*, 28 June 2019, www.rfi.fr/afrique/20190628-mali-le-mandat-deputes-prolonge-jusqu-mai-2020; and Deutsche Welle, *Mali: Les vraies raisons du report des législatives*, 16 October 2018, www.dw.com/fr/mali-les-vraies-raisons-du-report-des-%C3%A9gislatives/a-45913480.

¹⁵ Al-Jazeera, *UN to Probe 'Horrific' Mali Attacks as Death Toll Jumps to 160*, 26 March 2019, www.aljazeera.com/news/2019/03/united-nations-investigate-horrific-mali-190326135707656.html.

¹⁶ Gulf Times, *Mali Gets New Government after Protests*, 6 May 2019, www.gulf-times.com/story/630806/Mali-gets-new-government-after-protests; Deutsche Welle, *Mali Names New Prime Minister after Ethnic Massacre*, 22 April 2019, www.dw.com/en/mali-names-new-prime-minister-after-ethnic-massacre/a-48438158.

¹⁷ UN General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Mali*, 21 January 2019, A/HRC/40/77, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1901202.pdf>.

¹⁸ The Secretary-General stated in his report to the Security Council in December 2018 that the security situation "remained of grave concern during the period under review and was marked by several complex attacks launched by violent extremist groups in the central and northern regions." UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 28 December 2018, <https://undocs.org/en/S/2018/1174>.

¹⁹ According to Human Rights Watch, "scant progress" was made in 2018 towards implementing the peace agreement. Instead, the human rights situation "seriously deteriorated in 2018 as attacks by armed Islamist groups against civilians spiked, the army committed atrocities during counterterrorism operations, and intercommunal violence killed hundreds and precipitated a humanitarian crisis." Human Rights Watch (HRW), *World Report 2019 – Mali*, 17 January 2019, www.ecoi.net/en/document/2002180.html. See also, UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 26 March 2019, <https://undocs.org/S/2019/262>.

²⁰ UN General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Mali*, 21 January 2019, A/HRC/40/77, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1901202.pdf>, para. 11.

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.”²¹ 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 (Koulikoro, Ségou and Sikasso) and the border areas with Niger and Burkina Faso.²² In contrast, Bamako and the Kayes region have been less affected by the conflict.²³

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.²⁴ 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.²⁵ Its first operation took place in November 2017 involving the armies of Burkina Faso, Mali and Niger.²⁶
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”,²⁷ 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.²⁸ According to the UN Secretary General, the last quarter of 2018 saw 64 attacks by armed groups, and 48 incidents of improvised explosive devices.²⁹ 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.³⁰
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.³¹ 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.³² In 2018,

²¹ Ibid.

²² From September 2018 to December 2018, the “highest number of attacks was carried out in Mopti (24) and Timbuktu (13), followed by Gao (12), Kidal (7), Ménaka (4), Segou (3) and Kaye (1) regions.” UN Security Council, *Report of the Secretary-General on the situation in Mali*, 28 December 2018, <https://undocs.org/en/S/2018/1174>. See also, RFI, *Mali: deux localités attaquées dans le sud-est du pays*, 20 May 2019, www.rfi.fr/fr/afrique/20190520-mali-localites-attaquees-sud-est-pays-koury-boura; ACLED, *Mali*, April 2019, www.acleddata.com/dashboard/#466; UN Security Council, *Security Council Press Statement on Attack Against United Nations Multidimensional Integrated Stabilization Mission in Mali*, 22 April 2019, www.un.org/press/en/2019/sc13789.doc.htm; FRANCE24, *Au Mali, au moins 10 militaires tués dans une attaque de présumés jihadistes*, 21 April 2019, www.france24.com/fr/20190421-mali-attaque-armee-jihadistes-aqmi; UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 26 March 2019, <https://undocs.org/S/2019/262>; OCHA, *Accès humanitaire au Mali*, 13 March 2019, www.humanitarianresponse.info/en/operations/mali/document/acc%C3%A8s-humanitaire-au-mali; UN Security Council, *Security Council Press Statement on Attack Against Peacekeepers’ Camp in Mali*, 20 January 2019, www.un.org/press/en/2019/sc13672.doc.htm.

²³ European Council on Foreign Relations, *Mapping Armed Groups in Mali and the Sahel*, May 2019, www.ecfr.eu/mena/sahel_mapping.

²⁴ Convention portant création du G5 Sahel, 19 December 2014, www.g5sahel.org/images/convention.pdf.

²⁵ G5 Sahel Secretariat Permanent, *Résolution n° 00-01/2017 relative à la création d'une force conjointe du G5 Sahel*, 28 April 2017, www.g5sahel.org/Images/Docs/R%C3%A9solutions_force_conjointe_05_02_20171.pdf.

²⁶ Reuters, *G5 Sahel Launches Military Operation in African Scrublands*, 2 November 2017, www.reuters.com/article/us-africa-security/g5-sahel-launches-military-operation-in-african-scrublands-idUSKBN1D21VS.

²⁷ ACLED reported 4,776 fatalities between November 2018 and March 2019 in the Sahel region, comprising Mali, Niger, and Burkina Faso, as well as Senegal, Mauritania, Nigeria, Chad, and Sudan. ACLED, *Press Release: Political Violence Skyrockets in the Sahel According to the Latest ACLED Data*, 28 March 2019, www.acleddata.com/2019/03/28/press-release-political-violence-skyrockets-in-the-sahel-according-to-latest-acleddata/.

²⁸ ACLED, *ibid*. In the first five months of 2019, Jihadist groups have attacked several towns in the southern regions of the country (Guire, Koury, and Siby), with attacks moving towards Bamako. UN News, *Mali: UN Mourns Three Guinean Peacekeepers Killed, Condemns Attack ‘in Strongest Terms’*, 23 February 2019, <https://news.un.org/en/story/2019/02/1033431>; AfricaNews, *Suspected Jihadists Kill 10 Malian Soldiers*, 21 April 2019, www.africanews.com/2019/04/21/suspected-jihadists-kill-10-malian-soldiers/; The Seattle Times, *7 Dead in Southern Mali after Attack near Burkina Faso*, 20 May 2019, www.seattletimes.com/nation-world/nation/7-dead-in-southern-mali-after-attack-near-burkina-faso/; Jane’s Intelligence Weekly, *Southern Mali Attack Highlights Likelihood of Jihadist Conflict Reaching Coastal West Africa, Targeting Foreigners, Churches, Mining Companies*, 22 May 2019, www.janes.com/article/88707/southern-mali-attack-highlights-likelihood-of-jihadist-conflict-reaching-coastal-west-africa-targeting-foreigners-churches-mining-companies; European Civil Protection and Humanitarian Aid Operations, *Mali*, 10 March 2019, https://ec.europa.eu/echo/printpdf/where/africa/mali_en.

²⁹ UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 28 December 2018, <https://undocs.org/en/S/2018/1174>.

³⁰ BBC News, *Mali Violence: Nigerian Peacekeeper Killed in Timbuktu*, 19 May 2019, www.bbc.com/news/world-africa-48326663.

³¹ “The G5 Sahel joint force... had its headquarters in Sevare, Mopti until June 2018. But in that month a jihadist attack destroyed the building, forcing the G5 Sahel command to relocate to Bamako.” International Crisis Group, *“Speaking with the ‘Bad Guys’: Toward Dialogue with Central Mali’s Jihadists*, 28 May 2019, [https://d2071andvip0wi.cloudfront.net/276-speaking-with-the-bad-guys%20\(1\).pdf](https://d2071andvip0wi.cloudfront.net/276-speaking-with-the-bad-guys%20(1).pdf), p. 9.

³² UNHCR, *UN Refugee Chief Condemns Attack on Staff in Mali*, 24 August 2017, www.unhcr.org/en-ie/news/press/2017/8/599ee6f24/un-refugee-chief-condemns-attack-staff-mali.html; UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 26 March 2019,

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 2019 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

³³ <https://undocs.org/S/2019/262>; UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 28 December 2018, <https://undocs.org/en/S/2018/1174>.

³⁴ UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 28 December 2018, <https://undocs.org/en/S/2018/1174>.

³⁵ 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_may2019_final-1.pdf.

³⁶ Al-Jazeera, *UN to Probe ‘Horrific’ Mali Attacks as Death Toll Jumps to 160*, 26 March 2019, www.aljazeera.com/news/2019/03/uk-foreign-secretary-urges-un-to-probe-mali-attacks; BBC, *Mali Violence: Nigerian Peacekeeper Killed in Timbuktu*, 19 May 2019, www.bbc.com/news/world-africa-48326663; UN News Service, *UN Condemns ‘Unspeakable’ Attack that Leaves Scores Dead in Central Mali*, 23 March 2019, <https://news.un.org/en/story/2019/03/1035341>.

³⁷ US Department of State, *Country Report on Human Rights Practices 2018 – Mali*, 13 March 2019, www.ecoi.net/en/document/2004170.html; UN Security Council, *Statement by the President of the Security Council on Mali*, 3 April 2019, <https://undocs.org/S/PRST/2019/2>. See also, OHCHR, *Mali: International Community Must Act to End Cycle of Violence, Says UN Independent Expert*, 28 March 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24418&LangID=E>; Amnesty International, *Mali: The Deadly Attacks Against at Least 130 People Confirms the Pressing Need to Protect Civilians*, 24 March 2019, www.amnesty.org/download/Documents/AFR3701062019ENGLISH.pdf.

³⁸ UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 31 May 2019, <https://undocs.org/en/S/2019/454>.

³⁹ Original reports cited 95 dead, but the government later clarified that this corresponded to the number of persons deceased and missing. The Guardian, *Mali Attack: Gunmen on Motorbikes Kill at Least 41 People in Two Villages*, 18 June 2019, www.theguardian.com/world/2019/jun/18/mali-attack-shooting-yoro-gangafani-2-villages-latest; NY Times, *Massacre in Mali Leaves at Least 95 Dead, Government Says*, 10 June 2019, www.nytimes.com/2019/06/10/world/africa/mali-terrorism-dogon-fulani.html; Bloomberg, *Massacre in Mali Prompts UN to Call for ‘National Upsurge’*, 10 June 2019, www.bloomberg.com/news/articles/2019-06-10/massacre-in-mali-prompts-un-to-call-for-national-upsurge; Le Monde, *« Ils ont brûlé vif les habitants dans leurs maisons » : Massacre d’un village Dogon au centre du Mali*, 10 June 2019, www.lemonde.fr/afrique/article/2019/06/10/i-ai-decouvert-95-corps-et-seulement-50-survivants-massacre-d-un-village-dogon-au-centre-du-mali_5474362_3212.html; L’Orient-Le Jour, *Mali: le Premier ministre se rend sur le site d’une nouvelle tuerie*, 11 June 2019, www.lorientlejour.com/article/1174279/mali-le-premier-ministre-se-rend-sur-le-site-dune-nouvelle-tuerie.html.

⁴⁰ The Journal, *38 Dead in Attacks on Two Mali Villages*, 19 June 2019, www.thejournal.ie/mali-attacks-irish-defence-forces-4688564-Jun2019/; The Guardian, *Mali Attack: Gunmen on Motorbikes Kill at Least 41 People in Two Villages*, 18 June 2019, www.theguardian.com/world/2019/jun/18/mali-attack-shooting-yoro-gangafani-2-villages-latest.

⁴¹ HRW, *World Report 2019 – Mali*, 17 January 2019, www.ecoi.net/en/document/2002180.html.

⁴² UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 26 March 2019, <https://undocs.org/S/2019/262>. See also UN Security Council, *With Peace Process in Mali at Critical Stage, Special Representative Recommends Extending Mandate of Integrated Stabilization Mission*, 12 June 2019, www.un.org/press/en/2019/sc13839.doc.htm.

In January 2019, The Independent Expert on the Situation of Human Rights in Mali criticized a “prevailing climate of insecurity” and stated that the “activities of extremist groups, the abuses committed by the security forces in the course of counter-terrorism operations and the levels of crime that prevail in these regions as a consequence of the absence of State institutions are a cause of concern”. UN General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Mali*, 21 January 2019, A/HRC/40/77, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1901202.pdf>. See also, HRW, *Mali Should Implement Recommendations on Rule of Law*, 28 June 2018, www.hrw.org/news/2018/06/28/mali-should-implement-recommendations-rule-law.

devastating consequences and a disproportionate impact on children.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 2018.⁴⁴ 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.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.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.”⁴⁷ On the other hand, persons suspected of collaborating with national or international defence forces were targeted by armed groups.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.⁴⁹ Humanitarian access was severely restricted throughout 2018 and 2019 due to pervasive conflict and significant operational challenges.⁵⁰ As noted by the UN Independent Expert, the country “faces complex and multifaceted challenges (security, political, humanitarian, social, economic and ecological).”⁵¹
13. The conflict in Mali has been exacerbated by drought and desertification, which has led to increased competition for scarce resources.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.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.”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

⁴³ HRW, *World Report 2019 – Mali*, 17 January 2019, www.ecoi.net/en/document/2002180.html.

⁴⁴ UN General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Mali*, 21 January 2019, A/HRC/40/77, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1901202.pdf>.

⁴⁵ Noting that civil society groups raised “the issue of the sexual violence and rapes being committed by armed men who target women using public transportation in Mopti and Timbuktu Regions,” and that the “absence of security forces in these areas is conducive to the continuation of this situation.” Ibid., paras 47-48.

⁴⁶ UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 28 December 2018, <https://undocs.org/en/S/2018/1174>, para. 36.

⁴⁷ UN General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Mali*, 21 January 2019, A/HRC/40/77, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1901202.pdf>, para. 31.

⁴⁸ UN General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Mali*, 21 January 2019, A/HRC/40/77, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1901202.pdf>. See also, UN News Service, *Mali Facing 'Alarming' Rise in Rights Violations, Warns UN Expert*, 4 July 2018, www.refworld.org/docid/5b83c7354.html.

⁴⁹ “Les conflits et l’insécurité continuent d’être des freins majeurs à la présence des services sociaux étatiques de base et leur accessibilité dans le nord et le centre du pays.” OCHA, *Mali : Plan de réponse humanitaire (janvier – décembre 2019)*, 14 February 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/mali_hrp2019_version_finale.pdf. See also, Norwegian Refugee Council (NRC), *87,000 People Displaced by Increased Violence in Mali*, 9 April 2019, www.nrc.no/news/2019/april/87000-people-displaced-by-increased-violence-in-mali/.

⁵⁰ Challenges include a ban on driving motorcycles and pickup trucks in the northern areas, banditry and continuing insecurity. The UN Secretary General found that “insecurity and the presence of explosive devices along roads constrained humanitarian access in the northern and central regions”. There were 194 security incidents targeting humanitarian workers and organizations in 2018. UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 28 December 2018, <https://undocs.org/en/S/2018/1174>. See also, OCHA, *Accès humanitaire au Mali*, 13 March 2019, www.humanitarianresponse.info/en/operations/mali/document/acc%C3%A8s-humanitaire-au-mali.

⁵¹ OHCHR, Mali: UN Expert Alioune Tine Says New Government Must Prioritise Safety of Civilians and End Impunity, 10 May 2019, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx.

⁵² Al-Jazeera, *What's Behind Mali Massacre and How to Stop Escalating Violence*, 13 June 2019, www.aljazeera.com/news/2019/06/mali-massacre-escalating-violence-190613133110169.html; BBC, *The Battle on the Frontline of Climate Change in Mali*, 22 January 2019, www.bbc.com/news/the-reporters-46921487.

⁵³ World Economic Forum, *The Sahel Is Engulfed by Violence. Climate Change, Food Insecurity and Extremists are Largely to Blame*, 23 January 2019, www.weforum.org/agenda/2019/01/all-the-warning-signs-are-showing-in-the-sahel-we-must-act-now/.

⁵⁴ WFP, *Mali: Country Brief*, April 2019, <https://docs.wfp.org/api/documents/WFP-0000105685/download/>.

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/MDRML013dfr.pdf>; IFRC, *Emergency Plan of Action (EPOA) Mali – Floods*, 4 September 2018, <http://adore.ifrc.org/Download.aspx?FileId=211142>; UNICEF, *Mali – Country Office Annual Report 2018*, 2018, www.unicef.org/about/annualreport/files/Mali_2018_COAR.pdf.

⁵⁶ UNICEF, *Mali – Country Office Annual Report 2018*, 2018, www.unicef.org/about/annualreport/files/Mali_2018_COAR.pdf.

⁵⁷ The remaining approximately 300,000 people in need are in Bamako and the Kayes region. OCHA, *Mali : Plan de réponse humanitaire (janvier - décembre 2019)*, 14 February 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/mali_hrp2019_version_finale.pdf.

⁵⁸ FAO, *Mali* (undated), <http://www.fao.org/emergencies/countries/detail/en/c/148719/>.

⁵⁹ UN General Assembly, *Situation of Human Rights in Mali - Report of the Independent Expert on the Situation of Human Rights in Mali*, 21 January 2019, A/HRC/40/77, <https://undocs.org/en/A/HRC/40/77>, para. 13.

⁶⁰ The UN Secretary-General stated in December 2018 that school closures due to “violent conflict and crime” affected 213,800 children in the northern and central regions. UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 28 December 2018, <https://undocs.org/en/S/2018/1174>. See also, UN General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Mali*, 21 January 2019, A/HRC/40/77, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1901202.pdf>, para. 13; UN Security Council, *Report of the Secretary-General on the Situation in Mali*, 26 March 2019, <https://undocs.org/S/2019/262>; OHCHR, *Mali Needs Comprehensive Strategy to Prevent Violence and Human Rights Abuses*, Says Independent Expert, 12 February 2019, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx.

⁶¹ UN General Assembly, *Report of the Independent Expert on the Situation of Human Rights in Mali*, 21 January 2019, A/HRC/40/77, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1901202.pdf>, para. 13.

⁶² UNHCR, *Mali Situation – Refugees, Internally Displaced Persons and Returnees*, 31 March 2019, <https://data2.unhcr.org/en/documents/download/69511>.

⁶³ UNHCR, *Refugee and Migrant Arrivals to Europe in 2018 (Mediterranean)*, 31 December 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/68006.pdf>. See also, UNHCR, *Operational Portal – Mediterranean Situation*, 20 May 2019, <https://data2.unhcr.org/en/situations/mediterranean>.

⁶⁴ UNHCR, *Mali Situation – Refugees, Internally Displaced Persons and Returnees*, 31 March 2019, <https://data2.unhcr.org/en/documents/download/69511>.

⁶⁵ Norwegian Refugee Council (NRC), *Mali: Displacement Figure Triples Because of Violence and Military Operations*, 14 May 2019, www.nrc.no/news/2019/may/mali-displacement/; Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2019*, 10 May 2019, www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf, pp. 2, 45; UNHCR, *Operational Portal Mali: IDPs since 2016*, 30 April 2019, <https://data2.unhcr.org/en/country/mli>.

⁶⁶ NRC, *On-the-Record Update: Crisis in Central and Northern Mali*, 10 July 2019, www.nrc.no/news/2019/july/on-the-record-update-for-the-crisis-in-central-and-northern-mali/.

International Protection Needs and Non-Return Advisory

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.⁶⁷ In addition, persons fleeing the conflict in Mali may also meet the 1951 Convention criteria for refugee status.⁶⁸ Depending on the profile and individual circumstances of the case, exclusion considerations may need to be looked into.⁶⁹
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.⁷⁰

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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⁶⁷ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 UN, Treaty Series 45, www.unhcr.org/refworld/docid/3ae6b36018.html.

⁶⁸ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, UN, Treaty Series, Vol. 189, p. 137, www.unhcr.org/refworld/docid/3be01b964.html and UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, UN, Treaty Series, Vol. 606, p. 267, www.unhcr.org/refworld/docid/3ae6b3ae4.html.

⁶⁹ UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, www.unhcr.org/refworld/docid/3f5857684.html.

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/3f2791a44.html.