Tom Lantos Human Rights Commission

Hearing
on
Human Rights in the Sahel

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Civilian harm has long been a feature of conflict in the central Sahel, where governments and insurgents alike have not flinched from subjecting civilian populations to abuses ranging from discriminatory policies to outright massacre. Presently, the jihadists are winning, which encourages U.S. policymakers to conclude that the U.S. should do more to help. This, unfortunately, raises difficult questions. Past U.S. and other Western engagement does not appear to have had a moderating effect on Sahelian governments and their security forces, and it probably would have none today if the United States and Europe were to re-engage. Conditionality almost certainly will not work. Knowing this, should the U.S. and its partners refrain from re-engaging, or go ahead anyway in light of the need to contain the jihadist threat?

The overall situation

The overall situation is bad and is getting worse. Across the Sahel, civilian deaths at the hands of jihadists and state security forces alike are up, as documented in recent publications by the Africa Center for Strategic Studies and ACLED. The situation is especially dire in Burkina Faso and Mali. Burkina Faso's government has lost control over much of its country's territory while becoming increasingly authoritarian, if not totalitarian; Mali on 25 April suffered a string of major military defeats and now finds insurgents imposing an increasingly strict blockade on road traffic to and from the capital, Bamako. This is terrible news for civilians. Not only do they suffer increasingly from jihadist violence, but their increasingly desperate governments, militaries, and pro-government militias may be more prone to abusive behavior. For example, in the immediate wake of the 25 April attacks, there were reports of Fulanis in Bamako being lynched by mobs. While we have not seen evidence that police or soldiers participated in the lynchings, given the post-25 April mood, we would not be surprised if they did.

To be clear, the region was violent before, during, and after colonization, and whether its ruling governments were democratically elected or not. For example, Mali in the 1990s, while in the midst of its democratic transition, sponsored ethnic militias that committed atrocities against Tuareg civilians. Burkina Faso during its 2014-2022 democratic interlude committed numerous abuses against Fulani communities, and it is not clear if the behavior of the country's post-coup military governments toward Fulanis is different in any meaningful way.

Nonetheless, the situation undeniably has gotten worse under military rule, both because of and despite the regimes' efforts. The juntas in the three countries have stripped away remaining civil protections, all but eliminated people's ability to protest, and blocked the press from shedding light on what might be happening on the ground. They have, moreover, criminalized the political opposition and dissent, arguing that the act of accusing the government of abuses gives comfort to the enemy and, ultimately, is treasonous. They have imprisoned, 'disappeared,' or forced into exile opposition figures and journalists, banned political parties and many civil society organizations, and generally silenced anyone who could get in their way. In effect, they appear to act with less self-restraint than their democratically elected predecessors. The results have been well documented in reports by the United Nations, International Crisis Group, and Human Rights Watch. Regrettably, while some of the details of these reports might be debatable, the gist is not: Both sides of the war are guilty of abuse and atrocities, with some communities, above all Fulanis, suffering from both sides while also being disproportionately prominent among the perpetrators.

Notable Forms of Civilian Harm

The jihadist insurgents of the Sahel routinely have carried out acts of violence against individual civilians and entire communities. Sometimes civilians were the specific target; sometimes the state was the target, although civilians suffered. Jihadists, for example, imposed blockades on villages to force them to submit to their rule, killed travelers and construction workers, abducted people for ransom, burned markets, stole cattle, and kept farmers from working their fields. According to one of our sources, probably more than 10% of Mali's schools are closed. An estimated 20% of Burkina Faso's schools are closed, and about 10% of its population is displaced.

Recent reports of Malian jihadists attacking communities associated with Dogon militias or Dozo hunters (ethnic Bambara) point to a new danger: The jihadists' growing strength places pro-government communities in greater jeopardy, and the government is decreasingly capable of offering protection. We can expect to see jihadists commit more atrocities against civilians associated with pro-government militias; the communities that suffer the brunt of these attacks in Mali (e.g. Dogons and Dozos) may, in turn, lash out more against the communities associated with the jihadists (Fulanis). In Burkina Faso, ascendant jihadists (predominantly Fulani) may

target the predominantly Mossi and Foulsé communities associated with the Volunteers for the Defense of the Homeland (VDP), a state-sponsored militia that often is associated with violence against Fulani communities. A jihadist victory in any of the three countries probably would be accompanied by a bloody settling of scores.

For their part, state security forces have on occasion massacred villages. More often, they have committed extrajudicial killings of individuals who may have been jihadists but may also simply have been in the wrong place at the wrong time. There have been reports of detention centers in Mali where detainees routinely have been tortured and killed. Much of the violence has been the work of state-sponsored militias. In Mali, ethnic Dogon militias and Dozo hunters figure prominently among the government's allies, as well as certain Tuareg factions. In Burkina Faso, the state explicitly has mobilized the VDP, the members of which often behave as vigilantes. Generally, the victims of these militias in both countries have been Fulanis.

Indeed, there are two aspects of civilian harm by Sahelian governments and their proxies that we wish to underline. One is the frequent targeting of Fulanis. As best as we can tell, most of the victims of state or state-sponsored violence in Burkina Faso, Mali, and probably western Niger are Fulanis. Most of the inhabitants of the refugee camps in Mauritania are Fulanis. Whenever there are reports of massacres, lynchings, or, occasionally, cannibalism committed by Burkinabè or Malian soldiers, Fulanis figure prominently among the victims. By cannibalism I am referring to a few videos that went viral purporting to show Burkinabè and Malian soldiers butchering, cooking, and eating dead jihadists. My own trusted source has confirmed their validity.

The other is the emergence of drones as a tool for terrorizing civilians. The governments of Burkina Faso, Mali, and Niger all recently have acquired armed drones (mostly Turkish but also Chinese) for use fighting insurgents. While, militarily speaking, the armed drones are valuable and perhaps necessary, there use has given rise to numerous reports alleging attacks targeting civilians. This should come as no surprise: Even the U.S. military, which applies rigorous targeting and vetting criteria to select and approve drone strikes, makes mistakes or incurs collateral damage. The available evidence suggests the militaries of the Sahel employ none of the safeguards Americans use, apply none of the same rigor to targeting, and have only a fraction of the intelligence, surveillance, and reconnaissance capabilities required to identify the right targets to strike at the right time. In some alleged cases, the Sahelian militaries appear to have targeted civilians deliberately, meaning their killing was not a mistake. While we lack the information required to verify either the allegations or the militaries' denials, we concede that anything is possible.

Has Western Engagement Helped?

The available evidence strongly suggests that U.S. and European engagement with the countries of the central Sahel, dating back at least to the 1990s, has had relatively little enduring effect on

the behavior of the three states and their militaries. Since that time, Americans and Europeans have conducted a broad array of programs intended to improve governance, foster rule of law, train journalists, and professionalize law enforcement and military forces and their personnel. Examples include repeated engagements by U.S. Special Forces (e.g. Joint Combined Exchange Training and Joint Planning Assistance Teams), military exercises like Flintlock, the International Military Education and Training program (IMET), and multiple programs designed to support the police and judiciary. Europeans have done similar things either bilaterally or through European Union-sponsored training missions.

Unfortunately, these efforts have not resulted in the intended norms or practices. Or, whatever influence they might have had proved perishable in the context of political crises, armed rebellion, and terrorism. Hence the awkward discovery in recent years that more than one African putschist spent some time in U.S. military schools. Any expectation that American military values might have rubbed off on them in their relatively brief encounters proved overly optimistic.

There are many reasons for this. One is that Western instruction cannot be expected to transform personal and institutional cultures, at least not quickly, and not at the small scale at which Western engagement has taken place. There also is ample evidence that foreign militaries do not take well to being lectured to by paternalistic foreigners. In their minds, they have their own way of doing things and a better understanding of the situation on the ground. To this we must add the imperative of the immediate situation: The jihadists and other insurgents of the central Sahel present an existential threat and frequently commit horrific acts of violence against civilians. Given this situation, it is understandable that governments and security forces may conclude that everything is permitted, and that there is a legitimate need, as one Malian officer in 2020 put it when explaining to me why he wanted Russia to replace France as Mali's security partner, to "take the gloves off."

Indeed, the arrival of Russian paramilitaries and the departure of French forces heralded a downturn in the Malian military's behavior. While on some occasions the Russians themselves were and are directly responsible for or complicit in violence against civilians, it appears to be the case that their very presence has encouraged Malian forces to act on their worst instincts. I am convinced, based admittedly on anecdotal evidence, that in the eyes of many Malian soldiers, the Russian paramilitaries' penchant for abusing civilians is a feature rather than a bug. It is part of what makes the Russian offer attractive in their eyes.

Could the U.S. and other Western Partners Act to Reduce Civilian Harm?

In theory, the growing desperation of the three Sahelian states might translate into greater leverage on the part of security assistance providers. We could attempt to make aid conditional on certain behavioral changes. I am skeptical, however, at least with the present military juntas in

place. The leaders of the three Sahelian states owe whatever legitimacy they may enjoy to their posture of resistance vis-à-vis the West. They have painted themselves into policy corners. Only with great difficulty and political risk could any of the three leaders turn around and be seen to embrace Western assistance and the paternalism perceived to come with it. Even if they were willing and able, the fact remains that these leaders are contending with violent jihadists, and responding with what they know best, violence. Why would they listen to us, when they have not in the past?

Much may depend on the scale of what the U.S. or others are prepared to put on the table. No one is prepared to deploy a large ground force like France's Operations Serval and Barkhane, and even France's enormous sacrifice had little impact on the Burkinabè, Malian, and Nigerien governments' behavior. On the contrary, if anything, coups brought to power individuals who resented France's direction. Serval and Barkhane at least saved Mali in 2013 and arguably slowed the region's decline. Short of an intervention at the scale of Barkhane, what are we prepared to do to help these countries survive? Will it be enough to generate leverage over government behavior while also shifting the tide of the wars in these countries?

The Fundamental Policy Question

The question boils down to the following: Do we help regimes that harm civilians fight jihadists that harm civilians? Helping the juntas invariably would mean being complicit at least to some extent in their crimes. We would be helping undemocratic and abusive autocrats stay in power, perhaps while telling ourselves we might be able to influence their behavior. We likely would be kidding ourselves. Or, invoking our principles, do we stand aside and let the jihadist insurgencies play out, knowing that, at present, the jihadists are winning?