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Article

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Confronting Rifles with Words: The High Islamic Council of Mali and Non-State Armed Groups

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Abstract

Since the 2012 Tuareg rebellion and the takeover of large areas in the north of Mali by Islamic fundamentalist groups, Muslim religious leaders in the country have spearheaded important negotiation initiatives under the auspices of the High Islamic Council of Mali (HCIM). On more than one occasion, these initiatives have led to the liberation of detainees or the possibility of humanitarian convoys reaching communities caught in the midst of the armed conflict. Why were these initiatives successful (or unsuccessful)? How did religious leaders convince non-state armed groups to adopt conduct that complies with basic humanitarian norms? Drawing on desk-based and fieldwork research conducted as part of the Generating Respect Project, this article seeks to answer these questions and to identify the endogenous and contextual factors that contributed to the successes of the HCIM and its negotiators.

Practitioner points

- Religious leaders—in particular the High Islamic Council of Mali (HCIM)—can be valuable allies in humanitarian negotiations with non-state armed groups in Mali.
- When involving the HCIM in humanitarian negotiations with non-state armed groups in Mali, personal mandates can be as important as institutional mandates.
- The decision to mandate the HCIM or individual religious leaders to conduct humanitarian negotiations with non-state armed groups should be guided by a careful considerations of the potential influencing factors at play.

Keywords: international humanitarian law compliance; Malian armed conflict; negotiations; religious actors

1. Introduction

On 19 October 2021, the Malian Minister of Religious, Cult and Customary Affairs entrusted the *Haut Conseil Islamique du Mali* (the High Islamic Council of Mali, HCIM) with forming a delegation to negotiate with Iyad Ag Ghali, the leader of the *Groupe de soutien à l'islam et aux musulmans* (GSIM), a Salafist so-called 'jihadist'[1] non-state armed group

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1 Note that the use of the term 'jihad' to refer to the actions of terrorist groups has been rejected by the Union of African Muslim Scholars in their Declaration No. 24 of 28 November 2019 (available on Facebook at https://www.facebook.com/uniondesulemas/photos/453259112041120 (referenced 29 November 2021), because it

(NSAG) present in the north of Mali. A few days later, however, the Malian Government retracted the Minister's announcement, presumably in response to concerns that the move could upset the French Government, who had a significant military presence in the country (Prentice and Diallo 2021). Yet, this was not the first time that the HCIM had been entrusted with, and indeed carried out, such a task. Earlier that year, in April, the HCIM had overseen the signing of the Niono ceasefire between the jihadists and the *Dozo* (hunters), a local self-defence militia.[2]

The involvement of the HCIM in the negotiations with armed groups referred to as 'jihadist' in the north of Mali provides an emblematic example of the influential role that these societal actors embedded in the local geography may exert on NSAGs. Faced with the practical problem of how to generate respect for humanitarian norms in particular among NSAGs (Bongard and Somer 2011; Bellal and Casey-Maslen 2011; Ryngaert and Van de Meulebroucke 2012; Jo 2016), humanitarian scholars have been observing this reality—not only in Mali—with increasing interest (Cismas and Heffes 2020).

The literature on compliance per se and how to best strengthen it is vast. Some studies examine how existing international humanitarian law (IHL) mechanisms can contribute to better compliance (for example Heinsch 2018: 79–97; Pellandini 2014: 1043–1048). Other studies highlight the importance of involving NSAGs in the design of IHL compliance mechanisms (for example Sassoli 2010: 5–51; Ryngaert and Van de Meulebroucke 2012: 443–472). Yet other studies explore alternative tools to promote IHL compliance (for example Ratner 2011: 459–506; Muñoz-Rojas and Fresard 2004). Research into the role of religious actors in IHL norm-compliance generation sits within this latter strand of literature, which seeks to understand, among other things, how to involve societal actors, whether individuals or institutions, in debates around compliance. Among societal actors, religious leaders, or more generally religious actors, are increasingly attracting the attention of both scholars and humanitarian practitioners because 'they have the potential to influence the behaviour of those who follow them and share their beliefs' (UN Office on Genocide 2017: 1).[3] But what factors contribute to defining the influence of religious leaders on NSAGs?

This article seeks to answer this question by analysing the practice of the HCIM since the 2012 crisis in the north of Mali. The mediation of the HCIM (on occasions other than the 2021 initiative), and the subsequent actions that NSAGs have taken, relate in the main to two sets of humanitarian principles: the customary rule of IHL concerned with access to humanitarian relief by civilians in need,[4] and the protection of detainees in non-international armed conflicts.[5]

The article sets off by outlining the conceptual and theoretical framework that informs this study drawing on the Generating Respect Project (GRP), as part of which the data collection and analysis took place. It then briefly describes the methodology used to gather and analyse primary and secondary data. The article then briefly sketches the relationship between religion, in particular Islam, and the state in Mali. This sets the stage for a cursory exploration of the increasing prominence of religious actors within the Malian armed conflicts that broke out in 2012. The article then defines the HCIM in terms of aims and leadership, and it further describes specific key events that illustrate how the HCIM or its members intervened in negotiations with NSAGs. This is followed by an in-depth

constitutes an abuse of the concept of *jihad* in Islamic jurisprudence; interview with Malian academic, Mali, 11 August 2021.

2 The *Dozo* are traditional hunters that inhabit several areas of West Africa, in particular across Cote d'Ivoire, Mali, and Burkina Faso. They became prominent political actors during the Ivorian Civil War (Wandji 2001).

3 Indeed, the very existence of this special issue is evidence for the increased interest in the role played by religious leaders in norms-compliance. See also the ICRC report The Roots of Restraint in War (Terry and McQuinn 2018), and the ICRC blog *Religion and Humanitarian Principles* (ICRC 2021).

4 Rule 55, IHL Database, Customary IHL.

5 Common Article 3 to the Geneva Conventions and Customary IHL.

exploration of the factors that may explain influence or absence thereof. The article first considers whether and how religious leaders framed their arguments in IHL, religious, or other terms (factor (v) in Section 2 below). How arguments are framed may have an impact on the way they are perceived and received by NSAGs. The article then considers other relational factors—unrelated to framing—that may contribute to explaining why religious leaders succeeded or failed to influence the behaviour of NSAGs.

2. Theoretical and conceptual framework

A vast interdisciplinary literature spanning from conflict to development studies has long reflected on the role of religious leaders—and more generally religious actors—within these fields of study and practice (for example Clarke and Jennings 2008; Haynes 2009; Vinjamuri and Boesnecker 2008). At the same time, practitioners have increasingly been engaging religious actors on a variety of issues including, for example, the facilitation of development assistance (UN Development Programme 2014) or humanitarian aid (Gingerich et al. 2017). There is an increasing body of evidence suggesting that similar interventions are—and perhaps more significantly should be—probed in relation to compliance generation with IHL (UN Office on Genocide 2017; Cismas and Heffes 2020; Rush et al. 2020; ICRC 2021). The GRP—as part of which the data collection underpinning this article was conducted—builds precisely on this increasing body of evidence which understands religious leaders as 'interpretive agents' (The Generating Respect Project 2021; see also Cingranelli and Kalmick 2019: 730).

The GRP framework offers some distinct conceptual advantages that allow for an analysis which adapts to different national, regional, and even local contexts. First of all, the definition of religious leader espoused by the project is intentionally broad and thus captures diverse forms of religious leadership. In particular, GRP religious leaders are defined as actors that (i) are formally or informally affiliated with religion, spirituality, or belief; (ii) can claim a special legitimacy to interpret religion; (iii) exercise leadership either individually or collectively; (iv) operate either as state or non-state actors; (v) can either be institutionally external to armed actors or part of their political or military structures (Cismas et al. 2023: 14). Against these criteria, the HCIM can thus be seen as an institutional religious leader itself or as the sum of its members who are themselves religious leaders and who can therefore act as such independently from the HCIM. For this reason, the article cannot do away with considering both institutional and individual factors that contribute to determining the influence of the HCIM or its members on the respect of humanitarian norms by NSAGs in the north of Mali.

Second, in contrast to commonly accepted legal definitions of compliance (for example Bothe 2010), the GRP understands it as a non-binary concept, that is as a spectrum whereby conformity to IHL can be measured on a spectrum the extremes of which—that is full compliance or full non-compliance—are rarely—if ever—found (Cismas et al. 2023: 10). In other words, the assumption behind this understanding of compliance is that '[p]arties to an armed conflict neither respect, nor violate the entirety of IHL and [international human rights law] norms at all times' (Cismas et al. 2023: 10; Cismas and Heffes 2020: 128–31). Furthermore, the GRP understands behavioural variations across the spectrum of compliance as socially constructed, that is they occur as a result of social processes, as well as ideational and material factors (Cismas et al. 2023: 10). Influence is thus defined by a cumulative reading of processes and factors and it is very much a matter of empirical investigation (Cismas et al. 2023: 18–43).

Seen through these lenses, influence can only be understood as an eminently relational process, whereby the existing relationship between religious leaders and armed actors is arguably the foremost determinant of the impact that the former may have on the behaviour of the latter (Cismas et al. 2023: 21). The focus of this article is thus on testing and

formulating new context-specific hypotheses as to the factors shaping the influence of the HCIM and its members on NSAGs' behaviour. It does so by centring the voices of those who are directly involved in these processes, including religious leaders and NSAGs.

As a starting point, the article takes the endogenous and contextual factors that contribute to shaping religious leaders' influence on NSAGs identified by the GRP (Cismas et al. 2023: 22–43). Endogenous factors include:

(i) commonality of values, objectives, and ideology between religious leaders and armed actors, also referred to as affinity, which may increase the former's ability to influence the latter's behaviour;
(ii) commonality of ethnic, cultural, and social background between religious leaders and armed actors, which may amplify the resonance of a religious leader's message among members of the armed group by dint of their ties;
(iii) position—institutionally external or internal—of religious leaders in relation to armed actors, which may establish a more vertical or hierarchical relationship between the religious leader and the member of the NSAG, ultimately turning the question of influence into one of authority;
(iv) existing—institutional or horizontal—communication channels between religious leaders and armed actors, which may facilitate a religious leader's access to the NSAG;
(v) religious leaders' interaction with humanitarian norms, which may determine whether and how the latter are 'received'—or conversely rejected—by the religious leaders' interlocutor armed groups.

Contextual factors include:

(vi) how religious leaders and armed actors are perceived and perceive each other, that is, for example, if the religious leader is perceived as neutral and impartial or partisan by the NSAG;
(vii) conflict dynamics, which may determine, for example, that a NSAG is more or less willing to listen to a religious leader;
(viii) involvement of, and relation with, third parties, which may affect how religious leaders and NSAGs perceive each other, as well as reinforce or weaken efforts at instigating increased compliance.

This article seeks to map the findings of research conducted in Mali on to some of the above factors, while at the same time identifying additional factors that were not considered by the GRP.

3. A note on research methods

The article draws on different methods of data collection and analysis. Data have been retrieved from secondary literature, official statements, social media, news reports and semi-structured expert interviews with 24 research participants, including Muslim and Christian religious leaders and scholars, government officials, spokesperson of NSAGs, and humanitarian practitioners conducted in Mali between July and August 2021. Table 1 provides a summary of the number of research participants per category.

Given the risks they may incur due to their participation in this research and the sensitive nature of the information they shared, all research participants were offered anonymity, unless they expressly waived it. Hence, throughout this article, research participants are generically identified. No other direct or indirect identifier is mentioned. Research participants who expressly waived anonymity are identified according to their wishes as recorded in their consent to participate in the research.

Table 1. Research participants by category

Category of research participant	Number of research participants
Muslim religious leaders	14
Christian religious leaders	3
Government officials/representatives	2
Personnel of humanitarian organizations	1
NSAG representatives	2
Other	2

The article does not seek to establish causal relations between variables (for example, whether the good offices of the HCIM *caused* compliance with humanitarian norms). Much rather, by identifying recurring themes in the data gathered, it seeks to establish the existence of correlations between possible factors of influence and observed changes in the behaviour of armed actors or, conversely, between factors that might preclude influence and the absence of such behavioural changes.

Section 6 briefly surveys five instances when the HCIM took action that could be framed as an attempt to influence NSAGs' compliance with IHL. The article focuses on these episodes either because they relate to one of the two humanitarian norms outlined above, that is the facilitation of access of humanitarian relief and the protection of detainees, or because they were flagged as particularly significant for the research by multiple research participants. Such is the case, for example, of the *fatwa* issued by the HCIM in 2012, which did not specifically address either of the above two norms.

Empirical data were analysed using thematic analysis (Riger and Sigurvinsdottir 2016; Braun and Clark 2006). After an initial in-depth familiarization with the data at the transcription stage, the data was manually coded and recurring themes identified that could be mapped onto the theoretical and conceptual framework adopted by the GRP. However, other themes emerged anew from the data. The themes identified through the primary data analysis were triangulated with publicly available secondary data and alternative explanations for the observed behavioural changes or lack thereof were considered.

It is worth noting a couple of limitations to this study. First, the data collected refer to a very specific time period, which spans from the 2012 uprising in the north of Mali to 2021. Second, the number of research participants in the study is limited; however, the participants' expertise, coupled with the emphasis that this article places on their lived experience, mitigates the limited size of the sample. The findings of this research must be read against these considerations and cannot be generalized.

4. Islam in Mali

With the aim of contextualizing the ensuing examination, it is useful at this stage to broadly describe the relationship between Islam and the state in Mali, as well as its place within society. Traditionally, the entire Sahel region, and Mali in particular, can be described as religiously pluralistic. In Mali, the Muslim majority has co-existed for centuries with Christian (mainly Catholic, Protestant and Pentecostal) communities as well as Sub-Saharan African animist communities (Lado et al. 2020: 11–13). In spite of the fact that Muslims constitute over 90 per cent of the entire Malian population, the Constitution of Mali embraces the principle of secularism (*laïcité*).[6] Nonetheless, this formal separation between Islam and the state contrasts with the ostensible attempt of almost all Malian postcolonial rulers to date to actively present themselves as Muslim and the proliferation of state-funded Islamic associations (Soares 2004: 82).

6 Article 25 of the Constitution of the Malian Republic.

Different Islamic schools coexist in Mali and, while European observers tend to define them in terms of the dichotomy Sufism/Wahabism, which sometimes is associated with 'good'/'bad' Muslims, the landscape is much more complex and cannot be so easily clustered (Lebovich 2019). However, broadly speaking and at the cost of simplifying the complexities of Islam in the country, we can identify two main currents of Sunni Islam. On the one hand, a reformist Sunni school (Lado et al. 2020: 12; Schulz 2012: 30–32); on the other hand, a more popular and historically and geographically rooted Sunni Islam, which can be broadly characterized as predominantly Sufi (Brahma 2021; Schultz 2012: 27–30). During the French colonial time, Sufi actors were officially marginalized from non-religious affairs; however, Muslim specialists retained influence on matters such as family law, and commercial conducts, but also, in some limited cases, politics (Soares 2004: 83–84). The spread of a reformist Islam during the French administration, spearheaded by Muslim figures who had returned from Egypt and Saudi Arabia, challenged the legitimacy of the existing Muslim authorities in the country (Schultz 2012: 31). Reformists sought to promote a more empowered and socially active Muslim citizen, while unsettling certain locally rooted paradigms, such as the role of Muslim Sufi specialists (Schultz 2012: 31). Despite the marginalization of most Muslim religious authorities from political affairs during the French colonial administration, it was not until the run up to independence, in the 1950s, that Muslims began to occupy important positions in politics, as well as the economy (Thurston 2013: 48). Following independence, after an initial period of 'invisibilization' pursued by the regime of Modibo Keïta, Islam begun to assume a progressively prominent role in society and politics (Thurston 2013: 49; Schultz 2012: 31; Soares 2004: 84ff.). Both prominent Sufi figures, such as Chérif Ousmane Madani Haidara, and reformists, such as Imam Mahmoud Dicko, have been politically active (Thurston 2013; Bøås and Cissé 2022). In particular, the HCIM has provided a platform both for Muslim leaders to reinforce their political statements and for contestations between opposing views on political matters (Thurston 2013: 51).

5. The expanding role of religious actors in the Malian conflicts

Since 2012, Mali has been the theatre of multiple non-international armed conflicts and has seen the rise of several NSAGs (Assaleh n.d.). With the appearance of self-proclaimed jihadist Salafist groups in the north of the country, these conflicts have increasingly assumed a religious connotation. For example, the Islamist Tuareg group *Ansar al Din*, formed in 2011, demanded the application of *sharia* law across Mali (Stanford Center for International Security and Cooperation 2018). Extremist groups were able to recruit among local populations dissatisfied with the ineffectiveness of the central government and the consequent security implications generated by increasing inter- and intra-communitarian conflicts (Aime and De Georgio 2021; Lado et al. 2020: 18–21; Lyammouri and Schmauder 2021: 7–10).

Against this background, the role of religious—in particular Muslim—actors in Mali has expanded, attracting the attention of domestic and international leaders and policymakers (Lebovich 2019; Lyammouri and Schmauder 2021).[7] Influential imams such as Mahmoud Dicko and others who tend to work more 'behind the scenes' were able to establish channels of communication with NSAGs (Lebovich 2019; Thurston 2013: 59). Other imams, such as Chérif Ousmane Madani Haidara, have opposed such negotiations, although their position seems to have changed in more recent times (Lebovich 2019).[8] Another influential religious actor, this time an institutional one, has been the HCIM (Thurston 2013: 59).

7 'Mahmoud Dicko: «L'ambassadeur de France au Mali a fait pression sur le premier ministre Abdoulaye Idrissa quand je commençais la mission de bonne office»' (11 February 2019) (*bamad.net* http://bamada.net/mahamoud-dicko-lambassadeur-de-france-au-mali-a-fait-pression-sur-le-premier-ministre-abdoulaye-idrissa-quand-je-commencais-la-mission-de-bonne-office (referenced 30 November 2021).

8 Interview with Imam Chérif Ousmane Madani Haidara, Mali, 5 August 2021.

Within the conceptual framework outlined in Section 2 of this article, the relationship between the HCIM as an institutional religious leader and its individual members is particularly important in understanding influence. Institutional and individual actors may be perceived differently by NSAGs. An individual imam, for example, may be perceived by a NSAG as more sympathetic to their cause than the institution to which he belongs. Understanding these dynamics has significant practical implications for both governments and humanitarian and human rights organizations who want to forge alliances with religious leaders. In keeping with the main research question, this article seeks to establish what institutional and individual factors may have facilitated or hindered actions taken by NSAGs following negotiations conducted by the HCIM. Relatedly, this article seeks to answer whether and how the actions of HCIM delegations or of its individual members reinforced or weakened each other or were reinforced or weakened by external factors.

5. The *Haut Conseil Islamique du Mali*—HCIM: aims and leadership

Established in 2002 and headquartered in the Malian capital, Bamako, the HCIM is an umbrella organization that consists of several Malian Muslim groups. As an organization, it represents all the Muslim communities living in Mali, irrespective of their adherence to any specific Islamic school of thought. The HCIM is not a state institution, nor does it receive state funding.[9] The state considers the HCIM as the main interlocutor on matters concerning the regulation of Muslim religious practices in Mali (Prud'homme 2015: 129–40). The Statute of the HCIM lists three main functions,[10] notably to:

(i) operate to safeguard the values and principles of Islam with a view to its consolidation and development;
(ii) coordinate the activities within the Muslim community and serve as the interlocutor between it and the public authorities;
(iii) contribute to the economic, social, and cultural development of Mali.

Among its specific objectives, the Statute features participation in the defence of fundamental freedoms and human rights, in accordance with the *Qur'an* and the *Sunna*, as well as the prevention and management of intra- and inter-religious conflicts (Statute of the HCIM 2014, Article 7).

Since 2019, Chérif Ousmane Madani Haïdara has been the president of the HCIM. He is well known in Mali and abroad for being the leader of the movement *Ançar Dine* (Holder 2012: 389–425), which should not be confused with the armed group *Ansar al Din*.[11] Before Haidara, Imam Mahmoud Dicko was the president of the HCIM between 2008 and 2019. He is considered one of the key players in the popular rising against former President of the Republic, Ibrahim Boubacar Keita, who was eventually overthrown on 18 August 2020 (Bensimon 2020).

The HCIM is a predominantly male-dominated organization, as most of its elected or appointed members or delegates are men. However, on occasions, female religious leaders have been co-opted by existing members or delegates to join governance or advisory bodies within the HCIM, such as the National Conference of *ulema* (*Conférence Nationale des Ulémas*).[12]

9 According to Article 50(b) of its Statute, however, the HCIM can receive private or public subsidies.
10 Statute of the HCIM, Article 7.
11 On Ansar Dine, see Stanford Centre for International Security and Cooperation. July 2018. Mapping Militant Organizations—'Ansar Dine'. https://cisac.fsi.stanford.edu/mappingmilitants/profiles/ansar-dine (referenced 18 June 2022).
12 Interview with anonymous female preacher, Mali, 2 August 2021.

6. Interventions of the HCIM in the context of the armed conflicts in Mali

Since the 2012 Tuareg rebellion, which saw the National Movement for the Liberation of the Azawad (*Mouvement National pour la Libération de l'Azawad*, MNLA), and Islamist groups, including *Ansar al Din*, Al Qa'ida in the Islamic Maghreb (*Al-Qaïda au Maghreb islamique*, AQMI), and the Movement for Unity and Jihad in West Africa (*Mouvement pour l'unification et le jihad en Afrique de l'Ouest*, MUJAO), take control of the north of Mali, the HCIM has been a key actor in humanitarian and political discussions.

This section will provide an overview of some of the most prominent interventions of the HCIM in the context of the conflicts in Mali. It will highlight instances where the negotiations focused on the release of detainees or to the access to humanitarian assistance or other IHL rules. The overview will also include negotiations that did not as such focus on humanitarian norms-compliance in order to gauge what factors determined or prevented the success of the HCIM in those cases and allow for analogous reasoning.

6.1 HCIM negotiations with the MNLA and Ansar al Din, 2012

In 2012, the HCIM established contact with the MNLA and *Ansar al Din*, in order to negotiate humanitarian access and the liberation of 160 Malian soldiers as well as around 15 civilians, including women and children, who had been captured by the two NSAGs. Imam Mahmoud Dicko, as well as other religious leaders and the Kidal office of the HCIM, played a crucial role in establishing contact with the groups and, in particular, with Iyad Ag Ghaly, then leader of *Ansar al Din* (Boisbouvier 2012; Dudouet 2016: 5).[13]

According to some interviewed research participants, the initiative was neither rejected by the Malian authorities, nor did it benefit from any financial or security state support.[14] Indeed, according to one interviewee, the NSAGs themselves ensured the security of the HCIM mission.[15] The humanitarian shipments that were sent to the north of the country were delivered without problems and, according to one interviewee, 'not even a kilo of the supplies sent was appropriated by the rebels'[16].

Following the liberation of the prisoners, the then-President Dioncounda Traoré organized a ceremony during which the role of the HCIM and the leadership of Imam Dicko were recognized (Sangala 2012). However, no recognition or monetary reward was granted to the negotiators that conducted the field mission.[17]

There are at least three possible explanations for the lack of financial or security support by the Malian authorities. First, had the state financially supported the HCIM mission or its members or provided security, the entire initiative may have been perceived as being orchestrated by the government or, at the very least, as biased.[18] Second, it is likely that the state could not possibly provide security because they lacked territorial control in the areas where the negotiations took place. Third, the Malian authorities may have strategically avoided supporting the HCIM mission while at the same time not rejecting it in order to preserve their relationship with Western allies, in particular France, which has been historically opposed to negotiations with jihadist groups (International Crisis Group 2021: 23).[19]

13 'Mali: Mahmoud Dicko, imam médiateur' (23 August 2012), *Jeune Afrique* https://www.jeuneafrique.com/140316/politique/mali-mahmoud-dicko-imam-m-diateur/ (referenced 18 June 2022); interview with KII011 (12 August 2021); interview with Imam Mahmoud Dicko (7 August 2021).

14 Interview with Imam Mahmoud Dicko, 7 August 2021; Interview with anonymous imam, 12 August 2021.

15 Interview with anonymous imam, 12 August 2021.

16 Three humanitarian convoys were sent to Tombouctou, Gao and Kidal between May and June 2012, delivering provisions, clothes, soap, medicaments and copies of the *Qur'an* (Dialogue national inclusif pour la paix au Mali: Actes du forum des leaders religieux 2012).

17 Interview with anonymous imam, Mali, 12 August 2021.

18 Interview with Imam Mahmoud Dicko, Mali, 7 August 2021.

19 Note, however, that France encouraged negotiations with a splinter group of *Ansar al Din*, the *Mouvement islamique de l'Azawad* (MIA) (International Crisis Group 2021: 23).

6.2 *Fatwa*, 2012

In 2012, the HCIM, through its National Conference of *Ulamas*, issued a *fatwa*, which declared that, according to *sharia* law, the rebellion in the north of Mali could not be considered as *jihad*. The *fatwa* includes several explicit references to principles that are common to both Islamic law and IHL. In particular, the *fatwa* qualifies the actions undertaken by the self-proclaimed jihadist groups (in particular *Ansar al Din*) in the north as corrupt (فساد) because they, *inter alia*, included attacks against civilians (for example theft, rape), caused famine, terrorized the civilian population and displaced peoples. As a result, the HCIM urged *Ansar al Din* and its allies to take full responsibility for the attacks perpetrated on the civilian population.[20]

6.3 The establishment of a 'mission des bons offices' chaired by Imam Mahmoud Dicko, 2017

In 2017, the Malian government, then led by Prime Minister Abdoulaye Idrissa Maïga, established a mission of good offices (*mission des bons offices*) led by Imam Dicko, who was at the time the President of the HCIM. According to Imam Dicko, his mission was two-pronged:

> I had two missions. The first one was to facilitate the return of the State to Kidal after the signing of the peace agreement. That was a success. The second one was to establish a dialogue with the armed men of the Centre. The leaders of Kidal are well-known … but the Centre is more complex, because there is no real leader with whom one could speak (translation by the author).[21]

Dicko's second objective, to establish a dialogue with the Support Group for Islam and Muslims (*Jama'at Nasr al-Islam wal Muslimin*, JNIM), the Al-Qaeda branch in Mali, failed not only because of the difficulties in identifying a reliable interlocutor, but also because the state withdrew its support. In December 2017, Prime Minister Maïga resigned without providing reasons. Later, then-President of the Republic, Ibrahim Boubacar Keïta, stated publicly that despite Maïga's support for the mission of good offices led by Dicko he had never approved it (Tilouineet al. 2018).

The reluctance of the Malian government to negotiate with the NSAGs was at odds with the recommendations of civil society and the openness shown by some of the armed groups to enter into a dialogue with religious leaders. Between March and April 2017, in a Conference of National Understanding (*Conférence d'Entente Nationale)*, hundreds of regional delegates recommended that the government open a channel of communication with the NSAGs (International Crisis Group 2019). In August of the same year, Hamadoun Koufa, leader of the Katiba Macina, one of the groups affiliated with the JNIM, publicly declared:

> Our wish is that you send us the scholars, they are more able to understand what we are looking for. If you send us the ulama [a body of Muslim scholars], they are welcome to come discuss with us. These are Mahmoud Dicko, Mahi Banikane, Cheick Oumar Dia and others so that they can see how we live here, and we will appreciate it together.[22]

6.4 The HCIM-led negotiations with the Dozo and the Katiba Macina to secure a ceasefire in Niono, 2021

In March 2021, the HCIM was mandated by the government to negotiate a ceasefire between the *Dozo* (hunters) and the combatants of the Katiba Macina in the circle of

20 Haut Conseil Islamique du Mali, *Fatwa* (2012) (Arabic version on file with authors).

21 'J'avais deux missions. La première était de faciliter le retour de l'État à Kidal après la signature de l'accord de paix. Cela a été un succès. La deuxième était celle d'instaurer un dialogue avec les hommes armés du Centre. Les leaders de Kidal sont connus … mais le Centre est plus complexe, car il n'y a pas de leader véritable avec lequel parler'(Roger 2018).

22 Roger (2018).

Niono (in the region of Ségou). The intensity of the conflict between the two parties had led to the siege of the locality of Farabougou by Katiba Macina, which the Malian army was unable to lift (Djiguiba 2021).[23]

The intervention of the HCIM led to the signing, in March 2021, of a ceasefire agreement, which later informed a final peace agreement known as the 'Niono Agreement'. Among the requests formulated by the *Dozo* was the possibility to benefit freely from their means of subsistence (for example agriculture) (International Crisis Group 2021; Ba and León Cobo 2021). Nonetheless, the agreement held only for four months before fighting resumed (Baché 2021b).

6.5 The HCIM-led negotiations with the JNIM, 2021

In October 2021, the Malian transitional authorities, through the Ministry of Religious, Cult and Customary Affairs officially entrusted the HCIM to begin negotiations with the JNIM, now led by Iyad Ag Ghaly and Hamadoun Kouffa (Baché 2021c). These negotiations were aimed at finding common ground in view of the signature of a ceasefire, in accordance with the recommendations formulated in the course of the *Conférence d'Entente Nationale* of 2017 and the National Inclusive Dialogue of 2019 (Saanouni 2019).[24] However, only a few days later, the Malian Government issued a statement according to which no one had yet been officially appointed to conduct such negotiations.[25]

7. The HCIM's interaction with humanitarian norms

The actions that *Ansar al Din*, the JNIM and the Katiba Macina took pursuant to the 'good offices' offered by the HCIM in the aforementioned examples can be broadly related to two humanitarian principles: facilitating access to humanitarian relief of populations affected by conflict and the protection of detainees. This section will focus on unpacking the 'good offices' of the HCIM and provide initial reflections on what factors shaped their influence on the compliance with humanitarian norms by NSAGs.

Clearly, religious leaders can be openly supportive of IHL (and IHRL) or indeed encourage violations (see examples discussed in Cismas and Heffes 2020). Yet often a much more complex interaction between religious leaders and humanitarian norms exists. As shown in Section 2, the GRP identifies such interaction as one of the factors that may determine the influence of religious leaders on NSAGs. More specifically, the Project documented six such types of interactions (Cismas et al. 2023: 30–38):

1) direct implementation or facilitation of IHL and/or IHRL, whereby religious leaders act almost as humanitarians, for example by directly negotiating with NSAGs the opening of humanitarian corridors or the recovery of children recruited by the group;
2) vernacularization, localization, and pluralization, whereby religious leaders translate humanitarian norms into a language that is more easily understood by, or resonates more clearly with, NSAGs, for example by using a pastoral language that generates acceptance by groups inspired by religious ideas;
3) strategic avoidance, whereby religious leaders either avoid all together, or selectively use, IHL or IHRL language due to the 'popular rejection' that using such language may prompt;

23 Interview with anonymous imam, Mali, 12 August 2021.

24 République du Mali, 'Actes de la Conférence d'Entente Nationale' (27 March–2 April 2017) https://base.afrique-gouvernance.net/docs/rapport_cen_final.pdf (referenced 18 June 2022).

25 Office of the Prime Minister, 'Communiqué du gouvernement de la République du Mali' (22 October 2021).

4) silence and non-involvement in compliance work, whereby religious leaders intentionally avoid appealing to the normativity of IHL or IHRL due to multiple circumstances or concerns, including, for example in order to avoid being perceived as partisan to one or more parties to a conflict;
5) hybridization or selective application of norms, whereby religious leaders 'translate' bodies of humanitarian norms selectively because of their rejection of part of those rules, for example due to specific views around gender and sexuality;
6) rejection or violation of norms, whereby religious leaders themselves reject the normativity of IHL or IHRL due to their involvement in violations or because they view these normative bodies as colonial or 'Western'.

Let us then review the discourse of the HCIM to understand its position on humanitarian norms when it sought to influence armed actors. By examining the content of the HCIM's 'good offices' it will be possible to explore whether the NSAGs' actions were a direct response to *humanitarian* pleas or merely concessions that the armed groups made in return for other types of incentives.

In relation to the initiatives undertaken by the HCIM between May and June 2012, it should be noted that the *Conseil* itself characterizes them as having a humanitarian purpose, while not necessarily relating to IHL. For example, during the National Inclusive Dialogues for Peace in Mali, promoted by the HCIM in partnership with the Friedrich Ebert Stiftung in November 2012, Mamadou Diamoutani, the then-secretary general of the HCIM, stated that the actions undertaken by the *Conseil* in the north of Mali were humanitarian in nature (Diamoutani 2012: 34–35). However, while the HCIM has certainly sought to proactively facilitate the delivery of humanitarian relief for the civilian population in the territories occupied by jihadist groups, there is no evidence to claim that they used religious arguments—or indeed humanitarian-based arguments—that align with the normative content of humanitarian norms to convince Iyad Ag Ghaly's GSIM to let the convoys reach the population. If anything, it would seem that, at least on a few occasions, what may have convinced the jihadist group to let the convoys through were nationality-based arguments: the population that would ultimately benefit from these actions were as Malian as the members of the GSIM.[26] This would seem to indicate a form of strategic avoidance, whereby the religious leaders involved privileged a form of quiet diplomacy to preserve their ongoing relation with the armed groups for the benefit of the local community (Cismas et al 2023: 35). Alternatively, it could also be interpreted as a form of vernacularization, that is of translation of humanitarian norms into values—nationality-based—that resonate with the armed groups (Cismas et al. 2023: 32).

More space for ambiguity can be found in relation to actions undertaken by the HCIM for the release of detainees. For example, if we consider the actions undertaken by the *Conseil* in April 2012, which led to the liberation of 160 Malian soldiers, it is unclear what led Iyad Ag Ghaly to free the prisoners. The 'good offices' brokered by the HCIM seem to have taken place on the initiative of the HCIM itself, but it is unclear whether the release of the prisoners was the result of a specific message delivered by the HCIM delegation or, more simply, a demonstration of good faith towards the HCIM itself. It is significant that Ag Ghaly expressly refused to hand over the prisoners to the ICRC but requested that the HCIM sent a delegation to receive them (Koné 2012). Moreover, several research participants attributed the release of the prisoners to the efforts of the HCIM, although they did not specify what messages were leveraged during the negotiations.[27] An alternative explanation may be that either the HCIM as an organization or the negotiators involved were seen

26 Interview with Imam Mahmoud Dicko, Mali, 7 August 2021.
27 Interview with Imam Mahmoud Dicko, Mali, 7 August 2021; interview with anonymous imam, Mali, 16 August 2021; interview with anonymous imam, Mali, 12 August 2021.

as legitimate interlocutors by Iyad Ag Ghaly, and that this legitimacy was a determining factor in Ag Ghaly's decision to free the soldiers.[28]

The March 2019 ceasefire between the Katiba Macina and the *Dozo* in the *cercle* of Niono, negotiated by a delegation of the HCIM, resulted in the release of several civilians who had been kept prisoners by the jihadists (Baché 2021a). However, whether this was the result of an appeal by the HCIM to humanitarian or religious principles is more doubtful. It seems more plausible to affirm that the HCIM managed to exact from each party concessions that satisfied previous demands that had been formulated in the course of intercommunitarian dialogues between them (Ba and de León Cobo 2021: 4).

In contrast, the language used in the HCIM's 2012 *fatwa* is explicit. The text unequivocally refers to IHL principles and specific norms, such as the principle of distinction, the prohibition on starvation as a method of warfare, the prohibition on displacing the civilian population, and the prohibition on acts of violence to spread terror among the civilian population. Throughout the text of the *fatwa*, the authors underline the convergence between IHL standards and Islamic law, in particular in defining the content of the conditions that legitimize the *jihad*.

While the *fatwa* issued in 2012 is illustrative of a conscious effort by the HCIM to leverage principles that are common to both Islam and IHL to *condemn* the actions of extremist NSAGs in the north of Mali, there is little evidence to support the claim that negotiations brokered by the HCIM were based on a principled appeal to IHL rules. Religion may have played a role in the mediation, but it is doubtful whether references to specific religious norms, or interpretations thereof, that reflect the normative content of IHL rules were made and, even more so, whether such appeals have had any influence on the behaviour of NSAGs. A more plausible explanation is that the successes of the HCIM depended on the following factors: (a) the legitimacy of the HCIM and/or of its negotiators; (b) the ability of the negotiators to translate humanitarian norms into values understood by the armed groups (vernacularization in Cismas et al. 2023: 32); and (c) the negotiators' ability to avoid appealing to norms or values that would not be understood or shared by the armed groups in order to preserve relations with them (strategic avoidance in Cismas et al. 2023: 35).

8. Why might armed groups (not) listen to the HCIM?

If the reference to specific religious or humanitarian principles does not constitute the main pull factor in the negotiations brokered by the HCIM, what factors may have enabled or hindered their success?

Beyond the substantive appeal to humanitarian or religious principles, many factors may have contributed to the successes registered by the HCIM, as theorised by the GRP (see Section 2 above). This section reflects on the institutional, and sometimes personal, factors of influence that may have contributed to ensuring the success of the negotiations. The analysis also accounts for contextual factors, including for example the trust that NSAGs or local communities may put on the HCIM or specific negotiators (Cismas et al. 2023: 39).

8.1 Independence and legitimacy

A rather obvious factor that is capable of either enhancing or hindering the mandate of a religious organization such as the HCIM is its legitimacy. This has to be understood not in its legalist acceptation, but rather as the perception that the public has of the institution (Johnson et al. 2006). Thus understood, legitimacy clearly relates to the first contextual factor identified by the GRP, that is mutual perceptions of the religious leaders and NSAGs (Cismas et al. 2023: 39). Research participants emphasized that, in order to preserve its legitimacy, the HCIM must remain independent in particular from the Malian government.[29] The former President of the

28 See *infra* at Section 8.1.

29 Interview with Mamadou Djamoutani, Mali, 2 August 2021; interview with anonymous imam, Mali, 16 August 2021; interview with Imam Mahmoud Dicko, Mali, 7 August 2021.

HCIM, Imam Mahmoud Dicko, put this very bluntly when he stated that the *Conseil* had to safeguard its independence from the government in the following terms:

> And when they get the impression that you belong to the State, and that you are its tool and are instrumentalised by the State, this, you have no longer credibility before the populations, especially when the populations suffer many things at the hands of the State or when there is corruption and injustice, when there is nepotism, when there are several things (translation by the author).[30]

Nonetheless, two research participants affiliated with NSAGs argued that religious actors, by implicating themselves in the negotiations between the government and the armed groups, inherently jeopardize their independence and risk implicating religion in an eminently political process.[31] According to one research participant, an intervention by a religious actor such as the HCIM should be clearly limited in scope by narrowly defined terms of reference that anchor the specific intervention to the existing IHL framework.[32]

8.2 Affinity

The discourse used by the former HCIM President, Mahmoud Dicko, leaves some space for ambiguity on his positionality relating to some of the demands advanced by some NSAGs, in particular concerning the relationship between state and religion in Mali. Groups such as *Ansar al din* demand the application of *sharia* in Mali. Dicko himself recognized that he would not explicitly exclude the possibility that a *sharia* state could be established in the future, but that this was not a matter to be discussed in the context of the negotiations he was conducting in Gao with Walid Al-Saharawi, co-founder of MUJAO, in 2012.[33] This ambiguity may have motivated part of the Malian population to oppose the negotiations with jihadist groups. These dialogues, especially if conducted by actors who embrace a political vision of Islam, may have long-term consequences on the secularist principle embraced by Article 25 of the Malian Constitution (*laïcité*) (International Crisis Group 2019: 18). Imam Dicko is known for his vision of a politically engaged Islam and, as President of the HCIM, for example, he opposed a reform of family law (Haidara 2020: 152–53).

Similarly, another research participant stated that

> the refusal to listen to religious leaders depends on what the parties demand, given that many of the things they demand are beyond the competences of the religious leaders involved in the negotiation. For example, there are armed groups that would agree to the termination of the hostilities on condition that the state applied *sharia*, which we cannot guarantee (translation by the author).[34]

The research participant's statement does not exclude their support for the possible application of *sharia* by the Malian state. And, while the participant claims that this ambiguity often motivates the NSAGs' refusal to commit to the terms proposed by religious leaders, it

30 'Et quand ils ont l'impression que tu appartiens à l'Etat, et que tu es leur outil et que tu es instrumentalisé par l'Etat, ça, vous n'avez plus de crédit devant les populations, surtout quand les populations subissent vraiment beaucoup de choses de la part de l'Etat ou quand il y a la corruption et l'injustice, il y a le népotisme, il y a beaucoup de choses' (interview with Imam Mahmoud Dicko, Mali, 7 August 2021).

31 Interview with member of NSAG, Mali, 17 August 2021; interview with member of NSAG, Mali, 13 August 2021.

32 Interview with member of NSAG, Mali, 13 August 2021.

33 Interview with Imam Mahmoud Dicko, Mali, 7 August 2021.

34 'Le refus d'écouter les leaders religieux dépend de ce que les parties revendiquent puis que beaucoup de choses qu'ils revendiquent dépassent les compétences des leaders religieux qui font la négociation. Par exemple il y a des groupes armés qui conditionnent la cessation des hostilités a l'application de la charia, ce que nous ne pouvons pas leur garantir' (interview with anonymous imam, Mali, 10 August 2021).

may also forge or cement the relationship between the religious establishment and the most radical or religiously motivated groups.

The Minister for Religious, Cult and Customary Affairs himself made reference, during an event hosted by the HCIM, to an 'Islamic Republic of Mali'. There is little doubt as to whether this was a slip-up or a conscious statement of opinion, given that it was pronounced in the context of a wider speech with references to the possibility of applying *sharia* law in Mali and that the Minister never formally retracted his statement (Diallo 2021).

By contrast, another *ulema* and member of the HCIM explained that their opposition to the vision of Islam propounded by jihadist groups made it impossible for him to participate in the 2019–20 negotiations in Mopti. He and three other HCIM members had received death threats for having advocated the adoption of the 2012 *fatwa* that declared the groups criminal.[35] This would suggest that a 'name and shame' approach that radically rejects the actions of the NSAGs and places them *outside* the community of believers is likely to hinder the ability of religious leaders to be perceived as acceptable interlocutors.

Affinity considerations, however, should be caveated by a word of caution. A comprehensive and accurate analysis of the reasons why ambiguity around certain ideological issues may have strengthened or hindered negotiations does not fall within the remit of this article. Such an analysis would require a careful exploration of both the ideological underpinnings of the NSAGs that were engaged by the HCIM and its negotiators and the specific positions and discourses in turn adopted by the latter. The GRP's explanation of how shared values, objectives, and ideology may contribute to determine influence confirms the need for such caveat (Cismas et al. 2023: 22–24).

8.3 Institutional support

Several research participants stated that in order for negotiations to yield durable positive outcomes, the state should support and sustain the actions of the HCIM.[36]

The negotiations that led to the March 2021 Niono ceasefire present a case in point. The HCIM dispatched a delegation led by Moufa Haidara and informed the Ministries of Reconciliation, Defence and Territorial Administration of their initiative, requesting security guarantees during the negotiations. Once the ceasefire was successfully negotiated, the Minister of Reconciliation requested the HCIM to step aside and allow the government to take responsibility for delivering humanitarian relief to the population. According to one research participant, the Minister had thereby undermined the authority of the HCIM.[37] Be that as it may, the government failed to secure the agreement brokered by the HCIM and, as a result, violence resumed a few months later. Ba and de León Cobo (2021: 5) collected the following emblematic testimony of a woman leader from the area:

> The state is not able to deal with the armed groups and cannot secure the rural areas. The authorities have taken refuge behind the High Islamic Council to conduct negotiations with the warring groups. The state has remained absent from this accord, which complicates the task. Everyone wants to be represented in the negotiation process, which must be discreet.

After assuming office in 2017, Prime Minister Soumeylou Boubèye Maïga withdrew support to a mission of 'good offices' that imam Dicko had been entrusted with by the previous officeholder, and which sought to open new channels of communication with jihadist groups (Forestier 2019). Jointly with Maïga's declarations that he would 'hunt the enemy

35 Interview with anonymous imam, Mali, 16 August 2021. See also Haut Conseil Islamique, *Fatwa* (2012) (Arabic version on file with authors).

36 Interviews with Imam Mahmoud Dicko, Mali, 7 August 2021; interview with anonymous imam, Mali, 12 August 2021.

37 Interview with anonymous imam, Mali, 16 August 2021.

without concessions', this led rapidly to a deadlock in the dialogue with the jihadists (Thurston 2018: 15–16).

This factor of influence does not fall squarely with any of the factors identified by the GRP. It does however bring together elements of both some endogenous and some contextual factors. For example, the institutional support that the HCIM or its negotiators may or may have not received is likely to have influenced how they were perceived by the NSAGs (legitimacy and independence). But it could also be read as an example of how third parties may impact on the level of influence exerted by the religious leaders. Yet, one may question whether state institutions should be perceived as third parties given that mandates to negotiate are often bestowed upon the HCIM by the government itself.

8.4 Local sensitivity

Interview participants highlighted the importance of understanding local context and mindsets.[38] It is worth quoting Imam Dicko, who, when asked what would make another person fail at negotiating, stated:

> you can know religion without knowing the territory, know which discourse you need to use with which ethnic group or tribe, what can influence a Tuareg does not necessarily correspond to the discourse needed when speaking to an Arab. And what can influence an Arab may not necessarily influence a Peul (translation by the author).[39]

Dicko's reflection is particularly interesting—in essence, an influential religious leader appears to contextualize the importance of the religious message when weighed against a cultural understanding of the particularities of a certain population or group. This sensitivity can be conceptualized both at the national level—that is in relation to notions such as 'laïcité à la malienne' (Diamoutani 2021: 28) as opposed to secularism as understood in the French context for example—and at the sub-national level—that is, in relation to cultural and linguistic features that characterize local populations or groups such as, for example, Tuaregs or Peul.

It is unclear, however, whether, in the Malian context, such sensitivity should be articulated in terms of commonality of ethnic and cultural background as suggested by the GRP (Cismas et al. 2023: 24–26).

8.5 Role of local religious or community leaders

The previous finding should be complemented by the observation that the 'good offices' of the HCIM in the context of the negotiations with jihadist groups in the north of Mali have always been mediated by local religious or community actors. The *Conseil* itself has regional offices led by local *ulema* who have proven key in establishing contacts with the leadership of NSAGs in the area.[40]

Local religious or community actors are often in a better position than the Bamako-based religious establishment to understand the subtleties of the NSAGs operating in their area, including their interpretations of religion. They share a common cultural, societal and religious background with NSAGs that have a strong local presence. They often also have a more in-depth understanding of the structure and leadership of the groups operating at

38 Interview with Mahmoud Dicko, Mali, 7 August 2021; interview with anonymous imam, Mali, 16 August 2021; interview with anonymous imam, Mali, 12 August 2021.

39 'vous pouvez connaitre la religion sans connaitre le territoire, savoir quel est le discours qu'il faut tenir quand vous êtes en face de telle ou telle ethnie ou tribu, ce qui peux influencer un touareg c'est pas forcément le discours qu'il faut pour un arabe. Et ce qui peut influencer un arabe ce n'est pas forcément ce qui peut influencer un peul' (interview with Imam Mahmoud Dicko, Mali, 7 August 2021).

40 Interview with Imam Mahmoud Dicko, Mali, 7 August 2021; interview with anonymous imam, Mali, 30 July 2021; interview with anonymous imam, Mali, 10 August 2021; interview with anonymous imam, Mali, 12 August 2021; interview with anonymous imam, Mali, 16 August 2021.

the local level. A research participant stated that 'The religious leaders who are at the centre—when the armed groups trust them or believe that their understanding of religion may be similar to their own, that can be an advantage …' (translation by the author).[41] Local religious actors are in a better position to 'translate' or 'localize' messages or pleas that emanate from leaders based in the capital (Cismas et al. 2023: 32), because they most likely have a common cultural and social background with NSAGs operating at the local level (Cismas et al. 2023: 24). But they also have a privileged access to communication channels with these armed groups (Cismas et al. 2023: 28–29).

An interesting example of the intermediary role of local religious actors is provided by the visit to Bamako of Houka-Houka Ag Alhousseini, a prominent *qadi* from Timbuktu (who is also subject to UN sanctions for 'actions taken that obstruct, or that obstruct by prolonged delay, or that threaten the implementation of the Agreement' on Peace and Reconciliation in Mali).[42] The *qadi* who had been invited to the capital by Imam Mahmoud Dicko, sought to persuade Mali's religious establishment, including the current HCIM President, Haidara, to hold a dialogue with jihadist groups and launched an appeal addressed to Iyad Ag Ghaly, the GSIM leader, to negotiate with his 'Malian brothers'.[43]

8.6 Trust

An important contextual factor is the perception that religious leaders and armed groups have of each other, which can be influenced by the interference of third actors (other than the state) (Cismas et al. 2023: 39, 43). Several of the interviews carried out emphasized that a relationship of trust between religious leaders engaging a NSAG is essential—this aspect that shapes influence is a more personal factor. Imam Mahmoud Dicko and another participant, for example, referred to their personal acquaintance with Iyad Ag Ghaly, and the fact that the leader of the armed group respects and listens to them.[44]

Reflection clarified that such a trust relationship must be nurtured and sustained over time, bearing in mind that NSAGs have agents working more or less covertly even in the capital, Bamako.[45] From this viewpoint, it is particularly important for negotiators, including religious leaders, to avoid being associated in any way with external sources of influence. One research participant noted that being seen in public in the company of a white person, for example, may harm this trust relationship and could potentially disqualify the individual negotiator in the eyes of group's leadership.[46] Put differently, this may be reflective of the idea that ownership of the potential solutions to the conflict should remain with local actors.[47]

9. Conclusion

This article has focused on two main aspects in relation to Malian religious leaders' record on humanitarian norms-compliance generation in the north of Mali. First, the dynamic between individual religious leaders and the HCMI as an institution was

41 'Les leaders religieux qui sont au centrequand les groupes armés leur font confiance ou bien ils pensent que leurs compréhensions en matière de religion son proches, cela peut être un avantage' (interview with imam, Mali, 10 August 2021).

42 UN Security Council, *Houka Houka Ag Alhousseini*, available at https://www.un.org/securitycouncil/content/houka-houka-ag-alhousseini (referenced 9 March 2023).

43 'Mali: quand l'ancien juge islamique de Tombouctou au temps de l'occupation jihadiste se pose en homme de paix' (13 September 2019), *jeuneafrique* https://www.jeuneafrique.com/829056/politique/mali-quand-lancien-juge-islamique-de-tombouctou-au-temps-de-loccupation-jihadiste-se-pose-en-homme-de-paix/ (referenced 30 November 2021; Lebovich 2019).

44 Interview with Imam Mahmoud Dicko, Mali, 7 August 2021; interview with anonymous imam, Mali, 16 August 2021.

45 Interview with anonymous imam, Mali, 16 August 2021.

46 Interview with anonymous imam, Mali, 12 August 2021.

47 Interview with Imam Mahmoud Dicko, Mali, 7 August 2021; interview with anonymous imam, Mali, 16 August 2021.

explored. The analysis shows that Muslim religious leaders are regularly mandated to establish channels of communication and to conduct negotiations with NSAGs in Mali. Yet, it remains unclear whether such mandates are generally entrusted to the HCIM as an institution or to individual religious leaders who belong to the *Conseil*. The government's practice is often blurred and inconsistent on this matter. However, the fact that religious leaders such as Mahmoud Dicko, as well as less prominent *ulema*, are regularly tasked with leading such negotiations would suggest that personal mandates are as important as institutional ones. It is worth noting that on multiple occasions individual religious leaders took the initiative themselves to invite the Malian government to mandate the HCIM to take certain actions in relations to NSAGs or acted on their own initiative without the rubberstamp of the government.

Another important finding refers to the fact that the HCIM is home to different Islamic schools of thought, and indeed different visions of the relationship between religion and the state. This diversity may hinder its ability to advocate for a certain action or outcome as a unitary body, especially on divisive matters such as establishing a dialogue with jihadist groups.

The second aspect examined in the article relates to the interaction between Malian religious leaders and humanitarian norms, and specifically what factors shape the influence of the latter on NSAGs. As for how religious leaders interact with humanitarian norms, the article considers cases where NSAGs have taken actions relevant under the customary rule of IHL concerned mainly with access of humanitarian relief and the protections of detainees in non-international armed conflicts, as well as other instances that were deemed relevant by research participants. While it is clear that the HCIM, and its members, have themselves engaged in actions of a humanitarian nature, there is little evidence to support a claim that they in fact spoke the language of IHL or referred to religious principles that align with the normative content of IHL rules, with the notable exception of the *fatwa* issued in 2012 by the National Conference of *Ulemas*. Instead, on occasions, the HCIM and its members sought to translate humanitarian norms into a language intelligible for armed groups (vernacularization) or avoided references to these norms to preserve their ongoing relation with the armed groups (strategic avoidance).

What appear to have driven NSAGs to comply with the requests of the HCIM are (a) the argument that the ANSAs and the civilian populations affected by their actions share the same nationality and a similar set of values and (b) reciprocal concessions from the Malian government and the NSAGs facilitated by religious leaders.

Moreover, this article has identified a number of factors that seem to have contributed to determine the success of the HCIM in negotiations. However, several of these factors are either personal—that is not directly related to the HCIM—or contextual—that is determined by external circumstances or actors. On the one hand, the findings of this article confirm much of the theoretical construction offered by the GRP, even though some of the factors of influence identified do not fit squarely with those considered by the GRP. On the other hand, the largely personal nature of these factors supports the first point made above. This suggests that it is the synergistic relationship that emerges between the HCIM as an institution and its individual members appointed as negotiators that represents the main source of influence on armed groups.

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