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# **Norms, Non-combatants' Agency and Restraint in Jihadi Violence in Northern Mali**

**Corresponding Author:** Dr. Yvan Guichaoua

University of Kent, Brussels School of International Studies  
University of Kent, Espace Rolin  
Boulevard Louis Schmidt 2a  
Brussels, BE 1040  
Belgium  
Tel: +32 470 92 82 85  
Email: y.guichaoua@kent.ac.uk

**Co-author:** Ferdaous Bouhleb

- Institutional affiliation:

Université de Tours, EMAM  
60 rue Plat d'Etain  
Tours, 37000  
France

- Personal address:

Ilot C  
Tavragh Zeina  
Noukachott  
Mauritania

## **Norms, Non-combatants' Agency and Restraint in Jihadi Violence in Northern Mali<sup>1</sup>**

### **Abstract**

In 2012, several Jihadi armed groups stormed the northern part of Mali and became the unchallenged rulers of two-thirds of the country. Each group governed based on Islamic Law, codifying violence against their enemies in combat and the populations they controlled. Despite drawing on similar jihadist ideology, these governing systems differed significantly in their uses of violence and jurisprudence. What explains the emergence and legitimization of such contrasting norms? We compare patterns of violence and restraint in the regions of Kidal and Gao based on interviews with diverse protagonists of the occupation, including former members of Ansar Dine and the Movement for the Unity of Jihad in West Africa (MUJAO). In Kidal, the Ansar Dine commander's decision to follow local Islamic jurisprudence limited violence. In contrast, MUJAO rule over Gao used forms of punishment encompassing physical violence to assert political hegemony despite opposition from influential local imams and youth movements. Figures among the non-combatant population also influenced the formation and interpretation of norms among these groups, though less so under strong military imperatives. The findings highlight the importance of searching for a common language over norms of government between insurgents and populations as a key source of restraint.

Keywords: Civil War, Mali, Violence, Restraint, Islam

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<sup>1</sup> The authors are immensely grateful to Fiona Terry, Brian McQuinn, and Oliver Kaplan for their constant support and insights

In 2012, several Jihadi armed groups stormed the northern part of Mali and became the unchallenged rulers of two-thirds of the country. Each group governed based on Islamic Law, codifying violence against their enemies in combat and the populations they controlled. Despite drawing on similar Jihadist ideology, these governing systems differed significantly in their uses of violence and jurisprudence. What explains the emergence and legitimization of such contrasting norms?

In the recent conflict literature, restraint has been rooted in features of the armed groups themselves. Stanton (2016) makes restraint the outcome of a deliberate strategic choice by armed groups' leaders to gain political leverage. Wood (2009) or Hoover Green (2018) offer another group-centric explanation of restraint. According to their "Hobbesian" perspective, combatants have violent inclinations and need to be disciplined. Restraint, they claim, eventually stems from internal mechanisms to punish deviant behaviors.

We take an alternative approach and focus on factors that are *only partially* controlled by armed groups. We offer a combined focus on the norms of violence that armed groups invoke and the social interactions they have with non-combatants in areas where they operate, where norms are supposed to apply (Krause 2018; Staniland 2014). We conduct an empirical investigation to study the production of norms of governance during a period corresponding to the jihadi movements' rise to power in Northern Mali. Then, having established what we consider to be accurate processes of norm formation, we discuss the drivers of restraint through the enforcement of established norms.

Norms of violence invoked by the jihadis belong to a body of scriptures and jurisprudence that require interpretation. Armed groups' leaders perform this interpretation, but it is open to contestation. Contestation can come from within the group as well as outside the group,

specifically from people with authority or a capacity to mobilize. Wood and Hoover Green do stress the importance of norms created through socialization processes. But the socialization they consider is essentially happening among combatants. We consider group norms whose enforcement is modifiable through the interactions with non-combatants. In our view, interpretability and contestability are what eventually generate restraint. Interpretability designates the capacity to discuss the courses of action associated with norms emanating from various legal corporuses, while contestability corresponds to the capacity to use alternative sets of norms to oppose decisions. Our empirical investigation shows that the strength of these mechanisms varies depending on circumstances, notably the weight of a group's military imperatives.

We examine the arenas where these norms are produced, interpreted, and possibly contested and compare patterns of violence and restraint in the regions of Kidal and Gao in Mali in 2012. We draw on interviews with former jihadis, including members of Ansar Dine and the Movement for the Unity of Jihad in West Africa (MUJAO), as well as representatives of the communities subjected to their rule. In Kidal, we document limited uses of violence resulting from a desire of the Ansar Dine commander to follow local Islamic jurisprudence. In contrast, the MUJAO, who ruled over Gao, used corporal punishment to assert political hegemony despite opposition from influential imams and local youth movements. Civilian agency influenced the formation and interpretation of norms among these groups, though less so under strong military imperatives.

We identify two sources of restraint respectively at work in Kidal and Gao. The first corresponds to a deliberate choice to mobilize a jurisprudence minimizing the violence inflicted by jihadis upon civilians, in line with past local practice. The second corresponds to short-lived decisions to defer the use of violence following episodes of social contestation against the jihadi

leadership that threaten the local political order. This contribution forms a theory-building exercise with no claim of external validity, yet it invites a broadening of understanding of restraint beyond the group-centric approaches through more careful attention to civilian agency.

The following section introduces our empirical puzzle. It is followed by a section on the background of the Malian conflict. Then we turn to our two case studies and conclude with a summary of findings and implications.

### **Islamic Scriptures and Jihadi Norms of Violence in the Sahara**

In early 2012, a coalition of jihadi movements took control of northern Mali alongside Tuareg separatists in the *Mouvement national de libération de l'Azawad* (hereafter MNLA). The MNLA soon lost their military advantage and manpower, leaving the monopoly of territorial control to the jihadis. From May 2012 to January 2013, the authority of jihadi groups remained unchallenged, until the French military eventually (but temporarily) drove them out by force.

This period of full control constitutes a kind of real-world experiment in which jihadi groups had the opportunity to enforce their preferred ruling systems based on their interpretation of sharia law. These groups enforced pre-existing norms to regulate civilian life and the conduct of warfare that outlasted the groups' occupation of Northern Mali. Yet despite common codified normative references, the various jihadi armed groups controlling different parts of Northern Mali had different norms, used violence in different ways, and saw different manifestations of restraint.

The jihadis operating in northern Mali claim to adhere to specific Islamic principles of governance, based on the rigorist jihadi doctrine, as promoted by Al Qaeda (AQ), at least officially. But they also presented their intended form of governance as the image of authentic Islamic

reformism anchored in the local Saharan tradition. Consequently, the groups we study advocated a form of jihad that had both local and transnational components.

As the rulers of a territory and the populations living within it, the jihadi movements had an obligation to justify their decisions within the Islamic repertoire they were promoting. There is no such thing as a pure form of sharia-regulated society, nor a pure Islamic type of warfare. War against the state was primarily legitimized by its corruption. The jihadi approach considers the use of force and the subversion of power to be prerequisites for social and political changes.<sup>2</sup>

Violence is instrumental to the model of social transformation promoted by jihadis aligned with AQ's agenda. However, how and when to use violence while in control of a territory is not set in stone. Governing northern Mali has constituted a real-life laboratory for using, codifying, and controlling violence within jihadi parameters. Not all the armed groups' leaders who suddenly became rulers had experience in governing. As a result, the enforcers of the governance system constantly hesitated, improvised, and adjusted the course of their decisions. Governance by such neophytes should be understood as a learning process, whose plasticity opens room for restraint.

Violence is analyzed in the specific geographical context in which jihad is conducted (*dar al-islam*), namely the Azawad region in 2012. Norms of violence are divided between wartime violence and violence in the form of physical coercion against civilians in the territories under jihadi control. Each form of violence is itself subdivided into several categories. Wartime violence concerns combatants, declared enemies, other jihadi groups, and non-jihadi armed groups. Violence against non-combatants pertains to the enforcement of judicial decisions against

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<sup>2</sup> According to Ould Hamaha, a Timbuktu leader and spokesperson of the jihadi coalition, which ruled Northern Mali in 2012. In footage circulated on social media in 2012, he declares: "To cut hands or stone adultery couples [i.e., enforce Sharia Law as recommended by the AQ doctrine], one needs to establish power first." For the near future, Ould Hamaha insists that holding territory is not a priority, revealing an intention to conquer populations first ("We're here for Islam, we're not here for a territory, we're not here for air conditioning!").

criminals, forced marriage, or general mores (such as veils, bans on music, tobacco, sport, access of women to the public space).

The range of norms enforced obviously encompasses the activities of key civilian agents, namely humanitarian agencies. The key normative concept here is *aman*, which refers to protection on Islamic land (*dar al-islam*), the implications of which are immediately operational. We discuss below the arrangements that were enforced between the jihadis and humanitarian organizations.

As suggested by the comparison of cases in Table 1, Gao was qualitatively “more” violent than Kidal. In Gao, jihadis used corporal punishment, but in Kidal they did not. Hence, one can argue that less restraint was exerted in Gao compared to Kidal. A confrontational imposition of sharia law was adopted in Gao, which had no equivalent in Kidal. However, despite its more violent enforcement of norms, Gao did witness some episodic instances of restraint as well, notably in the form of revoked decisions, as exemplified below.

*Table 1 here*

### **Conquering Northern Mali through Socially-Embedded Jihad**

In 2012, a jihadi coalition formed in northern Mali just after a separatist rebellion had stormed the region and wiped out any official form of state administration and security provision. After a short spell of dominance over the North by the separatist rebels, jihadi movements gained full control by violently expelling the separatists,<sup>3</sup> siphoning off their combatants, and striking alliances with important civilian leaders. The temporary victory of the jihadis is in part the result of deals with prominent non-combatant figures, which eventually led to the crowding-out of

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<sup>3</sup> While relations between jihadis and separatists turned violent in Gao, in Kidal, the armed groups cooperated *de facto* and the MNLA managed to maintain some military presence. In May 2020, Ansar Dine and the MNLA signed an agreement of joint governance over the Azawad, which was soon contested by a branch of the MNLA rejecting any collaboration with Al Qaeda in the Islamic Maghreb (Bouhleb 2020).



separatists in the most strategic areas. Actual battles between jihadis and separatists were rare, however, and negotiated compromises were preferred to allow bloodless movements of troops.

Right from the start, civilian groups featured as key pillars of jihadi rule. Jihadis conquered Northern Mali not through military means, but through reciprocal accommodation between actors who knew each other through multiple pre-war ties. The jihadis did not fill an “ungoverned space” since the web of actors who came to control northern Mali had existed there previously (Desgrais et al. 2018). The jihadi rulers had occupied roles in the cross-border trafficking businesses, were former rebels-turned-politicians, or were important powerbrokers in informal politics, which the central authorities relied upon in the absence of a fully functional administrative system. Already active and powerful, they simply became more visible to outsiders, as the removal of the thin veneer of a largely fictitious “rational-legal” administration (Craven-Matthews and Englebert 2018) put the jihadis at the front of the political stage. The embodiment of these multifaceted northern elites is Ansar Dine leader Iyad Ag Ghaly, a former rebel leader in the 1990s who was absorbed by state networks as a peace-broker. He was sent abroad as a member of staff at the Malian Consulate in Jeddah and became a jihadi commander upon his return to Mali, after the new breed of Tuareg separatists rejected him in 2011.

The jihadis divided control of the conquered northern regions among three groups, each with different leaders and structures of command. Given the scant prior literature on this region, we formulate exploratory hypotheses on restraint by comparing variation across two of these zones (Gao and Kidal respectively) and their respective jihadi movements. The Ansar Dine was a mostly Tuareg-based movement in Kidal and the Movement for Unity of Jihad in West Africa (MUJAO)<sup>4</sup> was a heterogenous entity dominated by local Arabs (Moors) in Gao. Al Qaeda in Islamic Maghreb

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<sup>4</sup> The group is known locally after its French acronym.

(AQIM), whose leadership was essentially made of foreign jihadis, controlled the province of Timbuktu, but we omit it from this study.<sup>5</sup>

These groups have unique leaders and histories, and their respective constituencies are structured differently. The MUJAO itself has a cosmopolitan nature, which other groups do not share. It is an offshoot of AQIM, whose members come from mixed backgrounds and followed AQIM's commander, Mokhtar Belmokhtar.<sup>6</sup> The MUJAO also recruited locals in significant proportions from villages already accustomed to Wahhabism (Pellerin 2017), or from Fulani communities, which found in the jihadi outfit a shield against other communities threatening their access to grazing land (Guichaoua 2016). Importantly, entertaining bounds with local communities does not automatically result in wide social acceptance in the highly contentious landscape of parochial affiliations in Northern Mali.

### **Research Strategy and Primary Data Collection**

Given security concerns at the time, western observers were unable to directly observe Mali under occupation. Thus, our data collection was indirect and retrospective and was therefore subject to the potential limitations of distorted memories, whether intentional or not. To address these limitations, our research relies upon multiple triangulated sources.

We conducted open-ended interviews with over 50 protagonists of the occupation. Although we could not interview major jihadi figures, we did interview former jihadis now having defected (in French or Arabic). These figures include a dozen of key figures of Ansar Dine, including Cheikh Ag Aoussa, second-in-command of the movement (assassinated in October

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<sup>5</sup> However, we can hypothesise that the nature of violence perpetrated and the ethnic divide prevailing in the city has some proximity with the Gao configuration we describe herein.

<sup>6</sup> While MUJAO's protagonists mindset and practice inherit from their former affiliation, the political configuration they encountered in Gao created a fairly new entity, organisationally distant from AQIM.

2016), and several ex-MUJAO political or military leaders, among whom was Yoro Ould Daha, a prominent member of the Gao Islamic police in 2012 who was killed in February 2020. We also interviewed people who have maintained regular (confrontational or cooperative) links with jihadis in Kidal and Gao. This category includes Islamic judges, traditional chiefs, youths living under the occupation, civilian administrators working during the occupation, political figures, members of armed groups (*Mouvement national de libération de l'Azawad*, *Haut conseil pour l'unité de l'Azawad* etc.), and humanitarians from various INGOs. We also accessed interviews conducted by a Mauritanian journalist (Elma'aly 2014) with important personalities of AQIM.

We supplemented the interviews with secondary sources. We accessed media material including press clips archived by the authors over many years; jihadi communiqués and video releases; recordings of debates and talks broadcast during occupation in Gao by local radio stations that are still active; and videos of the occupation filmed using smartphones and collected and translated from Songhai to French by a research assistant in Gao. We also draw on material from national and international NGOs, which offers a detailed portrayal of jihadis' respective responsibilities under occupation and reports about humanitarian negotiations, revealing where and how dialogue was possible.

Instead of assessing restraint as the difference between observed behaviors and some unobservable standard of “appropriate” behavior, we explore variation in actual behaviors of groups both longitudinally (changes in one group over time) and cross-sectionally (variation between groups espousing the same agendas yet structured differently and controlling contiguous areas).<sup>7</sup>

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<sup>7</sup> There is certainly some overlap between Islamic Law (Shah 2013), International Humanitarian Law, and populations' expectations about what is right.

## Interpreting and Contesting Norms of Violence in Kidal and Gao

This section details processes whereby Islamic norms are produced to eventually form a governing system regulating the use of force against perceived enemies and non-combatants as a way to comply with the sharia law. Figure 1 identifies the sources of norm production in Kidal and Gao, which are also potential drivers of restraint. It also locates the role of civilian entities in the process of norm production. Islamic norm formation is based on scriptural legal sources as well as so-called “inferred” sources, which constitute the base of Islamic jurisprudence (*fiqh*). The realm of *fiqh* corresponds to a profuse and highly codified body of norms but is also a space for debate, involving educated clerics as well as broader populations.

The way *fiqh* has been enforced follows a legal reflection partially involving the population’s consent to adopt the new collective rules, as well as local customs (*‘urf*). These reflections applied to penal justice as well as, more generally, the exercise of power in absence of central authority (al-Māmī ben al-Bukhārī al-Bariki 2014). The enforcement of rules depends on a collectively-debated assessment. Hence there is the possibility that a given rule will not ultimately be applied if, for example, the implementation is judged counterproductive. This is precisely what happened in Kidal, where a central decision was made against imposing corporal punishment under the rationale that a) such practice was not in line with local tradition; b) in wartime, the *had* (body of penal law that includes corporal punishment) could be suspended; and c) it would scare off local Muslim populations. In this instance, the agency of religious leaders is incorporated in the Islamic decision-making system.

Debates occur on two levels, in *shura* councils and in Islamic tribunals, where greater participation of the population is allowed. Kidal and Gao differ greatly in this regard. *Shura* councils contributed immensely to norm formation in Kidal but less so in Gao, where the

application of rules was delegated to an omnipotent and brutal chief of police. In Gao, tribunals were also run by cadis directly appointed by the MUJAO, causing confusion and contestation of the legitimacy of the rule-enforcers. While rule enforcement smoothly followed a vertical line of command in Kidal leading from the *shura* to the population, no such thing occurred in Gao, where rules were met with greater hostility and subsequent sporadic repression by the Islamic authorities.

Two kinds of norms are reviewed, namely, 1) norms framing what is licit or prohibited in the conduct of the war; and 2) norms of social regulation, in line with sharia law that refers to the ideal code of conduct as a Muslim. Ideology itself does not codify all aspects of violence since violence is also produced endogenously by the actual course of the conflict. We therefore analyze two main periods of time: the jihadis' "conquest" of the Azawad before they gained full dominance and imposed Sharia Law, and the French intervention era, after January 2013, which itself has two phases.

*Figure 1 here*

### Ansar Dine in Kidal: Influencing Restraint through Jihadi Norms and Local Customs

Ansar Dine entered the war in 2012 to "maintain order." Ansar Dine is a local alternative to AQ (with which it has an alliance), and at its inception it incorporated some former AQ combatants and drew from the first *katiba* ever created by a Tuareg. This *katiba* was established by Abulkarim al-Targui, who maintains family connections with Ansar Dine leader, Iyad Ag Ghaly. Ansar Dine's goal is to generate an indigenous jihad that contributes to the liberation of Azawad while promoting Islamic principles.<sup>8</sup>

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<sup>8</sup> Interview with Ansar Dine cadre, Nouakchott, July 2013.

Ansar Dine is a local movement based on tribal connections and Iyad Ag Ghaly's centrality in northern Mali's political affairs. Ansar Dine's early recruits were enrolled via personal ties. Ansar Dine is not alien to local communities, yet it is not a parochial movement either. Iyad Ag Ghaly has recruited specifically from his intra-tribal kinship network, the Iryakans. Iryakans are noble warriors belonging to the Ifoghas confederation. By adding Alghabass Ag Intalla to the group, Iyad Ag Ghaly also gained credibility among the Kel Afella who represent the Ifoghas leadership. This allowed him to recruit from the Ifoghas tribe at large.

In parallel with his tribal connection, Iyad Ag Ghaly mobilized his capital as a follower of the transnational Islamic movement *jama'at tabligh* and also as a former flag bearer of Tuareg nationalism, allowing him to recruit widely among multiple Tuareg and Arab tribes. This produced a political and military coalition of Tuaregs, Arabs, and Fulanis from various parts of the country.

On the legal front, Ansar Dine has relied on a prominent *cadi* from the Kunta tribe, which has occupied this key religious judiciary position for centuries in the Adagh region. The introduction of Ansar Dine in Kidal represents continuity of the traditional legal system. In 2012, the Kunta *cadis* endorsed the decision not to apply corporal punishment. Iyad Ag Ghaly emphasized the need to restore order (*al-nidham wal-'adela*) based on Islam in a moment of crisis. To Iyad Ag Ghaly, past separatist ventures planted the seeds of discord among northern communities, which only Islam can reunite. Ag Ghaly claimed the tribal mindset (*Asabiya qabaliya*)<sup>9</sup> should be abandoned and the spirit of Islam (*asabiya diniya*) should be embraced. Yet the solution to disorder he put forward resembles a centuries-old system that delegates jurisprudential decisions to the specialized clerics of each tribe under the umbrella of Islam.

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<sup>9</sup> The notion of *asabiyya* (group feeling) has been discussed at length by Ibn Khaldun (1997).

Ansar Dine waged war against the state in Mali—a Muslim country (*Dar al islam*), which is a theologically complicated act to justify. In repeated statements by its president, the imam Dicko (confirmed by interview, October 2016), the Bamako-based High Islamic Council rejected the possibility of conducting jihad in Mali (Haut Conseil Islamique du Mali 2012). Yet non-Malian Saharan *fuqaha* (specialists of Islamic jurisprudence) argued that this *fatwa* does not account for northern Mali’s uniqueness and contentious history with the central state authorities. In this legally fuzzy context, Ansar Dine put forward four arguments in favor of its defensive jihad (*jihad al-daf’*): 1) the state oppresses northern populations; 2) the state did not comply with its past commitments stemming from peace deals with rebels (in 1990s and in 2006); 3) the state provoked discord among Muslims (*fitna*); and 4) the state used AQ to undermine the political strength of the northern Malian population.<sup>10</sup>

After the French intervention in January 2013, legal ambiguities over waging war against the Muslim Malian troops vanished and were replaced by the endorsement by thirty Ulema in the Western Sahara of defensive jihad (*jihad al-daf’*) against the foreign aggression of non-Muslim troops in Islamic land.<sup>11</sup> There was a consensus that Islamic land needed to be defended, especially since no third-party arbitration existed. As a result, after 2015, offensive jihad was amplified geographically and in intensity.

Ansar Dine’s restraint in the conduct of war is the product of a vertical line of command, even though decisions can be subjected to internal dissent. Unlike the MUJAO, Ansar Dine did not perpetrate suicide attacks, it rejected the kidnappings of Westerners, and it did not conduct attacks

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<sup>10</sup> Iyad Ag Ghaly refers here to the pre-war state of affairs, during which the central authorities entertained murky relations with jihadis to keep a check on Tuareg separatist aspirations.

<sup>11</sup> A consensus emerged among *fuqahas* (Islamic juridical specialists of *fiqh*), to whom defensive jihad is licit against French forces. Tactical considerations nuanced the statement though, as the risk of *fitna* and violence was invoked by some to opt for a negotiated, peaceful solution.

beyond its territory, such as in Azawad or even Kidal. Most of these decisions emanated directly from Iyad Ag Ghaly's strategic choices. However, the later-formed jihadi coalition *Jama'a Nusrat ul-Islam wa al-Muslimin'* (JNIM) under Iyad Ag Ghaly does conduct these activities, raising questions about the endurance of the restraint that was codified while Ansar Dine was still a small, local jihadi group. Thus, a key lesson for the understanding of restraint is that rules may temporarily stabilize but are not permanent and may shift with circumstances.

Ansar Dine was more restrained than other northern Malian groups. It did not wage war against other jihadi movements, such as the MUJAO, despite disagreements over the conduct of war (Table 1). Compared to AQIM or the MUJAO, treating prisoners decently was part of Ansar Dine's commanders' training. In 2012 and 2013, hundreds of soldiers and members of the Malian administration were taken prisoner, but per our interviews none were subjected to torture, abuses, or assassinations. But again, this policy shifted over time, as JNIM eventually endorsed summary execution of wounded soldiers, as shown in its videos. In short, the need to formalize an alliance after the French intervention took its toll on the group's behavioral standards.

From 2015 on, as France adopted stronger tactics, Ansar Dine also increased its aggressiveness. France began to expand its definition of who is a suspect, considering as a legitimate target those involved in the jihadis' logistical supply line. Civilians providing terrorist cells with livelihoods or gasoline became targets as well. This new phase of counter-terrorism coincided with the arrest of civilians or alleged sympathizers of Ansar Dine, some of whom ended up in Bamako's prison. Camps were searched and access to some wells was restricted. This, in return, provoked protests in Kidal and loosened restraints on violence.



## MUJAO in Gao: The Indeterminate Struggle for Restraint by Elites and Civil Society

Gao is a major regional commercial hub and an ethnic mosaic. The numerically dominant group is the Songhai, who claim to be the “sons of the soil” and who indeed are the political descendants of an immense empire, which ruled large chunks of West Africa in the fifteenth and sixteenth centuries. Another important group is the Bellah, emancipated slaves formerly held by nomadic Tuaregs. The Songhai and Bellah also have a recent military history.

Gao was a disputed territory and a disputed political economy long before MUJAO’s occupation of the city in 2012. The city has a long history of communal violence, which reached a climax in the 1990s. In the cycles of Tuareg rebellions which repeatedly hit the city, the Songhai tended to side with the central authorities. As peace deals were struck following each round of rebellion, the Songhai community saw the Tuaregs who took up arms reap the “dividends of peace” and came to resent the political and monetary rewards offered to the perceived “troublemakers.” The Tuaregs were also bitter as the rounds of peace settlements rarely yielded what they were promised. The central authorities astutely played on rivalries among Gao communities to avoid being uniformly rejected (Grémont et al. 2004)

The pre-2012 years formed an explosive context. The collapse of Qadhafi’s regime was a catalyst of the rebellion, since the flow of Libyan arms stockpiles offered massive firepower to separatist forces fiercely opposed to president Amadou Toumani Toure’s criminalized system of governance. Toure erected a “hegemony on a shoestring” (Berry 1992),<sup>12</sup> a system of rule based

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<sup>12</sup> This fragile state hegemony was paradoxically based on a network of non-state actors, locally influential in the economy and the security sector and loyal to Bamako’s authorities.

on a web of irregular, ethnic-based military actors used as counterinsurgent forces against the cyclical militancy of Tuareg activists.

The two main figures of this pro-government alliance were Colonel Gamou, an ethnic Tuareg from a loyalist tribe, and Colonel Ould Meydou, an Arab from the Bourem region. These two military leaders ran *de facto* militias, heavily involved in cross-border trafficking and connected to entrepreneurial “big men,” notably from the Arab (Lemhar) community. These figures became the intermediaries between officials and jihadis in multiple highly profitable operations to release western hostages. Ibrahim Ag Bahanga, the man who created the MNLA, had started to undermine the commerce of Arab traders and was the reason why Amadou Toumani Toure entrusted Gamou and Ould Meydou with control of the North. The rise of the MNLA represented a direct threat to Arab traders and, eventually, to Gao’s established economic elites.

The separatist rebellion triggered by the Tuareg threatened the Arabs’ commercial interests as well as the Songhai’s historical position of political dominance. None of these groups were consulted by the separatists before the rebellion kicked off. Worse, as soon as the rebels entered Gao, they began committing exactions against the population, as documented by a damning Human Rights Watch report published soon after the rebellion commenced (Human Rights Watch 2012). The MUJAO was then literally invited by Gao’s commercial elites to secure their businesses and protect the population. But for three months after March 31, 2012, MUJAO and the separatists occupied different parts of the city.

To comprehend Islamist norm-making in Gao, two periods must be distinguished: April to June 2012, the period of competition for hegemony between the MUJAO and the MNLA, and June 2012 to Jan 2013, the period of exclusive rule by the MUJAO. During the period of shared rule, both parties sought exclusive domination, with both sides attempting to take possession of the

population, “like a football” (interview with MNLA leader, June 2012). The situation provoked a “state of exception” during which armed groups alternately cajoled, intimidated, or victimized populations.

The MNLA combatants were appallingly undisciplined. They looted and allegedly raped on a large scale (HRW 2012). MNLA leaders’ promises of order and pledges to obtain support from multiple NGOs did not convince the population, which massively rejected them. The situation severely deteriorated after MNLA combatants killed Idrissa Omorou, a prominent member of a teachers’ union. The killing triggered a massive uprising among the youths, leading to violent repression by the MNLA and a violent response from the MUJAO. From April to June 2012, the MUJAO cuddled the population and allegedly distributed money to youth leaders among the Songhai community to foster an anti-MNLA sentiment. Restraint towards civilians accompanied the legitimization of violence against the MNLA, whose combatants, including prisoners, were summarily executed. The MUJAO framed the episode as a police operation, dismissing the political essence of the MNLA and equating them with a band of criminals.

Then began the second phase of MUJAO’s rule, one of total control, lasting from July 2012 to January 2013, when the French intervened. Ould Idriss, Ali Badi Maïga, and Mohamed Ould Mataly, among other wealthy notables from Gao, formed the *Conseil de Concertation des Sages* with the alleged goal of communicating the population’s needs to armed groups occupying the city. In practice, these elites had invited the MUJAO to protect the city’s commercial interests in what could be seen as a counter-revolutionary move against the separatists. Ould Mataly, although officially second-in-charge of the Conseil, was its true leader. He is directly related to Ahmed Tilemsi, the military commander of the MUJAO in Gao, and Cherif Ould Taher, allegedly a trafficking magnate and main financier of the MUJAO. All three belong to the Arab Lemhar tribe.

Gao's rule in 2012 was thus the product of a deep symbiosis between business elites and jihadi militants.

In late May 2012, an operation was launched whose aim was to destroy household TV sets. Led by student activists, the young Songhaï revolted. Abdul Hakim, one of the MUJAO leaders, eventually met with them. He feigned surprise and declared he was not aware of the operation. He blamed the chief of Islamic police for acting unilaterally, calmed the young activists down, promised to refund the destroyed TV sets, and eventually ended the encounter by encouraging the young protesters to turn their rage against the MNLA.

Once order had been restored and the MNLA was out of the picture, the MUJAO grew increasingly autonomous and its rule over civilians increasingly unchecked. In March 2013, Alwata ben Badi ben Hamadi, son of the last sheikh of the Kunta confederation, was kidnapped by MUJAO combatants allegedly led by Ahmed Tilemsi, their military commander and member of the Arab Lemhar tribe, which was at war with the Kuntas years before. Hamadi was held captive for ten days during which he was tortured. He later died of his wounds. Alwata was possibly killed because of the connections he had established with counter-terrorist forces, yet one cannot exclude parochial considerations rooted in the Kunta/Lemhar rivalry.

The MUJAO appointed some of its members as judges. The enforcement of their decisions was placed in the hands of Aliou Mahamar Toure, a local former skin trader. Toure owed his position to his zeal and not to a systematic delegation of power to locals by jihadis. Hence, there arose a persistent feeling among Gao's young Songhaï activists that the rule imposed on them was alien—a sentiment possibly not shared among the Arabs of Gao (interview with Yoro Ould Daha, November 2016). The local imams and the young "sons of the soil" lost the central position they had held when the occupation of the city was shared with the MNLA, and when the MUJAO needed

their sympathy to drive the separatists out. Their discontent was dealt with in a heavy-handed fashion. It culminated in the beating of Malick, a radio broadcaster who aired critiques against the amputation of thieves' hands. Malick was arrested and brutalized by the chief of Islamic police.

According to the inhabitants who stayed in Gao during the occupation, the MUJAO's sharia law consisted of a series of basic "dos and don'ts" transforming multiple aspects of daily life. Prohibited behaviours would result in corporal punishments, whose enforcement would lead to diverging reactions in the population, notably among the local youths. *Les Patrouilleurs*, or *Nous pas bouger* (loosely, "Patrollers", and "Those Who Don't Budge") are neighborhood-based unarmed vigilante groups, initially formed against MNLA's exactions. They are comprised of "sons of the soil" and led by civil society activists (many of whom are union leaders in the education sector). Although they deny it and see themselves as "resisters" they quite naturally became allies of the MUJAO in the fight against the MNLA. The MUJAO allowed them to conduct neighborhood watches and patrol the streets at night and may have even put some on their payroll. But relations turned sour after the MNLA's defeat. These groups' leaders, interviewed October 2016, claim that the jihadis feared their capacity to mobilize. On the contrary, Ould Mataly, the Arab unofficial "mayor" of Gao during the occupation, brags he could obtain anything he wanted from them (interview, Bamako, October 2016). The fact is, these groups never seriously envisaged open resistance (or they only did so at late stages of the occupation), yet they had a powerful capacity to mobilize the youth and only a tiny fraction of their members heartfully endorsed the Islam of their occupier.

Vocal imams were close allies to the youths and united against the "wrong" application of the Sharia. Whether they were heard or not depended on circumstances, though the jihadis never attempted to silence them. The imams could preach and be heard on the radio. We hypothesize

that, due to their influence to mobilize the youth, it would have been damaging for the jihadi order to provoke or repress them.

The presence of humanitarian organisations, and the assistance they delivered, were a key factor for the standing of the armed groups with the populations. Since the humanitarian landscape was relatively competitive, armed groups, who were the *de facto* rulers, could easily impose their conditions. Eventually, however, all humanitarian organizations (International Committee of the Red Cross [ICRC], *Médecins sans frontières* [MSF]) obtained security guarantees during the occupation of northern Mali in 2012. For example, cars stolen by these groups were returned to humanitarian NGOs. This does not mean, however, that relations between jihadis and humanitarians were smooth. Episodes of tension abounded, notably when the jihadis amputated thieves' limbs and asked for medical assistance in the process. The ICRC and MSF both condemned the decision and used various channels to pressure the jihadis while offering to help the amputees.

### **Conclusion: The Conditions for Restraint**

In Mali, it is difficult to pinpoint individual factors that generated restraint by armed groups. However, the purportedly rigid norms enforced by the jihadis were in fact contestable and plastic. Practically, various forces combined to make occupying armed groups think twice about employing force. Kidal's jihadi leader, originating from the local noble tribal lineages, deliberately tapped a local reservoir of jurisprudential resources to minimize violence against civilians. However, there are also examples of failed efforts to curb violence. Gao's situation under jihadi occupation was messier, with restraint emerging only occasionally when jihadis, of distinct sociological background from the great majority of the population, needed the population's support

against competitors (Wood 2013) or feared a dramatic destabilization of their political order through social contestation. Once an armed group has absolute control, however, they are less responsive to community needs, even where civil society is dynamic.

Success in negotiations with armed groups is also affected by the profile of the interlocutor. For example, Malian humanitarian staff can draw upon their standing within their society or close ties to specific communities for increased influence. Similarly, a nuanced understanding of the local political, social and cultural dynamics is essential for identifying key leverage points in the negotiations. Of particular importance in Mali was an understanding of Islamic jurisprudence and each jihadi group's unique ideology, since some groups' doctrines feature mechanisms for regulating the use of force. In sum, even among jihadi groups presumed to be violent and unrestrained by outside observers, legal strictures, norms, and social mobilizations can rein them in.

## References

- Al-Māmī ben al-Bukhārī al-Bariki, Muḥammad. 2014. *Kitāb al-bādiya wa nuṣūṣ ukhrā*. Rabat: Publications du Centre des études sahariennes.
- Berry, Sarah. 1992. "Hegemony on a Shoestring: Indirect Rule and Access to Agricultural Land." *Africa* 62 (3): 327–55. <https://doi.org/10.2307/1159747>
- Craven-Matthews, Catriona and Pierre Englebert. 2018. "A Potemkin state in the Sahel? The empirical and the fictional in Malian state reconstruction." *African Security* 11 (1): 1-31. <https://doi.org/10.1080/19392206.2017.1419634>
- Bouhleb, Ferdaous. 2020. "(Ne pas) dialoguer avec les groupes jihadistes au Mali?" [How (not to) dialogue with the jihadists in Mali]. Berlin: Berghof Foundation.
- Desgrais, Nicolas., Yvan Guichaoua and Andrew Lebovich. 2018. "Unity is the exception. Alliance formation and de-formation among armed actors in Northern Mali". *Small Wars and Insurgencies* 29 (4): 654-679. <https://doi.org/10.1080/09592318.2018.1488403>

Guichaoua, Yvan. 2016. "Mali-Niger: Une frontière entre conflits communautaires, rébellion et jihad" [Communal Violence, Rebellion and Jihad at the Mali-Niger Border]. *Le Monde*, 20 June 2016. Accessed 20 January 2021. [https://www.lemonde.fr/afrique/article/2016/06/20/mali-niger-une-frontiere-entre-conflits-communautaires-rebellion-et-djihad\\_4954085\\_3212.html](https://www.lemonde.fr/afrique/article/2016/06/20/mali-niger-une-frontiere-entre-conflits-communautaires-rebellion-et-djihad_4954085_3212.html)

Elma'aly. Abou. 2014. *Al-Qaida wa houla faouha fi Azawad*. Doha: Aljazeera Center of Studies.

Grémont, Charles, André Marty, Rhissa ag Mossa, and Younoussa Hamara Touré. *Les Liens sociaux au Nord-Mali* [Social Bonds in Northern Mali]. Paris: Karthala.

Guidère, Mathieu. 2014. "The Timbuktu Letters: New Insights about AQIM." *Res Militaris* 4(1).

Green, Amelia Hoover. 2018. *The Commander's Dilemma: Violence and Restraint in Wartime*. Ithaca, NY: Cornell University Press.

Haut Conseil Islamique du Mali. 2012. "Prise des armes pour l'application de la charia à notre époque. Condensé de la recherche et des recommandations." [Taking up arms to enforce the Sharia Law today. Research and Recommendations] Bamako: HCIM.

Human Rights Watch. 2012. "Mali: War Crimes by Northern Rebels." Accessed 2 December 2020. <https://www.hrw.org/news/2012/04/30/mali-war-crimes-northern-rebels>

Ibn Khaldoun. 1997. *Al-Muqaddima*. Paris: Sinbad.

Krause, Jana. 2018. *Resilient Communities Non-Violence and Civilian Agency in Communal War*. Cambridge: Cambridge University Press.

Pellerin, Mathieu. 2017. *Les trajectoires de la radicalisation religieuse au Sahel* [Trajectories of religious radicalization in the Sahel]. OCP-IFRI

Shah, Niaz A. 2013. "The Use of Force under Islamic Law." *The European Journal of International Law* 24(1): 343-65. <https://doi.org/10.1093/ejil/cht013>

Stanton, Jessica A. 2016. *Violence and Restraint in Civil War: Civilian Targeting in the Shadow of International Law*. Reprint edition. New York: Cambridge University Press.

Staniland, Paul. 2014. *Networks of Rebellion. Explaining Insurgent Cohesion and Collapse*. Ithaca: Cornell University Press.

Wood, Elisabeth. 2009. "Armed Groups and Sexual Violence: When is Wartime Rape Rare?" *Politics and Society* 37 (1): 131-161. <https://doi.org/10.1177%2F0032329208329755>

Wood, Reed. 2013. "Opportunities to kill or incentives for restraint? Rebel capabilities, the origins of support, and civilian victimization in civil war" *Conflict Management and Peace Science* 31 (5): 461-480. <https://doi.org/10.1177%2F0738894213510122>



**Table 1**  
**Forms of Violence Perpetrated by Jihadi Groups in Northern Mali**

	Ançar eddine	MUJAO
<b>Wartime violence</b>		
<b>War against Muslims</b>		
- Malian Forces (justification: oppression)	Yes	Yes
- Other armed groups (justification: declared secularism of enemies)	No	Yes
<b>Attacks on military posts</b>	Yes	Yes
<b>Ambushes against Malian / foreign troops</b>	Yes	Yes
<b>Improvised Explosive Devices</b>	Yes	Yes
<b>Torture or killing of civilians</b>	No	Yes (case of an old Kunta leader <sup>13</sup> )
<b>Rape, forced marriage (women as spoils of war)</b>	No	Yes (forced marriage)
<b>Torture and killing of prisoners of war</b>	No	Yes (members of MNLA)
<b>Hostage taking</b>	No	Yes
<b>Suicide bombing</b>	No	Yes (only after French intervention)
<b>Violence against humanitarian actors</b>	No	No
<b>Use of force in civilian affairs</b>		
<b>Amputation for theft</b>	No	Yes
<b>Stoning (adultery)</b>	No (one exception: case of a couple in Aguelhok)	No
<b>Corporal punishment</b>	No	Yes
<b>Imprisonment</b>	Yes	Yes

<sup>13</sup> In March 2013, Alwata ben Badi ben Hamadi, son of the last sheikh of the Kunta confederation, was kidnapped by MUJAO combatants allegedly led by Ahmed Tilemsi, their military commander, and member of the Arab Lemhar tribe, at war with the Kuntas years before. Hamadi was held captive for ten days during which he was tortured. He later died of his wounds. Alwata was possibly killed because of the connections he had established with counter-terrorist forces yet one cannot exclude parochial considerations rooted in the Kunta/ Lemhar rivalry.

**Figure 1**  
**Arenas of norm production and discussion in Kidal and Gao**

