



Utrecht University

More than ‘Doing the Dirty Work’

Analysing Wagner’s actions in Mali as undermining the International Rule of Law

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Abstract

Wagner has occupied headlines for targeting civilians and committing war crimes. While this is worrying as is, they are part of a growing industry of Private Military and Security Companies (PMSCs), which become increasingly important in modern warfare. Meanwhile, the core regulations of armed conflict, International Humanitarian Law, falls short of providing clear mechanisms to address this issue and persecute their crimes. This thesis aims to explore how Wagner's deployment in Mali is destabilising the International Rule of Law (IRoL) in Non-International Armed Conflict (NIAC). Based on a literature review on IRoL, I propose a working definition of IRoL in NIAC in two parts. The first component encompasses principles of procedural integrity. The second refers to the compliance with International Humanitarian Law (IHL). IHL is concluded to be essential in regulating armed conflict and is effectively universally binding. Hence, it is the basis for this working definition and the operationalisation for its application in the case context. Based on the said definition, I operationalise IRoL in NIAC as the protection of civilians from unnecessary harm and violence. After a brief overview of the conflict in Mali, I apply this definition to Wagner to analyse the extent to which they might act as undermining IRoL. Based on data from the Armed Conflict Location & Event Data Project (ACLED) between 01 September 2021 and 31 July 2023, Violence against Civilians has increased drastically since Wagner's deployment, and the group shows patterns of targeting specific, already marginalised, ethnic groups. Therefore, I conclude, Wagner's presence in Mali undermines IRoL in two ways: First, due to legal ambiguity concerning PMSCs in NIAC. Second, Wagner is actively targeting and harming civilians, thus violating the fundamental principles of IHL. For future discourse and research, I suggest two approaches. First, international partners ought to reevaluate the underlying reasons for involving Wagner in armed conflict and re-evaluate their past and present approaches to military intervention. Second, in light of the broader movement towards the privatisation of warfare, IHL needs to clearly address the status and provisions of actors such as PMSCs in armed conflict.

Key Words: Wagner, PMSC, Mali, International Humanitarian Law, Non-International Armed Conflict, International Rule of Law, Violence against Civilians

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I List of Abbreviations

ACLED:	Armed Conflict Localisation and Events Data
AFISMA:	African-led International Support Mission to Mali
AQIM:	Al Qaeda in the Islamic Maghreb
AU:	African Union
CAR:	Central African Republic
CMA:	Coordination of Azawad Movements
CNSP:	National Committee for the Salvation of the People
CR:	Critical Realism
ECOWAS:	Economic Community of West African States
FAMA:	Forces Armées Maliennes (Armed Forces of Mali)
FLM:	Macina Liberation Front
HSE:	National Research University Higher School of Economics
IAC:	International Armed Conflict
ICJ:	International Court of Justice
IHL:	International Humanitarian Law
IHRL:	International Human Rights Law
IRoL:	International Rule of Law
IS Sahel:	Islamic State Sahel Province
ISGS:	Islamic State in the Greater Sahara
JNIM:	Jama'at Nusrat al-Islam wal Muslimeen
MIJAO:	Movement for Oneness and the Jihad in West Africa
MINUSMA:	United Nations Multidimensional Integrated Stabilisation Mission in Mali
MNLA:	National Movement for the Liberation of Azawad
NIAC:	Non-International Armed Conflict
PMC:	Private Military Corporation
PMSC:	Private Military and Security Corporation
PSC:	Private Security Corporation
RoL:	Rule of Law
UNSC:	United Nations Security Council
VAC:	Violence Against Civilians
VEO:	Violent Extremist Organisation

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1 Introduction

“We heard the pam! pam! pam! [of gunfire] all day, and later saw fires burning where the bodies lay. [...] When we collected the bodies for burial, so many had been burned beyond recognition”¹. During the Moura Massacre between 27 and 31 March 2022, Malian soldiers alongside whom witnesses described as foreign Russian-speaking auxiliaries perpetrated the worst single atrocity in over a decade of conflict². It is not until May 2023, that the true extent of the massacre is uncovered. UN investigations concluded, over 500 people were killed by the Malian army (FAMa) and the auxiliary forces, which can only be presumed to belong to the infamous Wagner Group. The people of Moura were unjustifiably executed, tortured, and raped by the present forces; crimes, which amount to serious violations of International Humanitarian Law (IHL) and Human Rights³. Still, no justice has been served to date. Unfortunately, this is not the only incident of the FAMa and Wagner targeting civilians. Since 2012, Mali has been ridden by conflict and insecurity, which has spread across the entire Sahel. But these recent developments mark a new era, characterised by the increase of violence against civilians (VAC) since Wagner’s deployment⁴.

Amidst the international outcry against the actions of this particular Private Military and Security Corporation (PMSC), the case of Wagner in Mali is not an isolated phenomenon. Over the past two decades, the number of PMSCs in armed conflict has increased dramatically⁵. Between the year 2000 and 2020, the number of PMSCs worldwide has more than doubled, from 500 to well over 1100⁶. Meanwhile, in light of global conflict dynamics, the privatisation of warfare is only expected to expand further⁷. Wagner, with its ties to the Russian government, transnational organised crime groups, and its shadowy organisational structure, might present a special case in this growing industry⁸. However, this should not

¹ Human Rights Watch, ‘Mali: Massacre by Army, Foreign Soldiers’, *Human Rights Watch*, 5 April 2022, <https://www.hrw.org/news/2022/04/05/mali-massacre-army-foreign-soldiers>.

² Human Rights Watch.

³ Office of the High Commissioner for Human Rights, ‘Rapport Sur Les Événements de Moura Du 27 Au 31 Mars 2022’ (Office of the High Commissioner for Human Rights, May 2023), 31f., <https://www.ohchr.org/sites/default/files/documents/countries/mali/20230512-Moura-Report.pdf>.

⁴ Serwat Lad et al., ‘Wagner Group Operations in Africa: Civilian Targeting Trends in the Central African Republic and Mali’, *ACLEDA* (blog), 30 August 2022, <https://acleddata.com/2022/08/30/wagner-group-operations-in-africa-civilian-targeting-trends-in-the-central-african-republic-and-mali/>.

⁵ Ori Swed and Daniel Burland, ‘The Global Expansion of PMSCs: Trends, Opportunities, and Risks’ (The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination, 2020), 1, <https://www.ohchr.org/sites/default/files/Documents/Issues/Mercenaries/WG/ImmigrationAndBorder/swed-burland-submission.pdf>.

⁶ Swed and Burland, 3.

⁷ Jutta Joachim, ‘Here to Stay: Wagner and the Private Security Industry’, *Clingendael Spectator*, 7 March 2023, <https://spectator.clingendael.org/nl/publicatie/here-stay-wagner-and-private-security-industry>.

⁸ R.t. Theo Neethling, ‘Russian Para-Military Operations in Africa: The Wagner Group as a De Facto Foreign Policy Instrument’, *Scientia Militaria* 51, no. 1 (2023): 1–23, <https://doi.org/10.5787/51-1-1403>; R.t. Raphael Parens, ‘The Wagner Group’s

overshadow the fact, that the international community is arguably more than ill-equipped to deal with neither the Wagner Group nor the increasing importance of PMSCs in armed conflict. IHL provides only little clarity on the role of PMSCs, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries is insufficiently ratified by member states, and the sanctions imposed by the EU, US, and other UN member states do neither stop the Wagner Group's operations across the globe nor do they provide a sufficient framework on how to deal with future PMSC disasters.

Hence, Wagner's role in Mali needs to be further examined in two manners: First, the extent of their violations in Mali needs to be made clear, and what this means for the conflict. Second, it needs to be examined what this means for the international community, particularly the International Rule of Law (IRoL). Hence, in this thesis I will aim to answer the following research question:

Is Wagner's deployment in Mali undermining the International Rule of Law, and if so, how?

While IRoL has many definitions, I propose the working definition of IRoL in Non-International Armed Conflict (NIAC)⁹ as (1) the necessary condition of procedural integrity of the exercise and application of international law; and (2) the sufficient condition of following the principles of IHL. Based on the said definition, I operationalise IRoL in NIAC as the protection of civilians from unnecessary harm and violence. In this thesis, I aim to show, that the Wagner Group in Mali is not only failing to meet these criteria but is severely undermining them. This, I argue, is not only due to the fact, they are actively targeting civilians, but also because of the lack of clarity on the status of PMSCs in NIAC.

To make my point, I have divided this thesis into four main parts. First, based on a literature review, I will discuss the state of the art on the theoretic and legal concepts of the Rule of Law (RoL) and IRoL. There, I will give more detail on how I arrived at the aforementioned working definition and operationalisation of IRoL in NIAC, as well as what this entails for its application onto a real-life context. Second, I will go about the current conflict dynamics in Mali to cover the origin, progression, and current situation. For that, I rely mostly on academic sources, investigative reports, media, as well as ACLED¹⁰ data. This excerpt will aim at answering the following sub-question: *How do the conflict dynamics in Mali interact with each other and what does this mean for the role of Wagner within the conflict?* By presenting the

Playbook in Africa: Mali' (Foreign Policy Research Unit, March 2022); R.t. Julia Stanyard, | Thierry Vircoulon, and Julian Rademeyer, 'The Grey Zone: Russia's Military, Mercenary and Criminal Engagement in Africa' (Geneva: Global Initiative Against Transnational Organized Crime, February 2023), <https://globalinitiative.net/analysis/russia-in-africa/>.

⁹ R.t. The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 2 and 3, 12 August 1949.

¹⁰ "The Armed Conflict Location & Event Data Project (ACLED) is a disaggregated data collection, analysis, and crisis mapping project. ACLED collects information on the dates, actors, locations, fatalities, and types of all reported political violence and protest events around the world. The ACLED team conducts analysis to describe, explore, and test conflict scenarios, and makes both data and analysis open for free use by the public." ('About ACLED', *ACLED* (blog), 2023, <https://acleddata.com/about-acledd/>).

conflict in Mali as a network of ever-changing alliances according to *Alliance Theory*¹¹ and the concept of *Network Wars*¹², I put the emergence and current deployment of Wagner forces in Mali into context. Third, I will provide more detail on Wagner's involvement in Mali by aiming to answer: *How and through which means is the Wagner Group involved in the Malian conflict?* For that, I shall provide a brief profile of the group's origins, as well as their different sectors of involvement in Mali and the Sahel. Lastly, based on the findings of Led et al, as well as ACLED data from 01 September 2021 to 31 July 2023¹³, I will give an overview of the extent of the VAC perpetrated by Wagner in Mali and present evidence, that this violence is not only deliberate but follows particular patterns of targeting specific ethnic and religious groups. In reference to these findings, I will return to the main research question and apply the working definition and operationalisation of IRoL in NIAC to the case of Wagner to showcase how Wagner in Mali is destabilising not national or local but the *International* RoL, and which implications this might have for the future.

In my conclusion, I claim that the international community ought to find a cohesive manner in which to address, investigate, and persecute IHL and Human Rights violations by PMSCs. This is essential to not only condemn the violations of IHL perpetrated by Wagner in Mali but to also be equipped for the possibility of other non-state private actors perpetrating great violations of these long-standing and fundamental principles of warfare, in the future. Therefore, it is imperative to pay closer attention to Wagner beyond its role in Mali and see them as a case of a bigger development in a new era of warfare.

1.1 Research Approach and Methodology

In the context of this research, I am ontologically, epistemologically, and methodologically loosely aligning myself with the school of critical realism (CR). CR understands reality as multi-layered, existing of the real, the actual and the empirical¹⁴. The real encompasses deep interrelated structures of the studied entities; the actual represents the events and causal relations these entities are subjected to; while the

¹¹ R.t. Stathis N Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006); R.t David Keen, *Complex Emergencies* (Polity, 2008).

¹² R.t. Mark Duffield, 'Social Reconstruction and the Radicalization of Development: Aid as a Relation of Global Liberal Governance', *Development and Change* 33, no. 5 (16 December 2002): 1049–71, <https://doi.org/10.1111/1467-7660.t01-1-00260>.

¹³ This is the date range used in the data set. The start date has been determined based on news reports suggesting the Wagner Group had been implicated in Mali since September 2021 (R.t. Euan Scott, 'Shining a Light on Mali's Deal with the Wagner Group: A Recipe for Disaster', Info Flash (Finabel: European Army Interoperability Centre, 18 November 2021), 1, <https://finabel.org/wp-content/uploads/2021/11/Shining-a-light-on-Malis-deal-with-the-Wagner-Group-a-recipe-for-disaster.pdf>). However, the first entry clearly implicating Wagner has only been recorded on 25 December 2021. Hence, the timelines provided based on the ACLED data analysis later in this thesis might differ based on this fact. Still, it is important to acknowledge which range was used throughout this research.

¹⁴ Ama Lawani, 'Critical Realism: What You Should Know and How to Apply It', *Qualitative Research Journal* 21, no. 3 (1 January 2020): 323, <https://doi.org/10.1108/QRJ-08-2020-0101>.

empirical encompasses only those events and causal relations which can be observed¹⁵. Reality operates independently from our observations, and while these observations are only the expression of the unobservable structures and mechanisms underlying reality, a deeper understanding of said mechanisms can be reached by studying these structures¹⁶. This study ought to be based on theory, yet it is equally necessary to study the expression of said mechanisms in the empirical¹⁷. As such, CR is a strong advocate for methodological pluralism to reflect the complexities of reality¹⁸.

Focusing on the different mechanisms and relations between the components of my research, the intellectual puzzle I am proposing can be described as an ecological puzzle¹⁹. This means, that I aim to study the ways how, and to which extent, if at all, the Wagner Group in Mali is undermining IRoL. To do so, I am basing my research on the theories surrounding IRoL. Thus, there is a hermeneutical theoretical component which underlies the entire research. As I am applying a mixed-methods approach, I am also drawing on qualitative and quantitative research methods to analyse how the undermining of IRoL is expressed empirically. To merely discuss this topic through quantitative means would be insufficient in understanding the role of Wagner in Mali. Regardless, quantitative means will serve the purpose of anchoring my arguments in quantifiable data, which will be used to enhance their structure and quality²⁰. This mixed-methods approach based on grounded theory and CR is aimed at representing the complexity of the research topic and creating a stable basis for my argumentation.

1.2 Ethics

Given this research context, there are certain ethical concerns to address. This analysis of the conflict in Mali is not based on fieldwork or an abundance of primary sources. Instead, I rely on secondary literature, media sources, investigative reports and data collected from the region. Hence, the aspects I consider relevant for this analysis are based solely on my academic and theoretical knowledge of the research context. I do not claim nor aim to represent the conflict dynamics from an insider perspective. Moreover, this thesis has been researched and written in Spring of 2023 and finalised in August 2023. Hence, due to the volatile context of this research topic and ongoing conflict dynamics, not all recent events within that

¹⁵ Lawani, 323.

¹⁶ Tong Zhang, 'Critical Realism: A Critical Evaluation', *Social Epistemology* 37, no. 1 (2 January 2023): 15, <https://doi.org/10.1080/02691728.2022.2080127>.

¹⁷ Berth Danermark, Mats Ekström, and Jan Ch. Karlsson, *Explaining Society: Critical Realism in the Social Sciences*, 2nd ed. (London: Routledge, 2019), 1f.

¹⁸ Danermark, Ekström, and Karlsson, 167f.

¹⁹ Jennifer Mason, *Qualitative Researching*, 3rd ed. (London: SAGE Publications, 2018), 11.

²⁰ André Queirós, Daniel Faria, and Fernando Almeida, 'Strengths and Limitations of Qualitative and Quantitative Research Methods', *European Journal of Education Studies* 3, no. 9 (1 September 2017): 371, <https://doi.org/10.5281/zenodo.887089>.

time frame could be considered to their full extent²¹. To address this properly, I aim to be transparent regarding all uncertain assertions included in this thesis.

In terms of the data I use in my analysis, I am following the ACLED terms, which indicate how, and for which purposes the data ought to be used²². All of the interpretations of the data used in this thesis, as well as the corresponding indicators recorded in the data sets are based on the ACLED codebook²³. In case of any misinterpretation regarding the data, the indicators or the visuals created with such, these are entirely my own and not attributable to ACLED.

Lastly, While I address legal issues and concepts in this research, I am no scholar or practitioner of international law. Hence, the assessments I make are based on academic findings and the definitions I employ. Therefore, I refrain from making any direct suggestions on how to legally proceed and am merely exploring different avenues I, based on existing academic research, consider as possible pathways.

2 Theoretical framework

To argue, the PMSC Wagner serves as an actor that destabilises IRoL, I shall first define my core concepts and theories. Thus, I will conduct a literature review on the state of the art on the Rule of Law (RoL) and IRoL to create a working definition and operationalisation of IRoL in NIAC. I will come to define IRoL in NIAC according to a necessary condition, representing the minimalist conception of RoL, and a sufficient condition, based on IHL and referencing maximalist ideas. Relying on these two components, I argue for the operationalisation of IRoL in NIAC as the protection of civilians from unnecessary harm and violence. Afterwards, I will follow suit with the consequences of this working definition and operationalisation of IRoL in NIAC for PMSCs. For that, I will go over the inconclusive legal standing of PMSCs in IHL. The core conclusion is that while they *can* be tried for violations against IHL, this is still vastly context-dependent and tied to a variety of conditions. Still, given their increasingly important role in modern warfare, I argue, they ought to be recognised as fully capable actors in armed conflict.

²¹ This primarily includes the coup in Niger (26 July 2023) and the alleged death of Yevgeny Prigozhin (presumed 24 August 2023).

²² ACLED, 'ACLED Terms of Use' (ACLED, June 2022), https://acleddata.com/acleddatanew/wp-content/uploads/2022/06/ACLED-Terms-of-Use-Attribution-Policy_V2_8June2022.pdf.

²³ ACLED, 'Armed Conflict Location & Event Data Project CODEBOOK', Core Methodology (ACLED, 2019), <https://acleddata.com/resources/>.

2.1 State of the Art: What is the International Rule of Law?

RoL is a concept theorised to be as old as the first ideas of democracy, with a variety of definitions²⁴. Most commonly it is defined under two major legal schools. In line with the positivist school of thought, the minimalist conception of RoL implies the existence of clear and known rules, as well as their objective application and predictability of judgment in a functioning judicial system²⁵. Within this minimalist definition, the predictability of the law is essential²⁶. This refers to the idea, laws should be made public, and applicable to all people equally, meaning non-arbitrarily, so that the outcome of its application is always clear²⁷. O'Donnell summarises this as two kinds of formal equality: First in the way laws are made and proclaimed in one specific, preordained fashion; and second, in the way they are universally applicable to all legal persons²⁸. This conception of RoL, which can be traced as far back as Aristotle's idea of "government by laws and not by men" and is focused less on the content of these laws and more on procedural integrity²⁹.

In contrast, reflecting the natural legal school, the maximalist perspective sees the former definition merely as a starting point³⁰. As such, laws ought to include principles constraining the power of government, embracing democracy, good governance, and Human Rights³¹. Scholars of that school argue, there needs to be a moral component to RoL, to protect the preservation of Human Rights³². Many legal scholars and practitioners aligning with these ideas argue, that RoL is intimately connected to democracy³³. These principles are seen as necessary and universally applicable³⁴. This is also where most of the criticism of the maximalist conception of RoL lies.

Critical legal studies scholars argue, the concept of RoL has become inflexible and based on a distinct experience of statehood and justice; namely that of democracy and a centralised judicial system³⁵. In

²⁴ Friedrich Hayek, 'Origins of the Rule of Law', in *The Constitution of Liberty* (University of Chicago Press, 1960), 1f., <https://www.ruleoflawus.info/The%20Rule/Hayek%20-%20Origins%20of%20the%20Rule%20of%20Law.pdf>.

²⁵ Rama Mani, 'Conflict Resolution, Justice and the Law: Rebuilding the Rule of Law in the Aftermath of Complex Political Emergencies', *International Peacekeeping* 5, no. 3 (1998): 8f., <https://doi.org/10.1080/13533319808413728>.

²⁶ Jeremy Waldron, 'The Concept and the Rule of Law', SSRN Scholarly Paper (Rochester, NY, 24 September 2008), 5f., <https://papers.ssrn.com/abstract=1273005>; Robert Stein, 'Rule of Law: What Does It Mean Rule of Law Symposium: Introduction', *Minnesota Journal of International Law* 18, no. 2 (2009): 297ff.

²⁷ Waldron, 'The Concept and the Rule of Law', 5f.; Stein, 'Rule of Law', 298.

²⁸ Guillermo O'Donnell, 'Why the Rule of Law Matters: The Quality of Democracy', *Journal of Democracy* 15, no. 4 (2004): 33.

²⁹ Stein, 'Rule of Law', 297; Waldron, 'The Concept and the Rule of Law', 6; Hayek, 'Origins of the Rule of Law', 2f.

³⁰ Mani, 'Conflict Resolution, Justice and the Law: Rebuilding the Rule of Law in the Aftermath of Complex Political Emergencies', 9.

³¹ Mani, 10; Stein, 'Rule of Law', 299; O'Donnell, 'Why the Rule of Law Matters: The Quality of Democracy', 36.

³² Stein, 'Rule of Law', 299.

³³ O'Donnell, 'Why the Rule of Law Matters: The Quality of Democracy', 12ff.; Stein, 'Rule of Law', 299ff.

³⁴ Mani, 'Conflict Resolution, Justice and the Law: Rebuilding the Rule of Law in the Aftermath of Complex Political Emergencies', 9f.

³⁵ Mani, 10; Andrei Marmor, 'The Rule of Law and Its Limits', *Law and Philosophy* 23, no. 1 (2004): 4f.; Brian Z. Tamanaha, 'The Rule of Law for Everyone?', SSRN Scholarly Paper (Rochester, NY, 28 February 2003), 3f., <https://doi.org/10.2139/ssrn.312622>.

practice, this is said to have resulted in initiatives, that aim to strengthen RoL in developing, post-conflict, or non-Western states, to focus exclusively on formal legal institutions³⁶. Thereby, they are arguably neglecting that multiple overlapping and contesting legal systems can co-exist in society³⁷. It is important to note, legal pluralism is present in all, Western and non-Western, societies to differing extents³⁸. However, the state formation of European nations was deeply rooted in the unification of the legal systems, in which co-existing structures were absorbed into one centralised legal apparatus³⁹. The experience of a centralised state and justice system being imposed through colonial structures also deals a blow to the trust people in non-Western contexts put in formal structures⁴⁰.

A second concern also lies in the increased ideas surrounding the internationalisation of RoL, meaning IRoL. Most conceptualisations of RoL usually only refer to national systems of justice, including the insights discussed above⁴¹. Yet this does not stop the possible expansion of the concept to the international realm⁴². In fact, IRoL has increasingly been theorised and referred to since roughly the late 1990s⁴³. In 2005, the UN member states officially recognised the need to implement RoL on the national *and* international level⁴⁴. However, in these discussions, IRoL was seldom properly defined. While there is a UN definition of what RoL should entail, making references to both minimalist as well as maximalist elements, this definition only represents an international consensus on what RoL on the *national* level should entail⁴⁵. Similarly, scholars criticise, that when attempting to define IRoL, the same principles applied to domestic systems are applied to the international realm without regard for the differences between national and international law⁴⁶.

Therefore, McCorquodale brings forward the idea of instead defining IRoL through its purpose and objective⁴⁷. This means defining IRoL in a manner which allows for legal pluralism, includes all actors within the international system beyond states, and is still based on shared international principles⁴⁸. According to his definition, IRoL includes the following four objectives: “legal order and stability;

³⁶ Ronald Janse, ‘A Turn to Legal Pluralism in the Rule of Law Promotion?’, *Erasmus Law Review* 6, no. 3/4 (2013): 181.

³⁷ Janse, 181.

³⁸ R.t. Janse, ‘A Turn to Legal Pluralism in the Rule of Law Promotion?’

³⁹ Brian Z. Tamanaha, ‘The Rule of Law and Legal Pluralism in Development’, SSRN Scholarly Paper (Rochester, NY, 1 July 2011), 14, <https://papers.ssrn.com/abstract=1886572>.

⁴⁰ Tamanaha, 14; ‘Journeys to Justice: Exploring Customary Systems in Mali’, IDLO - International Development Law Organization, 20 April 2018, <https://www.idlo.int/news/highlights/journeys-justice-exploring-customary-systems-mali>.

⁴¹ Robert McCorquodale, ‘DEFINING THE INTERNATIONAL RULE OF LAW: DEFYING GRAVITY?’, *International & Comparative Law Quarterly* 65, no. 2 (April 2016): 279, <https://doi.org/10.1017/S0020589316000026>.

⁴² Nicholas W. Barber, ‘The Rechtsstaat and the Rule of Law’, *The University of Toronto Law Journal* 53, no. 4 (2003): 452.

⁴³ McCorquodale, ‘DEFINING THE INTERNATIONAL RULE OF LAW’, 285.

⁴⁴ Simon Chesterman, ‘An International Rule of Law?’, *The American Journal of Comparative Law* 56, no. 2 (1 April 2008): 332, <https://doi.org/10.5131/ajcl.2007.0009>.

⁴⁵ McCorquodale, ‘DEFINING THE INTERNATIONAL RULE OF LAW’, 286.

⁴⁶ Chesterman, ‘An International Rule of Law?’, 358.

⁴⁷ McCorquodale, ‘DEFINING THE INTERNATIONAL RULE OF LAW’, 292.

⁴⁸ McCorquodale, 292.

equality of application of the law; protection of human rights; and the settlement of disputes before an independent legal body”⁴⁹. While there is an ongoing debate about the universality of Human Rights, McCorquodale concludes, that the Universal Declaration of Human Rights has been ratified by all member states and is thus effectively universally binding to an extent⁵⁰. Moreover, the right to a fair trial, protection from discrimination and principles of equal treatment, as they are part of conventional conceptualisations of the RoL, are equally part of all major Human Rights treaties⁵¹. To not exclude certain state systems or the application of this definition onto non-state actors, the mentioned ‘independent legal body’ is not explicitly defined, so that the most appropriate international, national, or regional systems, based on the context and actors involved, might be consulted without creating an intrinsic hierarchy between them⁵².

I argue, this definition’s regard for expanding the responsibility of IRoL onto non-state actors, as well as the reference to internationally binding treaties and shared vocabularies between states makes this definition the most appropriate to work with. For the working definition and operationalisation of IRoL in NIAC, I, therefore, aim to reference the inclusion of non-state actors and factually internationally binding principles. Especially the regard for the effective universality of certain norms and practices, such as Human Rights, without favouring specific systems of justice is fundamental. Therefore, in the following section, I will make use of this particular definition when conceptualising a working definition and operationalisation for the IRoL in NIAC.

2.1.1 Working Definition of IRoL for NIAC

Based on the aforementioned definitions and findings surrounding IRoL, I here aim at providing a working definition of IRoL in the context of NIAC. I refer to it as a working definition, as I acknowledge its limitations and therefore would like to include the possibility of continuously developing it in light of new insights or findings in the future. Thereafter, this working definition will be operationalised, meaning, I will propose a way to apply the definition onto various actors in NIAC, so their impact on IRoL may be observed empirically.

In line with the philosophical idea of necessary and sufficient conditions⁵³, I arrive at a two-fold working definition of IRoL. The first component, the necessary condition for the achievement of the objectives of

⁴⁹ McCorquodale, 292.

⁵⁰ McCorquodale, 293.

⁵¹ McCorquodale, 293.

⁵² McCorquodale, 295f.

⁵³ R.t. Roger Wertheimer, ‘Conditions’, *The Journal of Philosophy* 65, no. 12 (1 January 1968): 355–64, <https://doi.org/10.2307/2023797>.

IRoL, represents the minimalist, procedural elements. International law should be publicly announced and accessible; clear in its application and interpretation so that its outcomes may be predictable; should be applied non-arbitrarily; and disputes shall be settled in front of an independent legal body. This is very much in line with regular minimalist definitions of RoL, except for the fact, that the clause on the equal treatment of all actors has been excluded to reflect the existence of multiple actor groups in the international realm. This includes states, corporations, non-state armed groups, as well as individuals. Therefore, it would be illogical to treat e.g. corporations and individuals in the exact same manner. The equality in application shall therefore exist only in the vertical sense, meaning e.g. individuals from different backgrounds, who shall be treated equally amongst each other.

The sufficient condition, or second component of the working definition I propose, shall be the compliance with IHL and Human Rights. While there are disputes on the factual universality of Human Rights, they are nonetheless binding for all recognised states under the Universal Declaration of Human Rights⁵⁴. The same accounts for the core treaties of IHL, the four 1949 Geneva Conventions, which are ratified by all officially recognised states, including Palestine⁵⁵. I agree and recognise the limitation, that the application of IHL to corporations or the responsibility of non-state actors to uphold Human Rights are still ongoing political, legal, and academic debates. However, in the context of conflict, all parties involved ought to respect IHL, which, in part, also reflects the core concepts of human rights, specifically the right to life and humane treatment⁵⁶.

The fact, I categorise this as a sufficient condition does not mean, that this component is subordinate to the first. Instead, it means, that the first component is necessary to establish a basic structure of IRoL in the procedural and formal sense. However, it is only sufficiently fulfilled when IHL and Human Rights are incorporated and properly respected. To expand this argument further, I will give a brief insight into what IHL entails.

2.1.2 International Humanitarian Law: A brief review

IHL, or *Jus in Bello*, constitutes a specific set of laws and regulations that only apply to the context of armed conflict⁵⁷. Its main purpose is to regulate the methods and means with which armed conflict is

⁵⁴ R.t. United Nations Charter and Universal Declaration of Human Rights, Preamble, 10 December 1948.

⁵⁵ ICRC, 'Frequently Asked Questions on the Rules of War', *International Committee of the Red Cross*, 7 March 2022, <https://www.icrc.org/en/document/ihl-rules-of-war-faq-geneva-conventions>; ICRC, *International Humanitarian Law: Answers to Your Questions* (Geneva: International Committee of the Red Cross, 2023), <https://shop.icrc.org/international-humanitarian-law-answers-to-your-questions.html>.

⁵⁶ ICRC, 'Frequently Asked Questions on the Rules of War'.

⁵⁷ Marco Sassòli, 'International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare', in *International Humanitarian Law* (Glos: Edward Elgar Publishing, 2019), <https://doi-org.proxy.library.uu.nl/10.4337/9781786438553>.

conducted, and to guarantee the protection and humane treatment of those not or no longer actively taking part in hostilities⁵⁸. There are three sources of IHL: treaties, customary laws, and the general principles of law⁵⁹. The first refers to all treaties, conventions, and protocols on the issue of *Jus in Bello*. The most important of them are the four 1949 Geneva conventions and their Additional Protocols, as well as weapons treaties regulating the use of specific weaponry, such as the 2008 Convention on Cluster Munitions⁶⁰. However, not all of the treaties are signed by all member states; meaning, states are only officially bound by the treaties they have ratified⁶¹. Yet as all UN member states, including Palestine, have ratified the four Geneva Conventions, the most profound IHL treaties are effectively universally applicable⁶². The second refers to state customs that might have been adopted before or after the interpretation of IHL, that have consequently been accepted legally binding⁶³. The last one is arguably the most ambiguous due to the absence of a clear definition of these principles⁶⁴. However, it is generally recognised by the International Court of Justice (ICJ), that in the interpretation of IHL, there should be special regard for “elementary considerations of humanity”⁶⁵. Hence, even if specific practices have not yet been explicitly forbidden, they may still be considered a violation of IHL if they interfere with the principles of humanity⁶⁶.

To discuss its most important provisions, it is key to understand, IHL distinguishes between two types of conflict: International Armed Conflict (IAC) and NIAC. IAC refers to conflicts between states, yet in some cases, national liberation wars might also be considered IACs⁶⁷. Meanwhile, NIACs refer to conflicts between state forces and non-state armed groups⁶⁸. The distinction is important because IHL applies differently to NIAC. For a NIAC to be recognised as such, the armed groups involved ought to be organised in a sophisticated enough manner, and the threshold of violence occurring in the conflict is also higher as opposed to an IAC⁶⁹. Yet given the prevalence of NIACs over the past few decades, the gap between IACs and NIACs, in terms of which rules apply to each type of conflict, is beginning to close in

⁵⁸ Sassòli, 15; Nils Melzer and Etienne Kuster, ‘New IHL Handbook’, *International Review of the Red Cross* 98 (10 February 2017): 17, <https://doi.org/10.1017/S1816383117000091>.

⁵⁹ ICJ Statute, Art. 38(1).

⁶⁰ Melzer and Kuster, ‘New IHL Handbook’, 21.

⁶¹ Melzer and Kuster, 21.

⁶² R.t. ICRC, ‘States Party to the Following International Humanitarian Law and Other Related Treaties as of 07-August-2023’ (International Committee of the Red Cross, 7 August 2023), https://ihl-databases.icrc.org/public/refdocs/IHL_and_other_related_Treaties.pdf.

⁶³ Melzer and Kuster, ‘New IHL Handbook’, 21f.

⁶⁴ Melzer and Kuster, 24.

⁶⁵ Melzer and Kuster, 24.

⁶⁶ Melzer and Kuster, 24f.; Michael N. Schmitt, ‘Military Necessity and Humanity in International Humanitarian Law: Reserving the Delicate Balance’, *Virginia Journal of International Law*, 50th Anniversary Commemorative Essay, 50, no. 4 (2010): 799f.

⁶⁷ ICRC, *International Humanitarian Law: Answers to Your Questions*, 18.

⁶⁸ ICRC, 19f.

⁶⁹ Melzer and Kuster, ‘New IHL Handbook’, 68; Sassòli, ‘International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare’, 16f.

customary law⁷⁰. Regardless, there are remaining differences in the treaties, which are of special concern to the context discussed in this thesis.

Common Article 3 of the Geneva Conventions and Additional Protocol II lay down these rules in more detail⁷¹. In its most summarised variation, this means IHL for NIACs limits the means of warfare, guarantees the protection of civilians, and enables impartial humanitarian organisations to implement relief initiatives⁷². Through the Additional Protocol II, these rules and requirements for states also extend to non-state armed groups, under the provision they are recognised as sufficiently organised⁷³. It is also further established, that in this type of conflict, and even in tensions, disturbances and riots not officially recognised as a NIAC, the principles of Human Rights and the protection of civilians apply to all parties of the conflict and those otherwise involved⁷⁴. As such, the core conclusion of this brief review is, that while there are important differences to consider in the application of IHL in NIAC, the principle of protecting civilians and guaranteeing their humane treatment remain an obligation of all actors involved.

2.2 Operationalising IRoL in NIAC

The working definition of IRoL and the brief review of IHL have served as the basis for the operationalisation of IRoL in NIAC. Continuing this discourse, I argue this operationalisation ought to be based on IHL for three core reasons.

First and as previously discussed, the main law on the international level which regulates armed conflicts is IHL. Its core sources, the four 1949 Geneva Conventions, are also effectively universal, and there are provisions in place, which also hold non-state actors accountable to a certain extent. Second, I have already defined IRoL as having a necessary and a sufficient component. As the necessary condition for IRoL in armed conflict mostly speaks to the procedural elements of IRoL, it cannot be sufficiently applied

⁷⁰ Sassòli, 'International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare', 17.

⁷¹ The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 3, 12 August 1949; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. As this thesis is discussing the NIAC in Mali, it should be noted, that Mali has indeed ratified all the discussed treaties, including Additional Protocol II, see: ICRC, 'States Party to the Following International Humanitarian Law and Other Related Treaties as of 07-August-2023'.

⁷² R.t. 'Doctors without Borders | The Practical Guide to Humanitarian Law', accessed 19 August 2023, <https://guide-humanitarian-law.org/content/article/3/non-international-armed-conflict-niac/>, The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 3, 12 August 1949; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

⁷³ Françoise Bouchet-Saulnier, 'Noninternational Armed Conflict (NIAC)', in Doctors without Borders | The Practical Guide to Humanitarian Law, trans. Laura Brav and Camille Michel, 3rd ed. (Rowman & Littlefield Publishers, 2013), <https://guide-humanitarian-law.org/content/article/3/non-international-armed-conflict-niac/>.

⁷⁴ Bouchet-Saulnier, 'Bouchet-Saulnier, Noninternational Armed Conflict (NIAC)'; M Gandhi, 'Common Article 3 Of Geneva Conventions, 1949 In The Era Of International Criminal Tribunals', in *ISIL Year Book of International Humanitarian and Refugee Law*, vol. 1 (The Indian Society of International Law (ISIL), 2001), <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/11.html>.

to actors in NIAC, who might be responsible for complying with IHL and upholding IRoL, yet do, in most cases, neither make or judge based on these laws. Hence, operationalising IRoL in NIAC based on this necessary component makes little sense when it is intended to be applied to *all* actors within NIAC. Therefore, an operationalisation of IRoL in NIAC ought to be grounded on the sufficient component, which extends to potentially all actors due to its references to IHL and Human Rights, both of which are effectively universally binding for all states and, in a more limited but still effective manner, non-state actors.

Thus, I propose the operationalisation of IRoL in NIAC as the protection of civilians from unnecessary harm and violence. As previously discussed, there are certain limitations to the application of IHL to NIAC. However, these limitations do not extend to the protection of all who are not actively taking part in hostilities⁷⁵. Aside from this justification of the reference to IHL in this operationalisation, there are three core elements left to discuss. First, the explicit mention of civilians; second, the definition of unnecessary harm and violence; and lastly the implications of ‘protection’.

2.2.1 Civilians

In IHL, civilians are defined in Additional Protocol I as all those who are not part of the armed forces and those not recognised as combatants⁷⁶. Their status as civilians, who are subject to protection from targeted attacks, may be revoked, once they actively take part in hostilities⁷⁷. The issue is that this officially only applies to IAC. In Additional Protocol II, the protection of civilians is similarly manifested, however, without giving a proper definition of ‘civilians’. During the drafting of the Geneva Conventions, there was an article defining civilians in NIAC as not being a member of the armed forces or an organised armed group, however, this article was never included due to political deliberations⁷⁸. Common Article 3 neither mentions nor defines civilians yet refers to persons not actively partaking in hostilities as being under special protection from harm⁷⁹. While this does not define civilians in NIAC, it does give an indication on which group of people ought to be protected under IHL in NIAC.

For argumentative and pragmatic reasons alike, it is also important to consider the classification of civilians in the ACLED data base, as this is what my quantitative analysis is based on.

⁷⁵ The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 3, 12 August 1949; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

⁷⁶ Camille Bissonnette Marquis, ‘The Definition of Civilians in Non-International Armed Conflicts: The Perspective of Armed Groups’, *Journal of International Humanitarian Legal Studies* 7, no. 1 (2016): 132.

⁷⁷ Bissonnette Marquis, 132.

⁷⁸ Bissonnette Marquis, 133.

⁷⁹ Bissonnette Marquis, 133.

An operationalisation which is not in line with the data set it is applied to would be insufficient. Similarly to what I have previously discussed, ACLED, too, defines civilians broadly as those *caught* unarmed⁸⁰. This context-dependent definition would therefore also include former or off-duty combatants, who are caught in the violence. Based on the lack of a proper definition of civilians in NIAC, but the relatively broad approach to such in Common Article 3, as well as the ACLED definition of civilians, I, too, will use a broader definition of the category of civilians for this operationalisation. As such, for the context of this operationalisation, civilians shall be all those not actively partaking in hostilities.

2.2.2 Unnecessary Harm and Violence

IHL makes explicit, that civilians are not only protected from the effects of hostilities or direct physical violence but also unnecessary suffering, and deserve humane treatment⁸¹. This approach can be considered as based on a broader definition of violence. This includes not only physical violence, but also structural or political violence in the form of, but not limited to, intentionally undermining the human dignity of a person, discrimination, or the limitation of essential freedoms and liberty⁸². Both the physical, as well as the non-physical aspects of violence ought to be included in a holistic definition thereof. Still, in the context of NIAC, there are important differences between experiencing physical violence e.g. in the form of an attack or having one's freedoms be limited by a curfew. While both are theoretically and justifiably forms of violence, the former is to be regarded as specifically important to the destabilisation of IRoL due to intent and the condition of unnecessary. The latter refers to the idea, violence can vary in necessity. As such, limitation of e.g. the freedom of movement might be a form of violence, yet in some cases could be regarded as necessary in containing insecurity. As a working definition of IRoL in NIAC ought to confront the reality, that some violence is unavoidable, a condition of necessity ought to be included. What is important, is the idea, that even in a violent context, some violence needs to be contained, especially towards vulnerable groups without sufficient mechanisms to protect themselves.

2.2.3 Protection

The incorporation of 'protection' aims at placing a level of agency with the actors involved. This does not always mean, a failure to protect immediately results in failing the principles of IHL. Instead, there is a certain degree of context-dependency to consider. Hence, I propose the condition of 'protection' ought to

⁸⁰ ACLED, 'Armed Conflict Location & Event Data Project CODEBOOK', 29.

⁸¹ Melzer and Kuster, 'New IHL Handbook', 19f.

⁸² Siniša Malešević, ed., 'What Is Organised Violence?', in *The Rise of Organised Brutality: A Historical Sociology of Violence* (Cambridge: Cambridge University Press, 2017), 11, <https://doi.org/10.1017/9781316155332.002>.

be understood in a two-fold manner. First, according to a general ‘do-no-harm’ principle, actors within a conflict should not actively target civilians or cause them any unnecessary harm. Second, within the scope of their responsibilities, they ought to prevent civilians from being harmed or experiencing violence at the hands of others. I have formulated this in a more reserved manner, as I do recognise, that this might in some cases be outside of specific mandates or contracts of the actors within armed conflict. Whether or not this is ethical or should be an unconditional requirement is debatable, which is why I will not make a direct assessment thereof. Hence, this condition is also more difficult to test or operationalise. Given this limitation, it is mostly the first condition, the ‘do-no-harm’ principle, which will influence the assessment of whether or not actors uphold IRoL in NIAC.

2.3 IRoL, IHL and PMSCs as actors in NIAC

While there is a clear trend towards almost exponential growth of PMSC involvement in conflicts, marked by the end of the Cold War and the wars in Iraq and Afghanistan, these developments are deeply connected to the overall development of modern warfare⁸³. Kaldor advances the term ‘New Wars’ to describe the change in post-Cold-War warfare. In this context of globalisation and New Wars, the increasing contracting of international PMSCs seems to be a symptom of the erosion of the monopoly of organised violence through privatisation⁸⁴.

On that note, Russia is not the only country of origin of such groups. In fact, the UK, the US, China, and South Africa make up roughly 70% of the PMSC industry⁸⁵. Similarly, Wagner has not been the only PMSC tied to IHL and Human Rights abuses. As an example, in September 2007, contractors of Blackwater, a US-American PMSC, were involved in an unprovoked shooting in Nisour Square in Baghdad, Iraq, killing roughly 20 civilians⁸⁶. This is important to note, not as to undermine Wagner’s crimes in Mali and elsewhere, but to showcase, Wagner is part of a growing concern for the international community. While four of the Blackwater contractors were convicted in the US for their crimes, the evaluation of this incident on the international level, meaning in IHL, is still unclear⁸⁷. These uncertainties

⁸³ Swed and Burland, ‘The Global Expansion of PMSCs: Trends, Opportunities, and Risks’, 3ff.; Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, 3rd Edition (Polity Press, 2012), 4–14.

⁸⁴ Kaldor, *New and Old Wars: Organized Violence in a Global Era*, 6.

⁸⁵ Swed and Burland, ‘The Global Expansion of PMSCs: Trends, Opportunities, and Risks’, 5.

⁸⁶ Peter W. Singer, ‘The Dark Truth about Blackwater | Brookings’, *Brookings Commentary*, 2 October 2007, <https://www.brookings.edu/articles/the-dark-truth-about-blackwater/>; Matt Apuzzo, ‘Blackwater Guards Found Guilty in 2007 Iraq Killings’, *The New York Times*, 22 October 2014, sec. U.S., <https://www.nytimes.com/2014/10/23/us/blackwater-verdict.html>.

⁸⁷ Apuzzo, ‘Blackwater Guards Found Guilty in 2007 Iraq Killings’; Molly Bodurtha, ‘An Obligation to Regulate: How Private Military Companies Embolden Conflict with Impunity from the Middle East to Central Africa’, *Columbia Journal of Transnational Law*, 1 April 2022, <https://www.jtl.columbia.edu/bulletin-blog/an-obligation-to-regulate-how-private-military-companies-embolden-conflict-with-impunity-from-the-middle-east-to-central-africa>.

regarding PMSC deployment and possibilities for their persecution should therefore be equally troubling. Hence, this sub-section will go into detail on the legal provisions surrounding PMSCs in armed conflict and discuss how they are affected by the proposed working definition and operationalisation of IROL in NIAC.

Across legal, political, and empirical literature, PMSCs are referred to as private militaries, private armies, or even private or international mercenaries. While the media and academia alike seemingly use these terms interchangeably, there are differences, especially in the legal provisions, concerning PMSCs, and private or international mercenaries. The former are organised under a specific company, whereas the latter usually refers to individually recruited soldiers, and legally, the category of mercenary is insufficient in understanding and controlling the activities of PMSCs if i.e. their scope of services ranges beyond active combat⁸⁸.

The legal standing of PMSCs is varied across both national and international legislations alike. Some states have even criminalised mercenary activities under the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, or the Organization of African Unity Convention for the Elimination of Mercenarism in Africa⁸⁹. In the Geneva Conventions, mercenaries or PMSCs are only directly discussed concerning IAC. There, if they are tied into the armed forces of a recognised warring party or fulfil the requirements of being recognised as a militia, they are officially dealt with as combatants under the Geneva Convention Article 43, Protocol I⁹⁰. In this case, they are allowed to directly participate in hostilities⁹¹. Yet for this to apply, states have to register PMSCs as part of the state's armed forces. While there are no specific rules on how and in which form this ought to be done within the domestic legal systems, their involvement must still be made clear to opposing forces⁹². However, this classification is still highly context-dependent, meaning, PMSCs might be defined differently across cases⁹³. This depends on the legitimacy of the jurisdiction of the present conventions and treaties, as well as the contract the PMSCs are under⁹⁴.

⁸⁸ Lindsey Cameron, 'Private Military Companies: Their Status under International Humanitarian Law and Its Impact on Their Regulation', *International Review of the Red Cross* 88, no. 863 (4 April 2007): 578f., <https://doi.org/10.1017/S1816383106000683>; Françoise Bouchet-Saulnier, 'Private Military Companies', in *Doctors without Borders / The Practical Guide to Humanitarian Law*, trans. Laura Brav and Camille Michel, 3rd ed. (Rowman & Littlefield Publishers, 2013), <https://guide-humanitarian-law.org/content/article/3/private-military-companies/>.

⁸⁹ Cameron, 'Private Military Companies: Their Status under International Humanitarian Law and Its Impact on Their Regulation', 577.

⁹⁰ Cameron, 582f.

⁹¹ Cameron, 583.

⁹² Cameron, 583.

⁹³ Cameron, 587.

⁹⁴ Cameron, 587.

Meanwhile, in NIAC, there are no mentions of how to properly deal with mercenaries of PMSCs⁹⁵. Research suggests, that in NIAC, despite a rather broad definition of states' armed forces, only in the fewest instances can PMSCs be considered as armed forces to a warring party⁹⁶. This is only the case if their membership in the armed forces is recorded under domestic law, and their actions constitute reasons for considering them as active members of the armed forces under IHL⁹⁷. If this does not apply, for example, if they are not considered a part of the armed forces under domestic law, or they do not take part in hostilities, as provisioned in the latter criterion, they would most likely be considered civilians⁹⁸. Yet even if PMSC employees were to be considered civilians, they *could* be tried for war crimes and violations of IHL. Only when persecuting them for breaches of human rights, they ought to be recognised as state agents, or they need to make clear amends to human rights in their contracts with states to ensure accountability⁹⁹.

From these observations alone it seems, the regulation of PMSCs is not necessarily an issue of novelty, more than it might be political will and uncertainty of responsibility¹⁰⁰. Yet for the context of this thesis, it is important to note there are multiple manners in which IHL can be applied and interpreted when it comes to determining the status of PMSCs in NIAC, and IAC alike. The general principles of IHL apply to PMSCs, meaning, their members could still violate IHL. Therefore, also the working definition and operationalisation of IRoL, which is based on the fundamental principles of IHL, could be applied to PMSCs as actors in NIAC.

3 Mali: Conflict Analysis and Timeline

To dive deeper into the case of Wagner in Mali, the context of the Malian conflict needs to be examined further. While we speak of one conflict it is important to understand, there are multiple overlapping and related conflict dynamics at play, of which some play out across the country and Sahel region at large. While they are difficult to separate, for the sake of clarity, I distinguish between (a) the Tuareg separatism, (b) the jihadist insurgency, (c) political instability and inter-communal violence, and (d) the international military interventions and shifting alliances. This section will go over their progression

⁹⁵ Luisa Vierucci, 'The Role of Private Military and Security Companies in Non-International Armed Conflicts: Ius Ad Bellum and Ius in Bello Issues', Working Paper, 2009, 13, <https://cadmus.eui.eu/handle/1814/12954>.

⁹⁶ Vierucci, 27.

⁹⁷ Vierucci, 16f.

⁹⁸ Vierucci, 20f.

⁹⁹ Cameron, 'Private Military Companies: Their Status under International Humanitarian Law and Its Impact on Their Regulation', 594.

¹⁰⁰ Kevin A. O'Brien, 'Pmcs, Myths and Mercenaries: The Debate on Private Military Companies', *RUSI Journal* 145, no. 1 (February 2000): 63f., <https://doi.org/10.1080/03071840008446490>.

along three phases: (2012-2015) the conflict in Northern Mali characterised by the Tuareg revolt; (2015-2020) lower intensity conflict throughout the country, yet especially in central Mali, characterised by intercommunal conflict and jihadist militancy; and (2020-present) which is a phase of ongoing violence by violent extremist organisations (VEOs), and severe political turmoil.

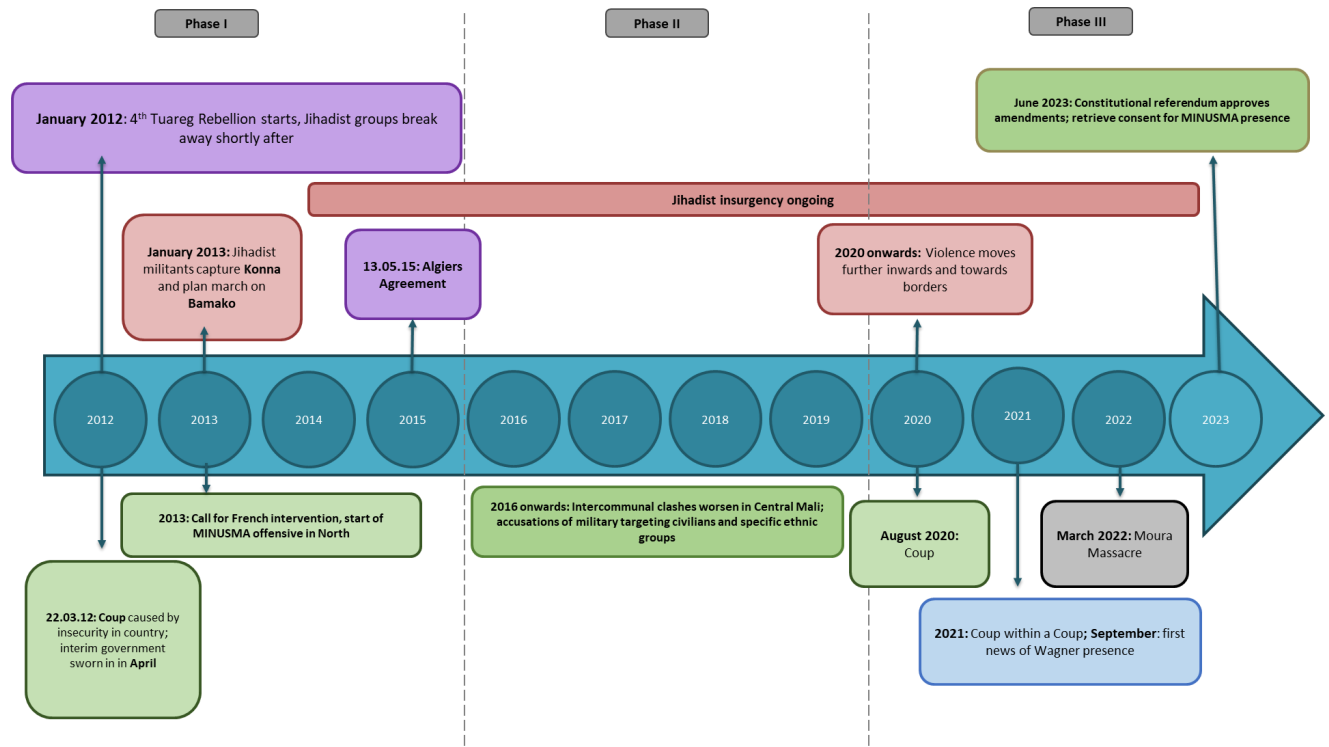


Figure 1: Mali Conflict Phases and Timeline of Key Events¹⁰¹.

As a means of analysing the conflict in more detail, I will give a brief historical overview before going over the Malian conflict according to its three phases. For this part, I will summarise the key events of the specific phase and propose a view of the conflict as a network of constantly shifting alliances, based on *Alliance Theory* and the idea of *Network Wars*. Lastly, I will show how violent activity has transformed over time by reviewing ACLED data from 01 January 2012 to 31 July 2023. This analysis will serve as a basis for understanding Wagner’s point of entry and role in the conflict.

¹⁰¹ Own Figure r.t.: BBC, ‘Mali Profile - Timeline’, *BBC News*, 22 June 2011, sec. Africa, <https://www.bbc.com/news/world-africa-13881978>; International Crisis Group, ‘Tracking Conflict Worldwide: Mali’, Crisis Watch Data Base, 30 August 2022, <https://www.crisisgroup.org/crisiswatch/database> Appendix 1.

3.1 Background information and History

As the largest country in West Africa, Mali shares borders with Algeria, Niger, Burkina Faso, Ivory Coast, Guinea, Senegal, and Mauritania and is split into eight regions: Tomboucto, Gao and Kidal in the North, and Bamako, Mopti, Kayes, Koulikoro, Segou and Sikasso in the South¹⁰². The North of Mali is part of the Sahara Desert, which covers roughly 53% of the entire country¹⁰³. Due to the lack of arable land and infrastructure, only around 8 to 10% of the entire population live there¹⁰⁴. The rest of the population is concentrated in the Centre and South through which the rivers Niger and Senegal flow, making the land more fertile¹⁰⁵. Still, climate change has increased the desertification of arable land, and drainage of the rivers' tributaries¹⁰⁶.

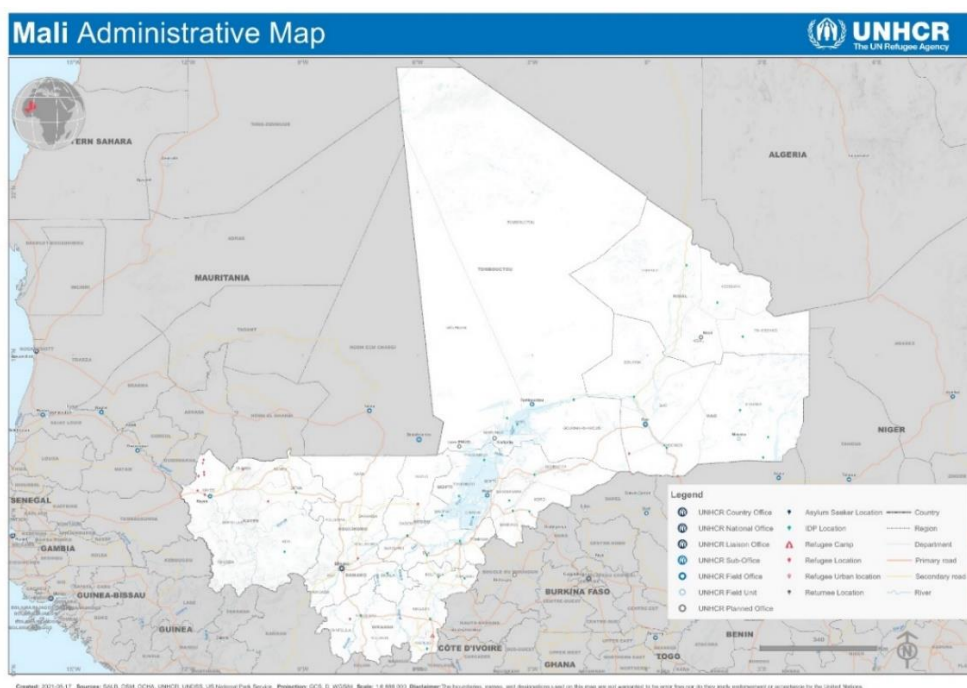


Figure 2: Administrative Map of Mali¹⁰⁷.

¹⁰² Raul-Ionuț Badale ad Diana-Cristina Isvoranu, 'Mali. Conflict Analysis', *Conflict Studies Quarterly*, no. 3 (April 2013): 4.

¹⁰³ Boubacar Barry and Emmanuel Obuoie, 'Mali', in *Groundwater Availability and Use in Sub-Saharan Africa: A Review of 15 Countries*, ed. Paul Pavelic et al. (Battaramulla: International Water Management Institute, 2012), 92,

https://www.iwmi.cgiar.org/Publications/Books/PDF/groundwater_availability_and_use_in_sub-saharan_africa_a_review_of_15_countries.pdf; SWAC - Sahel and West Africa Club Secretariat, 'Northern Mali at a Glance', OECD, accessed 20 August 2023,

<https://www.oecd.org/countries/mali/northernmaliataglance.htm#:~:text=OECD%20Home%20Mali%20Northern%20Mali%20at%20a%20glance,from%2017%25%20in%201960%20and%2011.5%25%20in%201990>.

¹⁰⁴ SWAC - Sahel and West Africa Club Secretariat, 'Northern Mali at a Glance'; Population Institute, 'Sahel Security Brief: Mali', Fact Sheet, The African Sahel (Washington: Population Institute, 2020), <https://www.populationinstitute.org/wp-content/uploads/2020/02/Mali-Factsheet.pdf>.

¹⁰⁵ Barry and Obuoie, 'Groundwater Availability and Use in Sub-Saharan Africa', 92f.

¹⁰⁶ Barry and Obuoie, 92f.

¹⁰⁷ UNHCR, *Mali - Reference Map - May 2021* (UNHCR, 17 May 2021), <https://data2.unhcr.org/en/documents/details/91278> Appendix 2.

The country has had a multi-ethnic demographic since its dawn in 1235¹⁰⁸. Following the fall of the kingdom Ghana, otherwise referred to as Wagadu, the Sosso and Mali kingdoms filled the power vacuum left behind¹⁰⁹. Being rich in gold and gaining control over the trans-Saharan trade, the Mali Empire quickly rose to global significance¹¹⁰. In the 18th century, the “Age of Exploration” marked the rapid acceleration of European colonialism¹¹¹. While France had already established a trade port in present-day Senegal as early as 1659, it was not until the mid-19th century, that French colonialism on the African continent expanded exponentially¹¹². In 1890, the colony ‘French Sudan’ was proclaimed, encompassing a majority of the territory of the former Malian Empire¹¹³. While evidence of the Empire’s riches had been recorded, French interest was based on the fact, it connected two other major colonies: Senegal and Algeria¹¹⁴.

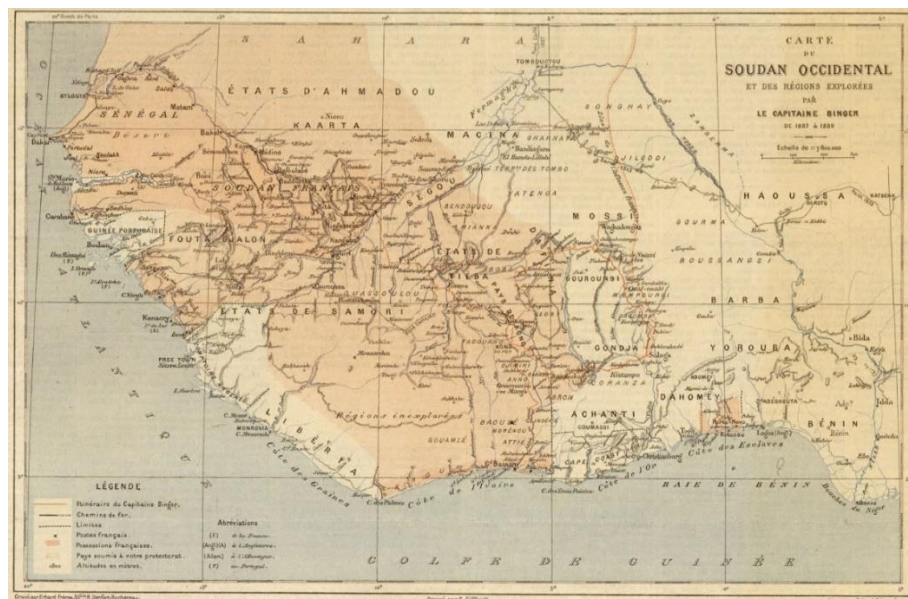


Figure 3: Map of French Sudan (modern-day Mali) published in *Le Temps* in March 1890 to illustrate an account of the 1887-1889 voyage of Captain Binger¹¹⁵.

¹⁰⁸ Sirio Canós-Donnay, ‘The Empire of Mali’, in *Oxford Research Encyclopedia of African History* (Oxford University Press, 2019), <https://doi-org.proxy.library.uu.nl/10.1093/acrefore/9780190277734.013.266>.

¹⁰⁹ Canós-Donnay, 2.

¹¹⁰ Donna J. Stewart, *What Is next for Mali? The Roots of Conflict and Challenges to Stability* (Strategic Studies Institute and U.S. Army War College Press, 2013), 10.

¹¹¹ Stewart, 15.

¹¹² Panira Ali, ‘FRENCH COLONIALISM TO NEO-COLONIALISM IN MALI: AN ANALYTICAL STUDY’, *Journal of European Studies (JES)* 34, no. 2 (2 July 2018): 115f.

¹¹³ Stewart, *What Is next for Mali? The Roots of Conflict and Challenges to Stability*, 16.

¹¹⁴ Stewart, 16.

¹¹⁵ Émile (18-19) Cartographe Giffault, Louis-Gustave (1856-1936) Auteur adapté Binger, and Établissement géographique Erhard frères Graveur, *Carte Du Soudan Occidental et Des Régions Explorées Par Le Capitaine Binger de 1887 à 1889 / Dressé Par E. Giffault ; Gravé Par Erhard Frères 35 Bis r. Denfert-Rochereau, 1890, 1890*, <https://gallica.bnf.fr/ark:/12148/btv1b77590794> Appendix 3.

Even after the proclamation of ‘French Sudan’ and despite French direct rule, which often bypassed traditional authorities, the colonial rulers had to fight off military and political resistance from various tribes and sub-societies of the local population¹¹⁶. Especially in the North, resistance to French rule is said to have continued well into the 1930s¹¹⁷. Soon after WWII, which was marked by the forceful recruitment of soldiers from the colonies, the decolonisation movement grew on the continent and eventually led to French Sudan’s independence¹¹⁸. The ‘Mali Federation’, consisting of Mali and Senegal and became independent in 1960, yet Senegal withdrew shortly after, leaving Mali as it is known today¹¹⁹.

Today, the population remains heterogeneous, with over 24 different ethnic groups, of which roughly 95% identify as Muslim¹²⁰. Nevertheless, ethnic ties remain strong. Around half of the population belongs to the Mandé people, including Bambara, and Malinké, who inhabit the South and Centre of Mali¹²¹. The largest minority groups are the Peuhl, otherwise referred to as Fulani (14,7%), the Soninké (10,8%), the Senoufo (10,5%), the Dogon (8,9%), and the Tuareg (7,7%)¹²². Referring to themselves as Kel Tamasheq, the Tuareg are a nomadic group, mostly inhabiting the rural and peripheral regions of northern Mali, West Niger, and parts of Algeria, Libya and Burkina Faso¹²³. Deeply linked to this mode of living, they underwent multiple crises concerning access to resources, such as water or land, and lacking political representation¹²⁴. After the independence of most Saharan states in the 1960s, the Tuareg were not able to build a sufficient pressure group to the governments, placing them as a social and political minority¹²⁵. This led to a series of revolts against the Malian and Nigerien governments in the 1990s and early 2000s¹²⁶. Still, the central government, located in Bamako, has a history of favouring the South, given most of the political life is dominated by the Bambara population¹²⁷. This, and the rurality of the North have caused disadvantages in terms of education, health care and social security, which further exacerbate this division¹²⁸.

¹¹⁶ Christophe Wondji, ‘Les Résistances à La Colonisation Française En Afrique Noire (1871-1914)’, *Africa Development / Afrique et Développement* 18, no. 4 (1993): 122f.; Ali, ‘FRENCH COLONIALISM TO NEO-COLONIALISM IN MALI: AN ANALYTICAL STUDY’, 118f.

¹¹⁷ Stewart, *What Is next for Mali? The Roots of Conflict and Challenges to Stability*, 20.

¹¹⁸ Stewart, 20f.; Ali, ‘FRENCH COLONIALISM TO NEO-COLONIALISM IN MALI: AN ANALYTICAL STUDY’, 118f.

¹¹⁹ Stewart, *What Is next for Mali? The Roots of Conflict and Challenges to Stability*, 22.

¹²⁰ Minority Rights Group, ‘Mali - World Directory of Minorities & Indigenous Peoples’, *Minority Rights Group*, 19 June 2015, <https://minorityrights.org/country/mali/>.

¹²¹ Minority Rights Group.

¹²² Minority Rights Group.

¹²³ Krings 1995, 57 f.

¹²⁴ Krings 1995, 58.

¹²⁵ Krings 1995, 58

¹²⁶ Lecocq 2013, northern Mali: A long and complicated conflict, 426.

¹²⁷ Minority Rights Group, ‘Mali - World Directory of Minorities & Indigenous Peoples’.

¹²⁸ Francesca Bastagli and Camilla Toulmin, ‘Mali: The Economic Factors behind the Crisis’ (Brussels: Directorate-General for External Policies of the Union (European Parliament), March 2014), 22, <https://data.europa.eu/doi/10.2861/49199>.

3.2 Conflict in Mali as a Network of ever-shifting Alliances

To start with the explanation of the Malian conflict as a network of ever-shifting alliances, I will first define *Alliance Theory* and *Network Wars*. Thereafter, I shall apply these concepts to the three phases of the conflict and point out why the expansion of *Alliance Theory* beyond local and national actors is of immense relevancy in the context of this thesis.

3.2.1 Alliance Theory and Network Wars

Alliance theory is built up by scholars who reject the idea, agency in war is only held by elites, such as political or military leaders¹²⁹. Instead, scholars such as Kalyvas or Keen place agency not only at the top but also on the level of civilians and individuals¹³⁰.

In *The Logic of Violence in Civil War*, Kalyvas proposes to view the linkages between political elites, and their strive for power and local groups' cooperation therewith for personal gain, as strategic alliances¹³¹. It is these alliances, which enable the exercise of violence on a larger scale, as transactions between the local and supralocal actors enable the pursuit of their respective goals¹³². As such, he advises to be cautious of labels of identity. Instead, cleavages on the regional, local, and even national levels can overlap, creating a uniting master-cleavage, to create fluid alliances, which might be subject to changes as interests shift with time¹³³. Similarly, Keen conceptualises conflict, violence, or catastrophes as 'produced' by various actors who seek to realise their goals through the collective action of violence or conflict¹³⁴. The core idea of *Alliance Theory* therefore is, that violence and identity are functional and are enabled through alliances between different actors. While especially Kalyvas uses this lens of alliances to explain and understand the context of civil war, I argue, that this theory can also be expanded onto the context of internationalised civil wars or internationalised NIACs. Hailing from the background of political economy, the idea of *Network Wars* comes close to such an expansion¹³⁵.

This more structural view sees local conflict in the context of globalisation and privatisation as economic transformation¹³⁶. The state or the control thereover are not the centre of conflict anymore, neither in

¹²⁹ Jolle Demmers, *Theories of Violent Conflict*, 2nd ed. (London and New York: Routledge, 2017), 31.

¹³⁰ Demmers, 31.

¹³¹ Kalyvas, *The Logic of Violence in Civil War*, 365.

¹³² Kalyvas, 365.

¹³³ Kalyvas, 370.

¹³⁴ Keen, *Complex Emergencies*, 15f.; Demmers, *Theories of Violent Conflict*, 32.

¹³⁵ Demmers, *Theories of Violent Conflict*, 74.

¹³⁶ Demmers, 73f.

providing the means of violence nor in terms of goals¹³⁷. Instead, authority is in the hands of various actors, which operate in local and global networks to increase their economic power¹³⁸.

Actors arguably do not seek control over the administrative structure of the state, but rather aim at controlling strategic resources to secure their positions, meaning the state of war might even be more profitable than returning the established authority to the state in peace times¹³⁹. While this might go beyond where the context of Mali is *currently* located, this idea makes the important point, that next to the state, non-state and private actors can command high levels of authority, with the potential of exceeding that of the state¹⁴⁰. In the ongoing privatisation of warfare and the means for violence in the era of ‘New Wars’, this theory rightfully points out, that the capacities for armed conflict can be located beyond the state¹⁴¹.

In my perspective, adding elements of this idea to *Alliance Theory* would result in an expanded view of alliances in conflict, especially internationalised forms. Both theories see agency located at various levels of society, yet the idea of *Network Wars* goes further and includes global and private economic actors, whereas Kalyvas’ ideas were mostly proposed in the context of civil war and alliances between local and national actors. Given the reality of ‘New Wars’, as in the case of Mali, it is only sensible to also include international and private actors, as well as their interests in the networks of alliances in conflict.

3.2.2 2012 – 2015: Tuareg Separatism and Islamist break-off

The start of the Malian conflict can be placed in 2012 with the fourth Tuareg rebellion. Due to the timing, which overlapped with the NATO intervention in Libya, many Tuareg combatants who fought alongside the Libyan regime’s armed forces had fled to Northern Mali¹⁴². These trained combatants brought military equipment to the Northern rebels, who were already building an arsenal since the last failed rebellion in the 1990s¹⁴³. In October 2011, various Tuareg movements merged into the National Movement for the Liberation of Azawad (MNLA)¹⁴⁴. Alongside the MNLA, Ansar Dine, roughly translating to “defenders of faith”, was created by Iyad ag Ghali, one of the leaders of past rebellions, and member of the formerly

¹³⁷ Demmers, 74f.

¹³⁸ Duffield, ‘Social Reconstruction and the Radicalization of Development’, 1061; Demmers, *Theories of Violent Conflict*, 74.

¹³⁹ Duffield, ‘Social Reconstruction and the Radicalization of Development’, 1059f.; Demmers, *Theories of Violent Conflict*, 75.

¹⁴⁰ Duffield, ‘Social Reconstruction and the Radicalization of Development’, 1060.

¹⁴¹ Duffield, 1061f.; Kaldor, *New and Old Wars: Organized Violence in a Global Era*, 4ff.

¹⁴² International Crisis Group, ‘Tracking Conflict Worldwide: Mali’, January 2012; Adriana Lins De Albuquerque, ‘Explaining the 2012 Tuareg Rebellion in Mali and Lack Thereof in Niger’, FOI Memo (Swedish Defence Research Agency, 12 November 2014), 9, <https://www.foi.se/rest-api/report/FOI%20MEMO%205099#:~:text=The%20two%20factors%20causing%20the,as%20a%20result%20of%20conflict>.

¹⁴³ Badale and Isvoranu, ‘Mali. Conflict Analysis’, 2; Andy Morgan, ‘The Causes of the Uprising in Northern Mali’, Think

Africa Press, 6 February 2012, <https://thinkafricapress.com/causes-uprising-northern-mali-tuareg/>.

¹⁴⁴ Badale and Isvoranu, ‘Mali. Conflict Analysis’, 8.

powerful Ifoghas Tuareg tribe¹⁴⁵. Considering the decreasing importance of the tribe since the 2000s, when Iyad ag Ghali had proposed himself for the position of Secretary General of the MNLA, he was rejected by younger militants of the movement¹⁴⁶. Hence, he resorted to creating his own rebel group¹⁴⁷.

Banding together with Al Qaeda in the Islamic Maghreb (AQIM) and Movement for Oneness and the Jihad in West Africa (MUJAO), the Tuareg started the rebellion by attacking a military camp in Aguelhok, and similar attacks on military outposts Tinzawaten or Hombori followed suit¹⁴⁸. By April, they seized control over the major Northern towns, including Kidal, Gao, and Tombouctou¹⁴⁹. While there is a long history of Tuareg rebellions in Mali, the rebels of this era were much better equipped, trained, and organised¹⁵⁰. The creation of the MNLA succeeded in organising multiple rebel fractions under one core group, which allowed for more cohesion and organisational capabilities¹⁵¹. Yet the unity of the rebellion and the success the MNLA represented was more of a front from the start.

Next to the fact, that the MNLA was much more secular than Ansar Dine, AQIM and MIJAO also held much closer ties to Ghali¹⁵². He and his supporters aimed at implementing sharia law and creating a governance structure in which the Ulema, a group of religious elders, would be reintegrated¹⁵³. Since that went beyond the MNLA's claim for independence and their more secular approach to this rebellion, this alliance soon turned sour, and the groups turned against each other¹⁵⁴. With the support of AQIM and MUJAO, Ansar Dine quickly overtook the MNLA in their battle for influence, taking control of the entire rebellion¹⁵⁵. The splitting of the MNLA, and Ansar Dine and its allies, most notable AQIM and MIJAO, is not only one of the most defining moments in this phase but also a clear case of the creation and shifting of alliances. First, to ensure the level of organisation necessary for a successful rebellion, different groups and tribes collaborated to form the MNLA. Second, their military capacities were enhanced through collaborating with Ansar Dine, AQIM and MUJAO. While the MNLA was much more secular, and AQIM

¹⁴⁵ Adib Bencherif, Aurélie Campana, and Daniel Stockemer, 'Lethal Violence in Civil War: Trends and Micro-Dynamics of Violence in the Northern Mali Conflict (2012-2015)', *Studies in Conflict & Terrorism* 46, no. 5 (24 June 2020): 664, <https://doi.org/10.1080/1057610X.2020.1780028>.

¹⁴⁶ Bencherif, Campana, and Stockemer, 664; Morgan, 'The Causes of the Uprising in Northern Mali'; Badale and Isvoranu, 'Mali. Conflict Analysis', 9.

¹⁴⁷ Bencherif, Campana, and Stockemer, 'Lethal Violence in Civil War', 664.

¹⁴⁸ Grégory Chauzal, 'The Roots of Mali's Conflict', CRU Report, March 2015, Introduction, https://www.clingendael.org/pub/2015/the_roots_of_malis_conflict/executive_summary/.

¹⁴⁹ Chauzal, Introduction.

¹⁵⁰ Chauzal, Introduction.

¹⁵¹ Chauzal, Introduction.

¹⁵² Chauzal, Introduction; Badale and Isvoranu, 'Mali. Conflict Analysis', 9f.; Baz Lecocq, 'Mali: This Is Only the Beginning Conflict & Security', *Georgetown Journal of International Affairs* 14, no. 2 (2013): 66f.

¹⁵³ Chauzal, 'The Roots of Mali's Conflict', Introduction.

¹⁵⁴ Bencherif, Campana, and Stockemer, 'Lethal Violence in Civil War', 664; Chauzal, 'The Roots of Mali's Conflict', Introduction; Badale and Isvoranu, 'Mali. Conflict Analysis', 8f.

¹⁵⁵ Chauzal, 'The Roots of Mali's Conflict', Introduction.

and MUJAO were not only locally but regionally organised, their shared interests enabled these alliances. Once the disparity between their goals became too much of a concern, this alliance crumbled.

Meanwhile, the FAMA was unable to contain the deteriorating security crisis in the North. Especially the military and their families grew discontent with the government's approach to the rebellion¹⁵⁶. On 22 March 2012, still amid the expanding rebellion in the North and only weeks away from presidential elections, President Amadou Toumani Touré was overthrown in an army-led coup d'état headed by Captain Amadou Sanogo¹⁵⁷. The coup was severely condemned by the international community. Still, in light of the worsening security situation, in December, the United Nations Security Council (UNSC) approved 3000 ECOWAS troops to be sent to the North as part of AFISMA¹⁵⁸. Yet the new leadership was unable to stop the jihadist militants from moving further South, capturing Konna, and threatening to march on Bamako¹⁵⁹. Thus, in January 2013, interim President Dioncounda Traoré officially asked France for military assistance, marking the start of French intervention in Mali¹⁶⁰. French and Malian forces, with the support of secular Tuareg rebel groups, were able to retake most of the rebel-occupied territories in the North in a large-scale military operation¹⁶¹. Yet despite a preliminary ceasefire and disarmament agreement between the interim government and secular Tuareg rebel groups, political tensions in the North caused the appearance of new armed groups, and jihadist militants reorganised to return to the conflict¹⁶².

While the fighting continued, in 2014, Algeria stepped in to facilitate peace talks between the government and the fractured rebel coalitions in the North¹⁶³. Grievances and disputes went so far, some coalitions refused to meet with others during the negotiation processes¹⁶⁴. In October, multiple rebel movements and coalitions banded together under the Coordination of Azawad Movements (CMA), which includes the MNLA and other rebel groups¹⁶⁵. While this created slight cohesion between the different rebel groups and factions, it was not until June 2015, after several violent clashes between the parties, the Algiers

¹⁵⁶ Chauzal, Introduction.

¹⁵⁷ International Crisis Group, 'Tracking Conflict Worldwide: Mali', March 2012; Susanna D. Wing, 'Mali: Politics of a Crisis', *African Affairs* 112, no. 448 (1 July 2013): 476f., <https://doi.org/10.1093/afraf/adt037>.

¹⁵⁸ International Crisis Group, 'Tracking Conflict Worldwide: Mali'; Naffet Keita, 'Agreement for Peace and Reconciliation in Mali Resulting from the Algiers Process Between Euphoria and Scepticism: Traces of Peace' (Bamako: Friedrich-Ebert-Stiftung, 2018), <https://library.fes.de/pdf-files/bueros/fes-pscc/14425.pdf>; BBC, 'Mali Profile - Timeline'.

¹⁵⁹ Claire Mills, Arabella Lang, and Jon Lunn, 'The Crisis in Mali: Current Military Action and Upholding Humanitarian Law', in *Standard Note to the House of Commons* (Library of the House of Commons, 2013), 1; International Crisis Group, 'Tracking Conflict Worldwide: Mali'.

¹⁶⁰ Lecocq, 'Mali', 59; International Crisis Group, 'Tracking Conflict Worldwide: Mali', January 2013.

¹⁶¹ International Crisis Group, 'Tracking Conflict Worldwide: Mali', January 2013; Bencherif, Campana, and Stockemer, 'Lethal Violence in Civil War', 665.

¹⁶² Bencherif, Campana, and Stockemer, 'Lethal Violence in Civil War', 665.

¹⁶³ International Crisis Group, 'Tracking Conflict Worldwide: Mali', June 2014; BBC, 'Mali Profile - Timeline'.

¹⁶⁴ International Crisis Group, 'Tracking Conflict Worldwide: Mali', July 2014; Keita, 'Agreement for Peace and Reconciliation in Mali Resulting from the Algiers Process Between Euphoria and Scepticism: Traces of Peace', 24f.

¹⁶⁵ Keita, 'Agreement for Peace and Reconciliation in Mali Resulting from the Algiers Process Between Euphoria and Scepticism: Traces of Peace', 23.

Peace Agreement was signed¹⁶⁶. This agreement aims at restoring peace through giving the regions, particularly the North, more political and economic autonomy, and reintegrating the Tuareg armed groups into the national forces¹⁶⁷.

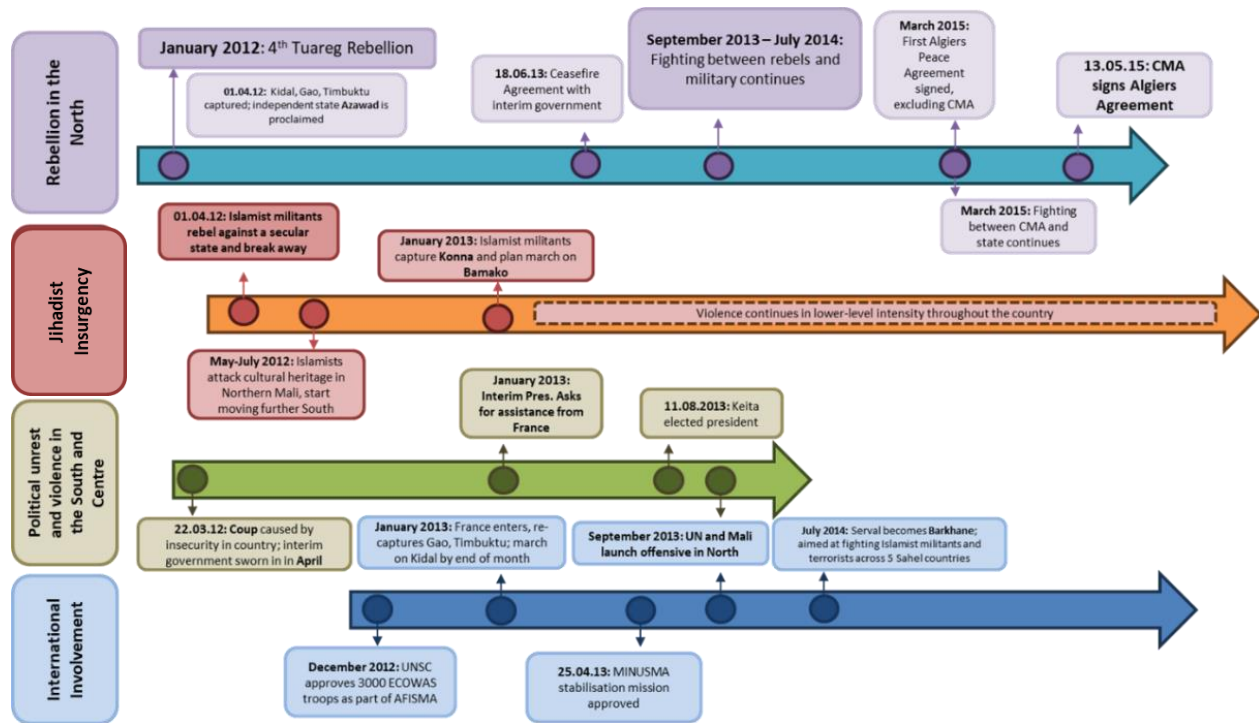


Figure 4: Mali Phase I Timeline of Key Events¹⁶⁸.

3.2.3 2015 – 2020: Ongoing VEO violence and conflict in central Mali

While the Algiers Peace Agreement marked the finalisation of the first phase, the country is still plagued by VEOs which spread across the region, instrumentalising the struggles of other ethnic groups and cooperating with existing ethnic militias and self-protection groups to fight against both the state, as well as the Tuareg rebels¹⁶⁹. International intervention in Mali is also ongoing and now includes the French

¹⁶⁶ International Crisis Group, 'L'accord d'Alger cinq ans après : un calme précaire dont il ne faut pas se satisfaire', International Crisis Group, 24 June 2020, <https://www.crisisgroup.org/fr/africa/sahel/mali/laccord-dalger-cinq-ans-apres-un-calme-precaire-dont-il-ne-faut-pas-se-satisfaire>.

¹⁶⁷ International Crisis Group.

¹⁶⁸ Own Figure r.t.: BBC, 'Mali Profile - Timeline'; International Crisis Group, 'Tracking Conflict Worldwide: Mali' Appendix 4.

¹⁶⁹ Boubacar Ba and Morten Bøås, 'Mali: A Political Economy Analysis', Report commissioned by the Norwegian Ministry of Foreign Affairs (Oslo: Norwegian Institute of International Affairs, November 2017), 20f., https://nupi.brage.unit.no/nupi-xmlui/bitstream/handle/11250/2468085/NUPI_rapport_Mali_Ba_B%C3%B8s.pdf?sequence=2.

mission Barkhane, MINUSMA, the training mission EUTM, as well as the regional missions G5 Sahel, AFISMA and ECOWAS¹⁷⁰.

Notable developments include the attack on the Radisson Blu Hotel in November 2015 in Bamako, during which 170 hostages were taken and 22 people killed; as well as the emergence of the Islamic State in the Greater Sahara (ISGS), now known as the Islamic State Sahel Province (IS Sahel), in 2016 at the border between Mali and Burkina Faso¹⁷¹. Due to the rivalry between the Islamic State and al-Qaeda, their presence inspired the collaboration and merging of various al-Qaeda affiliates across the region¹⁷². In 2017, Ansar Dine, the Macina Liberation Front (FLM), al Mourabitoun, AQIM Sahara, and smaller affiliates merged into Jama'at Nusrat al-Islam wal Muslimeen (JNIM)¹⁷³. This further showcases how a common goal, or enemy in this case, can bring fractured groups together. This 'alliance of necessity' is now active across the entire Sahel¹⁷⁴. In Mali's North, under Ghali, they were responsible for major attacks against MINUSMA in 2016 and 2019¹⁷⁵. Meanwhile, in the Centre towards Northern Burkina Faso, under the leadership of Amadou Koufa, of Fulani origins and leader of the FLM, the group has managed to recruit a vast amount of Fulani fighters by instrumentalising their stigmatisation, as well as their political and economic grievances¹⁷⁶.

A majority of their livelihoods depend on pastoralism. This way of life is under threat for three core reasons: climate change and population growth have caused a scarcity of resources, and administrative borders and conflict have cut off communities from their frequented lands¹⁷⁷. Often lacking proper representation in formal institutions, they need to defend their interests by themselves¹⁷⁸. As such, Fulani are often recruited by VEOs either to fight the discrimination they face or motivated by the prospect of

¹⁷⁰ BBC, 'Mali Profile - Timeline'; International Crisis Group, 'Tracking Conflict Worldwide: Mali', 2015.

¹⁷¹ Center for Preventive Action, 'Violent Extremism in the Sahel', *Global Conflict Tracker*, 10 August 2023, <https://cfr.org/global-conflict-tracker/conflict/violent-extremism-sahel>; International Crisis Group, 'Tracking Conflict Worldwide: Mali', November 2015.

¹⁷² Celeste Hicks, 'The Sahel's Ungoverned Spaces and the Ascent of AQIM, Al-Mourabitoun and MUJAO in Mali and Niger', in *Extremisms in Africa*, ed. Alain Tschudin et al., 1st ed. (South Africa: Jacana Media, 2019), 131; Daniel L. Byman, 'Comparing Al Qaeda and ISIS: Different Goals, Different Targets', Brookings, 29 April 2015, <https://www.brookings.edu/articles/comparing-al-qaeda-and-isis-different-goals-different-targets/>; Center for Preventive Action, 'Violent Extremism in the Sahel'.

¹⁷³ Daniel Eizenga and Wendy Williams, 'The Puzzle of JNIM and Militant Islamist Groups in the Sahel', *Africa Center for Strategic Studies*, Africa Security Brief, no. 38 (December 2020): 1f.

¹⁷⁴ Center for Preventive Action, 'Violent Extremism in the Sahel'; Eizenga and Williams, 'The Puzzle of JNIM and Militant Islamist Groups in the Sahel', 2f.

¹⁷⁵ Eizenga and Williams, 'The Puzzle of JNIM and Militant Islamist Groups in the Sahel', 3.

¹⁷⁶ Eizenga and Williams, 4.

¹⁷⁷ Modibo Ghaly Cissé, 'Understanding Fulani Perspectives on the Sahel Crisis', *Africa Center for Strategic Studies* (blog), 22 April 2022, <https://africacenter.org/spotlight/understanding-fulani-perspectives-sahel-crisis/>; Boukary Sangare, 'Fulani People and Jihadism in Sahel and West African Countries' (Observatoire du Monde Arabo-Musulman et du Sahel, 8 February 2019), 6ff., <https://www.frstrategie.org/en/programs/observatoire-du-monde-arabo-musulman-et-du-sahel/fulani-people-and-jihadism-sahel-and-west-african-countries-2019>.

¹⁷⁸ Promise Frank Ejiofor, "'Fulanis Are Foreign Terrorists': The Social Construction of a Suspect Community in the Sahel', *Critical Studies on Terrorism* 15, no. 2 (10 December 2021): 346f., <https://doi.org/10.1080/17539153.2021.2015841>; Sangare, 'Fulani People and Jihadism in Sahel and West African Countries', 7f.

securing a livelihood¹⁷⁹. This, of course, is a simplified explanation of a complex issue of intercommunal conflict throughout the entire Sahel region. Research indicates, there are no observable historical ties or predestination to becoming engaged in jihadist movements, instead, the threats surrounding their existence and marginalisation of their people are oftentimes a factor in joining VEOs¹⁸⁰. Still, the overrepresentation of Fulani members in Islamist groups across the Sahel due to these various reasons further stigmatises the community's members as terrorists of jihadist militants¹⁸¹. Hence, they are often singled out as a 'suspect community' and targeted in inter-communal violence, as well as the state's 'anti-terrorist' operations¹⁸². Thus, VEOs make use of this cleavage to band together with ethnic communities.

In response, government forces collaborated with the signatory groups of the Algiers agreement to patrol the North and retake occupied territories to contain the violence¹⁸³. Given their history of fighting on opposing sides of the conflict, this is an especially important shift in alliances, which shows, that interests and priorities can shift so dramatically, that former opposing forces can work together if the overarching cleavage connects them. Still, political tensions concerning the implementation of the agreement prevail¹⁸⁴.

Meanwhile, the elections planned for July 2018 are overshadowed by escalating intercommunal violence, fuelled by the context of jihadist insurgency¹⁸⁵. Nonetheless, Ibrahim Boubacar Keïta was re-elected in the presidential elections during a second round held in August¹⁸⁶. As the new government struggled to boost the state presence across the country, the violence in central Mali was threatening to spill out of control, and the people grew increasingly frustrated¹⁸⁷. Since March, rumours surrounding a possible coup emerged, and protests against the government spread across the country¹⁸⁸. Eventually, on 18 August President Keïta was forced to step down by a group of military officers united under the National Committee for the Salvation of the People (CNSP) and led by Col. Assimi Goïta¹⁸⁹.

Overall, this phase of the conflict sees the interplay of the various conflict dynamics, how they are connected, and how the violence has spread throughout the entire country. Despite the peace process in the North and attempts to stabilise the region from national and international actors alike, in light of the

¹⁷⁹ Cissé, 'Understanding Fulani Perspectives on the Sahel Crisis'.

¹⁸⁰ Sangare, 'Fulani People and Jihadism in Sahel and West African Countries', 13.

¹⁸¹ Cissé, 'Understanding Fulani Perspectives on the Sahel Crisis'.

¹⁸² Ejiofor, "'Fulanis Are Foreign Terrorists'", 343ff.; Cissé, 'Understanding Fulani Perspectives on the Sahel Crisis'.

¹⁸³ International Crisis Group, 'Tracking Conflict Worldwide: Mali', December 2017.

¹⁸⁴ International Crisis Group, December 2017.

¹⁸⁵ International Crisis Group, May 2018.

¹⁸⁶ International Crisis Group, August 2018; BBC, 'Mali Profile - Timeline'.

¹⁸⁷ International Crisis Group, 'Tracking Conflict Worldwide: Mali', August 2018-September 2019.

¹⁸⁸ International Crisis Group, March 2020-July 2020.

¹⁸⁹ International Crisis Group, August 2020.

political turmoil in the capital and continuously worsening situation in the central regions, the situation at the end of this phase remains deeply volatile.

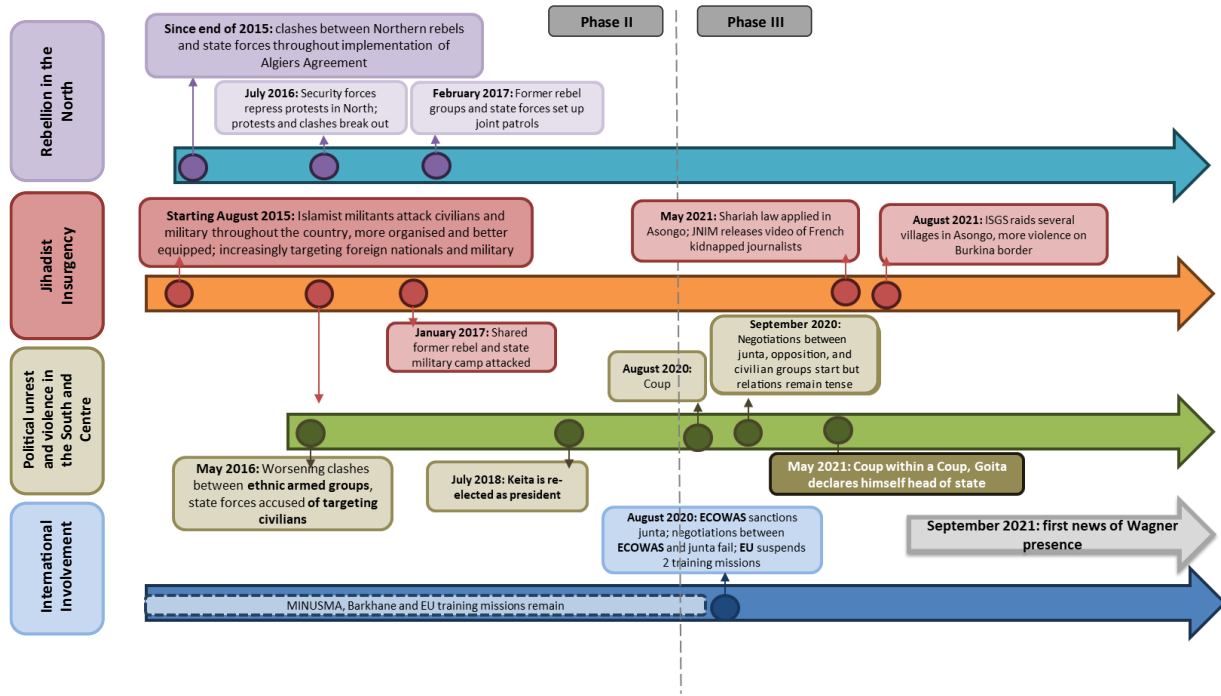


Figure 5: Mali Phase II and Phase III Timeline of Key Events¹⁹⁰.

3.2.4 2020 – now: Political turmoil, escalating violence, and spill-over

After the coup, the junta was quick to regain international support by releasing plans for a transition to civilian rule and appointing interim President N’Daw in October¹⁹¹. Yet in the light of ongoing violence in the centre, and the changes implemented by the interim government, civil society groups and the opposition called out their approach as purely military instead of civilian¹⁹². Meanwhile, the jihadist insurgency in the Centre and North is met with an offensive from the French Barkhane mission, which sparks public outcry and protests over the killing of civilians during an air strike in the Mopti region¹⁹³. jihadist violence continues to destabilise the North and centre as critique towards the junta, as well as the French military intervention and MINUSMA, continue into a political crisis¹⁹⁴. This reaches its peak as

¹⁹⁰ Own Figure r.t.: BBC, ‘Mali Profile - Timeline’; International Crisis Group, ‘Tracking Conflict Worldwide: Mali’ Appendix 5.

¹⁹¹ International Crisis Group, ‘Tracking Conflict Worldwide: Mali’, October 2020.

¹⁹² International Crisis Group, November 2020.

¹⁹³ International Crisis Group, January 2021.

¹⁹⁴ International Crisis Group, February 2021-April 2021.

the military junta stages another coup, this time against N'Daw and Goïta appoints himself interim President in May 2021¹⁹⁵. The 2021 coup was deeply condemned by ECOWAS, the AU, EU, France, and the US, and in June 2021, France would suspend military cooperation until a return to civilian rule was foreseeable¹⁹⁶. Also, other international actors have thereafter announced plans for a coordinated withdrawal of troops¹⁹⁷.

This interim government has been characterised by its critique towards international partnerships such as MINUSMA and France and embarking on paths towards new partnerships with Russia and the PMSC Wagner¹⁹⁸. Since the end of 2021, the PMSC is supposedly in the country and is seen deployed alongside FAMA forces in counter-terrorism operations¹⁹⁹. In March 2022, Wagner and FAMA are accused of killing over 500 people in what has become known as the Moura massacre, and state forces are increasingly criticised for targeting civilians²⁰⁰. According to a fact-finding mission from the UN Human Rights Office, at least 500 people were executed against the standards of international human rights and humanitarian law in this alleged 'anti-terrorist operation'²⁰¹. Already when the first investigations spoke of roughly 300 executed civilians, the Moura Massacre was ruled out to be the worst single atrocity reported throughout the entirety of the Malian conflict²⁰². The UN investigations have found evidence of summary executions, torture, and rape over the entire course of the 5-day-long massacre²⁰³. Survivors report having been detained for days, uncertain, whether they would be picked out for execution, and some were even ordered to dig up mass graves for the victims²⁰⁴. Thus further marks the continuous escalation of the conflict and VAC from all sides.

Instead of speeding up plans for a return to civilian rule, in May 2022, the Malian junta announced their withdrawal from the military agreements between its nation and France, signed in 2014, citing a

¹⁹⁵ International Crisis Group, May 2021.

¹⁹⁶ Elise Vincent and Morgane Le Cam, 'La France suspend sa coopération militaire bilatérale avec le Mali', *Le Monde.fr*, 3 June 2021, https://www.lemonde.fr/afrique/article/2021/06/03/la-france-suspend-sa-cooperation-militaire-bilaterale-avec-le-mali_6082742_3212.html.

¹⁹⁷ Reuters and Deutsche Welle, 'France Announces Military Withdrawal from Mali', *Deutsche Welle*, 17 February 2022, <https://www.dw.com/en/france-announces-military-withdrawal-from-mali/a-60808218>.

¹⁹⁸ Alexis Arief, 'Crisis in Mali', In Focus (Washington: Congressional Research Service, 15 August 2023), 1, <https://sgp.fas.org/crs/row/IF10116.pdf>.

¹⁹⁹ Neethling, 'Russian Para-Military Operations in Africa: The Wagner Group as a De Facto Foreign Policy Instrument', 14; Jared Thompson, Catrina Doxsee, and Joseph S. Bermudez Jr, 'Tracking the Arrival of Russia's Wagner Group in Mali', *Center for Strategic & International Studies*, 2 February 2022, <https://www.csis.org/analysis/tracking-arrival-russias-wagner-group-mali>.

²⁰⁰ OHCHR, 'Malian Troops, Foreign Military Personnel Killed over 500 People during Military Operation in Moura in March 2022 – UN Human Rights Report', OHCHR, 12 May 2023, <https://www.ohchr.org/en/press-releases/2023/05/malian-troops-foreign-military-personnel-killed-over-500-people-during>; Arief, 'Crisis in Mali', 2; International Crisis Group, 'Tracking Conflict Worldwide: Mali', December 2022.

²⁰¹ OHCHR, 'Malian Troops, Foreign Military Personnel Killed over 500 People during Military Operation in Moura in March 2022 – UN Human Rights Report'; Office of the High Commissioner for Human Rights, 'Rapport Sur Les Évènements de Moura Du 27 Au 31 Mars 2022', 31.

²⁰² Human Rights Watch, 'Mali'.

²⁰³ Office of the High Commissioner for Human Rights, 'Rapport Sur Les Évènements de Moura Du 27 Au 31 Mars 2022', 31f.

²⁰⁴ Human Rights Watch, 'Mali'.

deterioration in military cooperation, and alleged violations of Mali's sovereignty at the hands of French forces²⁰⁵. The junta accused the French military of spying on Malian soldiers and attempting to ruin their image, following the release of footage showing evidence of Russian mercenary forces, presumed to belong to the Wagner group, burying bodies in a mass grave in North Mali²⁰⁶.

As EUCAP and EUTM are announced to be suspended, and as more countries withdraw their troops, relations between Mali and its international partners continue to sour throughout this phase, yet the Northern rebels are similarly provoked by the junta²⁰⁷. Throughout the rule of the current junta, the CMA has been open about their disapproval, especially against the plans for constitutional reform amid the security crisis²⁰⁸. Tensions rise as of December 2022, the CMA has suspended its participation in the peace progress due to a lack of political will from the junta to implement its provisions²⁰⁹. By accusing former Northern rebels of cooperating with jihadist insurgents and flying military air crafts over their base in Kidal, the junta further strains their relationship²¹⁰. Most recently, in June 2023, the controversial constitutional referendum passed without the support of Kidal, where effectively no voting took place²¹¹. Shortly after, in June 2023, the junta called for the withdrawal of all MINUSMA forces, which is now precluded to take place by the end of the year²¹².

This phase is marked by a rapid deterioration of international relations, a spread of violence towards the South and the further concentration of activity on and across the borders with Burkina Faso and Niger, as well as the arrival of Wagner forces. The shifts in alliances occur most prominently in the international cooperation between the state forces and its international partners. Despite having generally overlapping goals of containing the violence, the political disputes regarding the methods employed and effectivity have driven apart the Malian interim government and international partners. The emergence of Wagner as an 'alternative' security partner arguably shows an attempt to fill a capacity gap left behind by these shifts. As such, alliances and their volatility are one of the conflict's main characteristics throughout its

²⁰⁵ Deutsche Welle, 'Mali Withdraws from Military Pacts with France', *Deutsche Welle*, 3 May 2022, <https://www.dw.com/en/mali-withdraws-from-military-pacts-with-france/a-61669481>.

²⁰⁶ Roshni Majumdar, 'Mali Accuses France of Spying', *Deutsche Welle*, 27 April 2022, <https://www.dw.com/en/malis-military-junta-accuses-france-of-spying-after-video-emerges-of-mass-grave/a-61602934>.

²⁰⁷ Arief, 'Crisis in Mali', If.; International Crisis Group, 'Tracking Conflict Worldwide: Mali', February 2022-April 2022; November 2022-February 2023.

²⁰⁸ Serge Daniel and RFI, 'Mali: les groupes armés du Nord s'opposent au projet de Constitution', *RFI*, 1 April 2023, sec. Afrique, <https://www.rfi.fr/fr/afrique/20230401-mali-les-groupes-arm%C3%A9s-du-nord-s-opposent-au-projet-de-constitution>.

²⁰⁹ International Crisis Group, 'January Alerts and December Trends 2022', *Crisis Watch: Tracking Conflict Worldwide: Mali*, 31 December 2022, <https://www.crisisgroup.org/crisiswatch/january-alerts-and-december-trends-2022>.

²¹⁰ International Crisis Group, 'Tracking Conflict Worldwide: Mali', December 2022-April 2023.

²¹¹ Morgane le Cam, 'Référendum Constitutionnel Au Mali : Le Oui l'emporte Massivement, l'opposition Dénonce « Le Pire Scrutin de l'histoire »', *Le Monde*, 24 June 2023, https://www.lemonde.fr/afrique/article/2023/06/24/referendum-constitutionnel-au-mali-le-oui-l-emporte-massivement-l-opposition-denonce-le-pire-scrutin-de-l-histoire_6179087_3212.html.

²¹² Hamza Mohamed, 'Analysis: What's next for Mali after MINUSMA Withdrawal?', *Al Jazeera*, 3 July 2023, <https://www.aljazeera.com/news/2023/7/3/what-next-for-mali-after-minusma-withdrawal>.

entire progression. This does not only explain the emergence of Wagner as yet another, if more prominent, shift in alliances. Instead, it also shows, that this alliance might also not be indefinite.

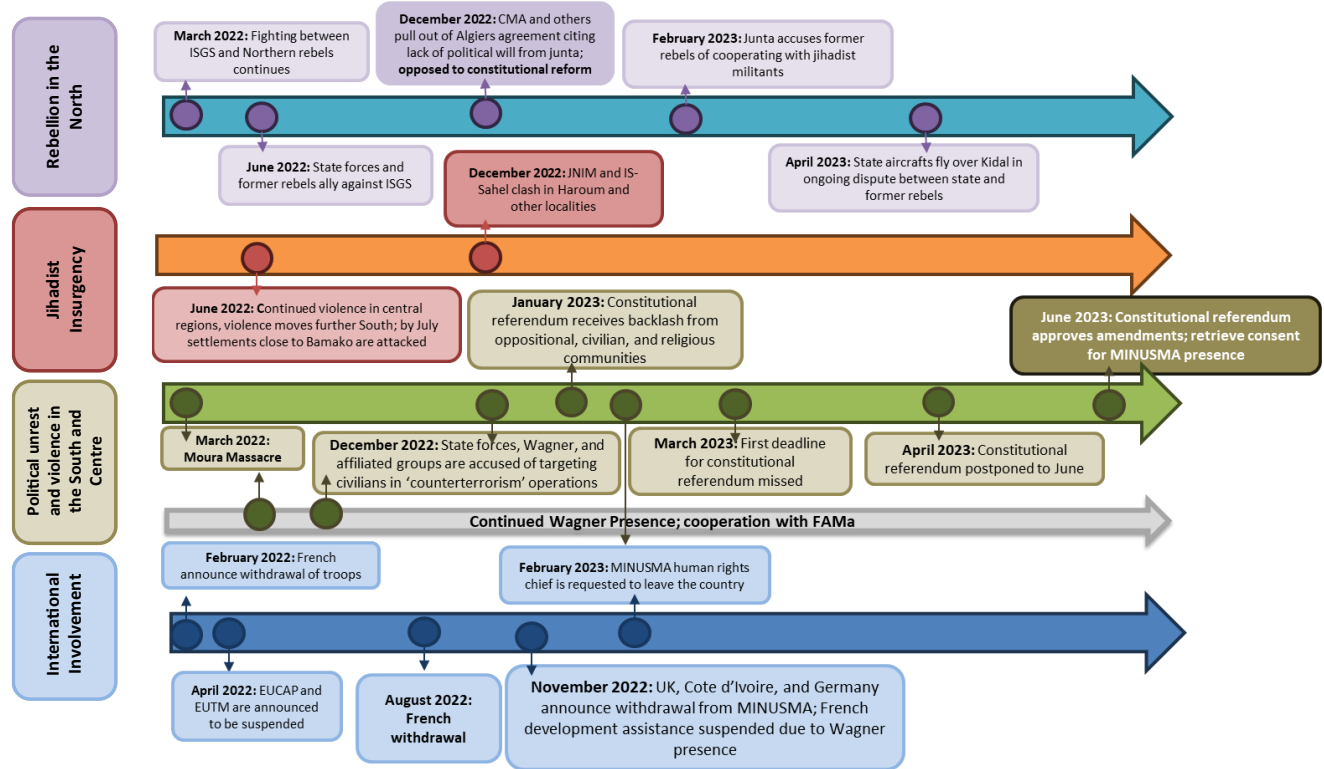


Figure 6: Mali Phase III Timeline of Key Events²¹³.

3.3 Shifts in violence throughout the three phases

Based on ACLED data ranging from 01 January 2012 to 31 July 2023²¹⁴, I argue, there are 3 important developments to point out. First, violence has increasingly migrated from the North and Centre across the entire country, especially towards the borders. Second, the fatalities and events recorded have been increasing steadily, unrelated to the different lengths of the three phases, indicating a continuous escalation of the conflict. And lastly, VAC is increasingly dominating the event types and fatalities, starting in phase II and especially phase III.

²¹³ Own Figure r.t.: BBC, 'Mali Profile - Timeline'; International Crisis Group, 'Tracking Conflict Worldwide: Mali' Appendix 6.

²¹⁴ For sakes of clarity and for a possible recreation of my findings, the exact variables and methods used to generate the visuals are included in Appendix 7.

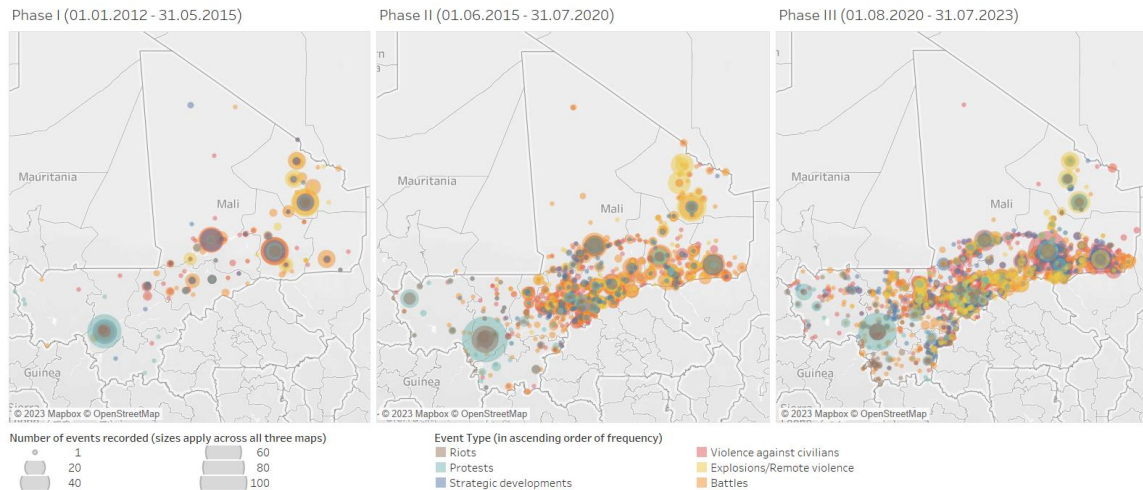


Figure 7: Mali conflict activity (count of events)²¹⁵.

As Figure 7 shows, the spread of activity has shifted drastically with the progression of the conflict. While Phase I still shows four clear centres of activity, Bamako, Tombouctou, Gao, and Kidal, this distinction is increasingly diminishing. From Phase I to Phase II, there is a clear migration of activity towards the Centre, the North of Burkina Faso, and the East of Niger. This further intensifies in Phase III, showing activity has spread Southwest. The same accounts for physical violence as fatalities, shown in Figure 8.

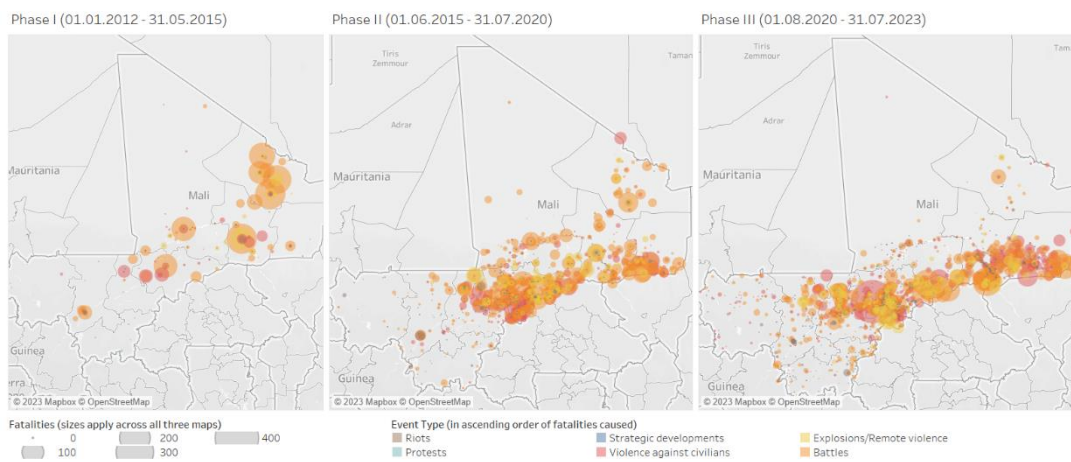


Figure 8: Mali conflict activity (fatalities)²¹⁶.

²¹⁵ Own Figure r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com; Appendix 8.

²¹⁶ Own Figure r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com; Appendix 9.

Figure 9 clearly shows the steady increase of recorded events and fatalities indicating the ongoing escalation of the conflict. With a slight exception in the first quarter of 2013, there is a clear trendline indicating a steady increase in both the number of events recorded, as well as fatalities. Already in this graph, the third development, the increasing prevalence of VAC, is traceable. Over the quarters, alongside the increasing events recorded, VAC makes up an increasing portion thereof. To make this even more clear, the following graphs show the development of the events recorded and fatalities for each event type.

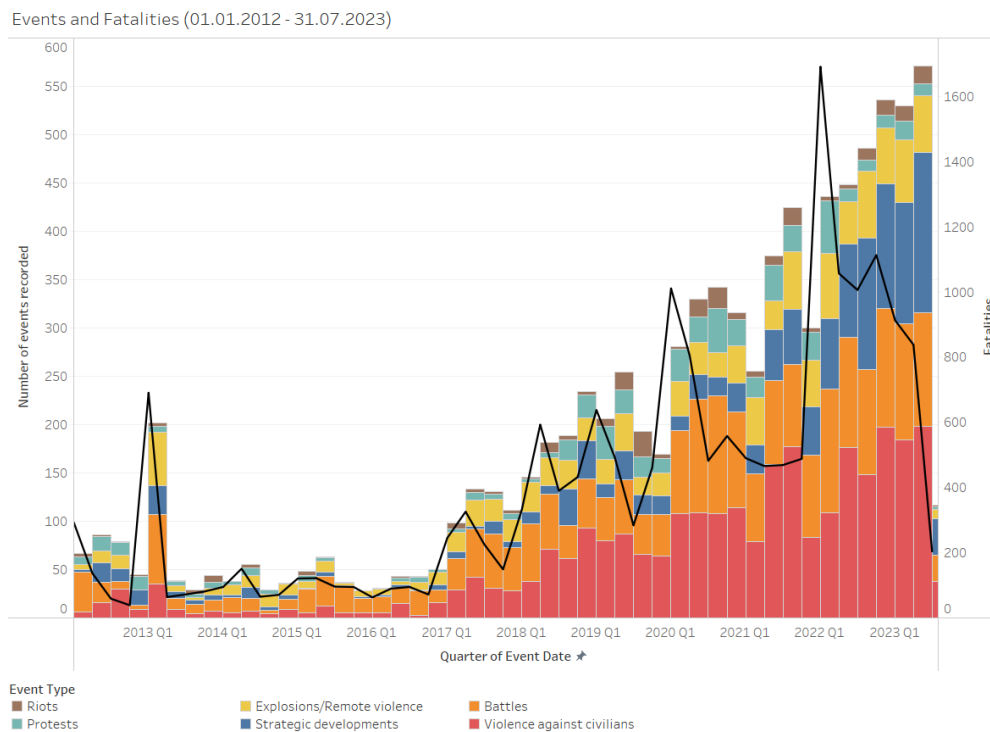


Figure 9: Events and fatalities recorded 2012-2023²¹⁷.

In Figure 10, the top graph makes it expressively clear, that VAC has overtaken battles as the most common event recorded since the second Quarter of 2018, so towards the end of Phase II. In terms of fatalities, which can be seen in the lower half, this has not happened so far. However, since roughly the same time, the fatalities between battles and VAC have grown closer together. In some instances, such as the first quarter of 2019 and the first quarter of 2022, it has even overtaken battles as the event type

²¹⁷ Own Figure r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com; Appendix 10.

causing the most fatalities in a quarter. Either way, both graphs present clear evidence, that it is not until Phase II, that VAC becomes more frequent and more deadly. With this in mind, I will now move into the role of Wagner in the progression of the conflict in Mali.

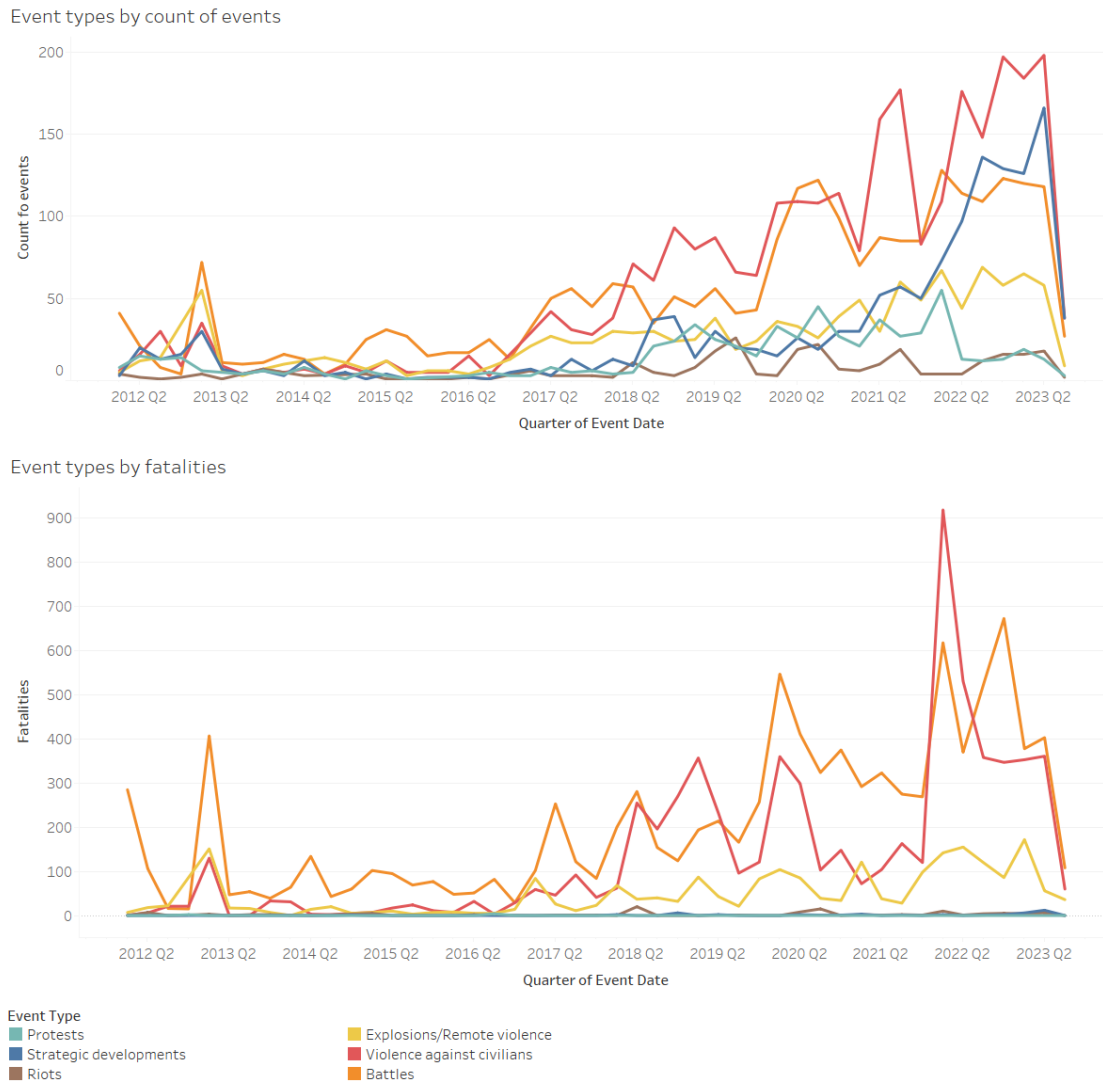


Figure 10: Development of the frequency and fatality of event types²¹⁸.

²¹⁸ Own Figure r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com; Appendix 11.

4 Massacres, Fake News, and Gold: Wagner's role in Mali

It seems, there is very little certainty surrounding the Wagner Group. Thus, this section will focus on introducing the group and answering the sub-question: *How and through which means is the Wagner Group involved in the Malian conflict?* First, a brief timeline and profile on Wagner will be provided, before diving into the ways Wagner is involved in the conflict in Mali. Lastly, I will analyse patterns of VAC. In reference to Lad et al (2022) who have conducted an ACLED analysis of Wagner's involvement in attacks on civilians in the CAR and Mali from May 2021 to May 2022, I will complement this review with my own ACLED data analysis for violent events recorded in Mali between Wagner's deployment in 2021 and 31 July 2023. This will not only show in which ways Wagner is involved in VAC but also confirm the progression of trends discussed by Lad et al.

4.1 Who is Wagner?

As terms like mercenaries, war criminals, transnational criminal organisations, or even terrorists are all used to describe Wagner and its operatives, it is essential to discuss what is known of Wagner's roots, growth, and current role²¹⁹. Wagner's history starts in Orel, in South-West Russia, where a private security corporation (PSC) under the name 'Antiterror-Tsentr' or also "Antiterror-Orel" was established in 2005²²⁰. The exact purpose of the firm remains speculative as it was allegedly a training centre, yet also provided security services for Russian firms in Iraq²²¹. From that initial firm, the Moran Security Group broke off and established itself as a separate entity and PMC, which provided anti-piracy guards and intelligence to Russian shipping companies²²². Starting 2013, Russian veterans were recruited through Moran to work for Slavonic Corps, headquartered in Hong Kong, to protect oil facilities in Eastern Syria²²³. This group collapsed in 2014, but in the same year, the Wagner group emerged. Lt. Col. of the Reserves Dmitrii Utkin, who used to be part of Moran Security Group, as well as the Slavonic Corps, emerged in Ukraine as the head of Wagner²²⁴. It is presumed Wagner was created with the remnants of

²¹⁹ R.t. U.S. Department of the Treasury, 'Treasury Sanctions Russian Proxy Wagner Group as a Transnational Criminal Organization', *U.S. Department of the Treasury*, 26 January 2023, sec. Press Releases, <https://home.treasury.gov/news/press-releases/jy1220>; Le Monde, 'French Parliament Calls on EU to List Wagner as "Terrorist Group"', *Le Monde.Fr*, 10 May 2023, sec. War in Ukraine, https://www.lemonde.fr/en/politics/article/2023/05/10/french-parliament-calls-on-eu-to-list-wagner-as-terrorist-group_6026136_5.html.

²²⁰ Kimberley Marten, 'Russia's Use of Semi-State Security Forces: The Case of the Wagner Group', *Post-Soviet Affairs* 35, no. 3 (February 2019): 190.

²²¹ Marten, 190.

²²² Marten, 190.

²²³ Marten, 191.

²²⁴ Marten, 192.

the former firms²²⁵. However, others suggest, Wagner was created by the Russian Military Intelligence Agency, or they point to a Russian General Staff Meeting in 2010, which allegedly created the group²²⁶. What *is* known, is that Wagner first operated in the annexation of Crimea in 2014 and then in Syria in 2015²²⁷. From 2017 onwards, Wagner was speculated to have deployed troops to Sudan, the CAR, and Libya²²⁸.

Exact numbers or a transparent leadership are lacking. In 2022, the Russian oligarch Yevgeny Prigozhin, whose other companies do not only hold catering contracts with the Kremlin but might have also meddled in the 2016 US elections, officially confirmed, he was behind the founding and financing of the group²²⁹. After denying any links, he claimed to have founded the group in May 2014²³⁰.

Utkin is supposed to be the main commander of Wagner's forces, some even claiming he was the actual head while Prigozhin is merely the financial founder²³¹. Given Utkin's affiliation with neo-Nazi symbolism and ideology, it is supposed Wagner Group's name is an ode to his former call sign 'Vagner', a reference to Hitler's favourite composer Richard Wagner²³². Yet aside from a few photographs, his time in Syria, for which he received the Russian 'Order of Courage' award in 2016, and his emergence in Ukraine as the commander of Wagner, very little is known of the man or his other affiliations²³³. In that, he resembles the group itself, which for the longest was merely speculated to be tied to the Russian state.

However, this assumption was officially confirmed after Wagner's attempted mutiny, which on 24 June 2023 seized the town of Rostov-on-Don and marched on Moscow with an estimated 5000 forces to protest the command to hand over control of their forces to the Russian Ministry of Defence²³⁴. President Putin himself has commented, that Wagner was entirely financed by the Russian state with 86 billion

²²⁵ Marten, 191f.

²²⁶ Marten, 192; Neethling, 'Russian Para-Military Operations in Africa: The Wagner Group as a De Facto Foreign Policy Instrument', 7.

²²⁷ Marten, 'Russia's Use of Semi-State Security Forces: The Case of the Wagner Group', 193f.

²²⁸ Stanyard, Vircoulon, and Rademeyer, 'The Grey Zone: Russia's Military, Mercenary and Criminal Engagement in Africa', 21f.; Marten, 'Russia's Use of Semi-State Security Forces: The Case of the Wagner Group', 196f.

²²⁹ Neethling, 'Russian Para-Military Operations in Africa: The Wagner Group as a De Facto Foreign Policy Instrument', 7; Reuters, 'Russia's Prigozhin Admits Link to Wagner Mercenaries for First Time', *Reuters*, 26 September 2022, sec. Europe, <https://www.reuters.com/world/europe/russias-prigozhin-admits-link-wagner-mercenaries-first-time-2022-09-26/>.

²³⁰ Reuters, 'Russia's Prigozhin Admits Link to Wagner Mercenaries for First Time'.

²³¹ Philippe Reltien, 'Dans l'ombre de Prigojine : Dmitry Utkin, l'autre inspirateur de Wagner', *France Inter*, 19 May 2023, <https://www.radiofrance.fr/franceinter/dans-l-ombre-de-prigojine-dmitry-utkin-l-autre-inspirateur-de-wagner-7799860>;

Neethling, 'Russian Para-Military Operations in Africa: The Wagner Group as a De Facto Foreign Policy Instrument', 7.

²³² Reltien, 'Dans l'ombre de Prigojine'; Marten, 'Russia's Use of Semi-State Security Forces: The Case of the Wagner Group', 192; Neethling, 'Russian Para-Military Operations in Africa: The Wagner Group as a De Facto Foreign Policy Instrument', 7.

²³³ Reltien, 'Dans l'ombre de Prigojine'.

²³⁴ BBC, 'What Is Russia's Wagner Group, and Where Are Its Fighters?', *BBC News*, 5 April 2022, sec. World, <https://www.bbc.com/news/world-60947877>.

roubles²³⁵ between May 2022 and May 2023²³⁶. Even after this failed rebellion, the Kremlin seems to have allowed Wagner to move its troops to exile in Belarus after a supposed deal has been struck²³⁷.

Yet despite the confirmed links to the Russian government, and the fact some former Wagner contractors claimed their contracts were approved by the Russian government, PMSCs and any form of ‘mercenaryism’ are still illegal in Russia²³⁸. There have been debates to change this, and PSCs have been legalised since 1992²³⁹. Yet the illegality of PMSCs was manifested even further when in 2018 the Russian cabinet of ministers officially stated mercenary behaviour violated the Russian constitution, despite Russian PMSCs already effectively existing²⁴⁰. On the other hand, in the same year, President Putin decreed, that all activities of non-state actors cooperating with the Russian military intelligence agency ought to remain confidential²⁴¹. As Wagner falls directly under this definition, this decision forbids any investigations made into the group and purposefully keeps Wagner as hidden as possible²⁴². While the failed mutiny in June 2023 might be an indicator of the deterioration of these relations, the fact remains, Wagner is still tolerated in Belarus, Ukraine and in Africa by order of the Russian state²⁴³.

4.2 A three-tiered entry strategy: Wagner in Mali

The Wagner Group began negotiations with Mali’s interim government in September 2021, shortly after the coup d’état²⁴⁴. While the junta has disputed their presence or their involvement in military operations beyond training, enough reports exist to ascertain, Wagner’s involvement goes well beyond training soldiers²⁴⁵. In line with Stanyard et al, Parens, and others, I argue, Wagner is involved in the military, political, and economic sectors of Mali. For that, I rely on investigative reports, media sources, and ACLED data²⁴⁶. It is important to note, that despite the intimate ties between Wagner and Russia, they cannot be viewed as one entity. The Russian state and military are involved in Mali and the Sahel.

²³⁵ BBC, ‘What Is Russia’s Wagner Group, and Where Are Its Fighters?’

²³⁶ Reuters, ‘Wagner Leader Prigozhin to Be Investigated for \$2 Billion Pay in a Year, Putin Says’, *Reuters*, 28 June 2023, sec. Europe, <https://www.reuters.com/world/europe/prigozhin-be-investigated-after-being-paid-2-billion-year-putin-2023-06-27/>.

²³⁷ Andrew Roth, ‘Video Appears to Show Wagner Chief for First Time since Aborted Mutiny’, *The Guardian*, 19 July 2023, sec. World news, <https://www.theguardian.com/world/2023/jul/19/video-appears-to-show-wagner-chief-yevgeny-prigozhin-addressing-fighters-in-belarus>.

²³⁸ Marten, ‘Russia’s Use of Semi-State Security Forces: The Case of the Wagner Group’, 184.

²³⁹ Marten, 184.

²⁴⁰ Marten, 184.

²⁴¹ Marten, 184f.

²⁴² Marten, 184f.

²⁴³ BBC, ‘What Is Russia’s Wagner Group, and Where Are Its Fighters?’

²⁴⁴ Neethling, ‘Russian Para-Military Operations in Africa: The Wagner Group as a De Facto Foreign Policy Instrument’, 14; Thompson, Doxsee, and Jr, ‘Tracking the Arrival of Russia’s Wagner Group in Mali’.

²⁴⁵ Stanyard, Vircoulon, and Rademeyer, ‘The Grey Zone: Russia’s Military, Mercenary and Criminal Engagement in Africa’, 60f.; Lad et al., ‘Wagner Group Operations in Africa’.

²⁴⁶ Up to and including 31 July 2023.

This has taken the form of, but not limited to, providing weapons and staff, creating scholarships, or forging ties with civil society organisations²⁴⁷. There are also instances in which the partnership between Mali and Russia, and Mali and Wagner overlap, such as when Russia's Foreign Minister defended Mali's cooperation with Wagner in front of the UNSC²⁴⁸. Regardless, in the following analysis, I will focus on Wagner in Mali, merely mentioning Russian involvement only if necessary.

4.2.1 Military and Security

Wagner's engagement in Mali relies most on the military and security domain instead of the political and economic sectors²⁴⁹. While their deployment is often described as effectively displacing former partners such as France or even the UN from their positions, exact troop numbers, the extent of their equipment, or a statement on their actual mission are scarce²⁵⁰. It is presumed, that since 2022, a minimum of 1000 troops have been stationed in Mali, operating from bases around the capital region and towards the North and East²⁵¹. Military sources have identified Ivan Aleksandrovich Maslov as commanding Mali's Wagner forces after he was also in charge in the CAR²⁵². Starting December 2021, images capture the establishment of a base on the Modibo Keita International Airport in Bamako²⁵³. Despite not being a Russian military base, Wagner personnel and equipment have been observed being shipped by Russian military aircraft²⁵⁴. This indicates the seemingly blurred lines between Wagner troops and Russian military engagement.

Officially, the state claims Wagner forces are deployed to train FAMA soldiers²⁵⁵. However, various reports and ACLED data show, Wagner is operating alongside them, yet also increasingly independently, in counter-terrorism operations and patrols²⁵⁶. The extent of their involvement will be discussed in more

²⁴⁷ Andrew Lebovich, 'Russia, Wagner Group, and Mali: How European Fears Weaken European Policy', *European Council on Foreign Relations*, 1 December 2021, <https://ecfr.eu/article/russia-wagner-group-and-mali-how-european-fears-weaken-european-policy/>.

²⁴⁸ Lebovich.

²⁴⁹ Stanyard, Vircoulon, and Rademeyer, 'The Grey Zone: Russia's Military, Mercenary and Criminal Engagement in Africa', 26.

²⁵⁰ Stanyard, Vircoulon, and Rademeyer, 26.

²⁵¹ Parens, 'The Wagner Group's Playbook in Africa: Mali', 60.

²⁵² Stanyard, Vircoulon, and Rademeyer, 'The Grey Zone: Russia's Military, Mercenary and Criminal Engagement in Africa', 60f.

²⁵³ Neethling, 'Russian Para-Military Operations in Africa: The Wagner Group as a De Facto Foreign Policy Instrument', 14; Thompson, Doxsee, and Jr, 'Tracking the Arrival of Russia's Wagner Group in Mali'.

²⁵⁴ Thompson, Doxsee, and Jr, 'Tracking the Arrival of Russia's Wagner Group in Mali'.

²⁵⁵ Stanyard, Vircoulon, and Rademeyer, 'The Grey Zone: Russia's Military, Mercenary and Criminal Engagement in Africa', 60f.

²⁵⁶ Stanyard, Vircoulon, and Rademeyer, 60f.; Lad et al., 'Wagner Group Operations in Africa'.

detail in Part 5. For now, the following figure shows all incidences in which Wagner has operated as an associated primary actor²⁵⁷. This is roughly congruent with reports on where most troops are located.

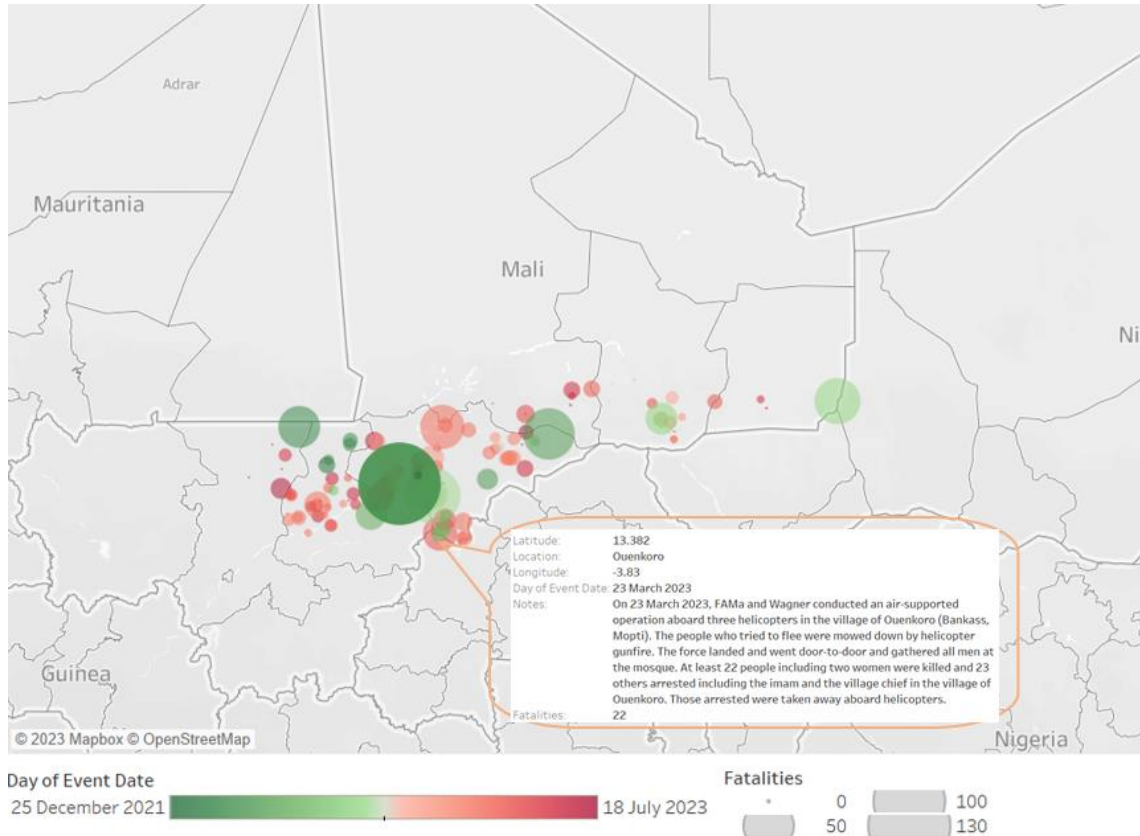


Figure 11: Map of Wagner's activity recorded in ACLED²⁵⁸.

4.2.2 Economy and Mining Concessions

One of Wagner's core funding mechanisms is believed to be grounded in an intricate network of firms financed and operated either directly by Prigozhin or his associates²⁵⁹. While President Putin claimed the Russian state directly funded the group, these networks are still relevant as Wagner has been observed to secure its payment by gaining access to the country's extractive industries, such as precious metals or

²⁵⁷ R.t. ACLED: Assoc Actor 1, see: ACLED, 'Armed Conflict Location & Event Data Project CODEBOOK'.

²⁵⁸ Own Figure r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com; Appendix 12.

²⁵⁹ Stanyard, Vircoulon, and Rademeyer, 'The Grey Zone: Russia's Military, Mercenary and Criminal Engagement in Africa', 62f.; Parens, 'The Wagner Group's Playbook in Africa: Mali', 5.

gold²⁶⁰. The licenses are not acquired by Wagner directly but by associated firms such as Lobaye Invest, Ferrum Mining, M Invest or Meroe Gold²⁶¹.

It remains unclear how Wagner is paid by the Malian government, however, these methods have so far not been ruled out. US diplomatic sources stated, Mali allegedly pays Wagner 20 Million USD per month, which would be impossible to afford on Mali's national budget alone²⁶². Following a statement of interim Prime Minister Choguel Maiga, even if they gave Wagner access to mining sites, this would be well in their right to secure the Malian people²⁶³. Hence, the possibility remains. While no directly Wagner-linked mining companies have recently emerged in Mali, an already existing firm, Marco Mining, which has been active since 2009 and has revised its contracts just after the deployment of Wagner, holds a mining license in Mali's Sikasso region²⁶⁴.

Another explanation for the lack of evidence of Wagner's involvement in Mali's economy would be, that access to mining is strictly controlled by tribal structures²⁶⁵. As such, many of the Northern mines are factually controlled by armed groups such as the CMA, known opponents to Wagner's recent involvement²⁶⁶. Hence, given the evidence presented, there might be some involvement of Wagner in Mali's economy, however, only to a limited extent.

4.2.3 Politics and Disinformation

In Mali and other countries of deployment, Wagner has allegedly been tied to a variety of disinformation campaigns²⁶⁷. They particularly appear to be linked to disinformation campaigns aimed at instrumentalising the increasing critique towards French involvement to manifest Wagner's position as an 'alternative' security partner²⁶⁸. In 2022, the French military recorded footage of Caucasian soldiers, presumed to be Wagner forces, burying roughly 12 bodies of civilians near a military base in Gossi²⁶⁹.

²⁶⁰ Parens, 'The Wagner Group's Playbook in Africa: Mali', 5.

²⁶¹ Parens, 6f.; Stanyard, Vircoulon, and Rademeyer, 'The Grey Zone: Russia's Military, Mercenary and Criminal Engagement in Africa', 27.

²⁶² Stanyard, Vircoulon, and Rademeyer, 'The Grey Zone: Russia's Military, Mercenary and Criminal Engagement in Africa', 61f.

²⁶³ Stanyard, Vircoulon, and Rademeyer, 62.

²⁶⁴ Stanyard, Vircoulon, and Rademeyer, 62.

²⁶⁵ Parens, 'The Wagner Group's Playbook in Africa: Mali', 10.

²⁶⁶ Parens, 10; RFI, 'Mali: les ex-rebelles de la CMA accusent l'armée et Wagner d'une attaque tuant deux de ses membres', *RFI*, 9 August 2023, sec. Afrique, <https://www.rfi.fr/fr/afrique/20230809-mali-les-ex-rebelles-de-la-cma-accusent-l-arm%C3%A9e-et-wagner-d-une-attaque-tuant-deux-de-ses-membres>.

²⁶⁷ Parens, 'The Wagner Group's Playbook in Africa: Mali', 6.

²⁶⁸ Sergey Sukhankin, 'Les Contrats Militaires Privés, Instruments de l'influence Russe En Afrique Subsaharienne', *Diplomatie* 108 (2021): 55f.

²⁶⁹ Wassim Nasr, 'France Says Mercenaries from Russia's Wagner Group Staged "French Atrocity" in Mali', *France 24*, 22 April 2022, <https://www.france24.com/en/africa/20220422-france-says-mercenaries-from-russia-s-wagner-group-staged-french-atrocity-in-mali>.

The imagery also captures one of the soldiers filming the scene²⁷⁰. These images and videos later appeared on Russian social media accounts, blaming French forces for having conducted the crimes²⁷¹. The interim government then reacted by accusing the French military of espionage and attempting to create a false image of Malian soldiers²⁷².

Another disinformation campaign was the publishing of an opinion poll indicating, 87% of the Malian population was in favour of Mali's partnership with Wagner²⁷³. The author of the study is associated with Prigozhin, and the Foundation, which released it, is sanctioned in the US for similar campaigns²⁷⁴. More recently, in a paper published in November 2022, Issaev et al conducted a survey and set of interviews in Mali, Niger, and Burkina Faso, which came to similar results²⁷⁵. The findings portray, the Soviet Union and Russia are perceived as having had and currently having a positive impact on Mali²⁷⁶. With 80% positive responses, also Russian PMSCs enjoy an overwhelmingly positive perception in Mali²⁷⁷. They contextualise these findings with the increasingly negative attitude towards France, which less than a quarter believe to pursue effective policies in the region²⁷⁸. Allegedly, there is a perceived difference between France as a (former) colonial power, and Russia, who supported African independence, and is now viewed as an 'alternative' global power and guarantor for security²⁷⁹. This argument is not only brought forward by Issaev et al, but I still recommend viewing these findings with caution.

While conducting background research on the paper, it stuck out, all authors are part of the National Research University Higher School of Economics (HSE). Next to receiving direct state funding, in March 2022, the European University Association suspended HSE's rector for supporting Russia's invasion of Ukraine²⁸⁰. Ever since the start of the invasion, opposing employees were allegedly forced to resign²⁸¹. Based on the paper alone, I cannot make a statement on the validity of the survey. However, the researchers are tied to a pro-Russian institute with direct connections to the Kremlin. The need for such

²⁷⁰ Nasr.

²⁷¹ Catrina Doxsee and Jared Thompson, 'Massacres, Executions, and Falsified Graves: The Wagner Group's Mounting Humanitarian Cost in Mali', *Center for Strategic & International Studies* (blog), 11 May 2022, <https://www.csis.org/analysis/massacres-executions-and-falsified-graves-wagner-groups-mounting-humanitarian-cost-mali>.

²⁷² Majumdar, 'Mali Accuses France of Spying'.

²⁷³ Parens, 'The Wagner Group's Playbook in Africa: Mali', 8.

²⁷⁴ Parens, 8.

²⁷⁵ Leonid Issaev, Alisa Shishkina, and Yakov Liokumovich, 'Perceptions of Russia's "Return" to Africa: Views from West Africa', *South African Journal of International Affairs* 29, no. 4 (8 November 2022): 431.

²⁷⁶ Issaev, Shishkina, and Liokumovich, 431ff.

²⁷⁷ Issaev, Shishkina, and Liokumovich, 434f.

²⁷⁸ Issaev, Shishkina, and Liokumovich, 438.

²⁷⁹ Issaev, Shishkina, and Liokumovich, 439.

²⁸⁰ Brendan O'Malley, 'EUA Suspends 12 Russian Members Who Back Putin's Invasion', *University World News*, 7 March 2022, sec. Europe-Russia, <https://www.universityworldnews.com/post.php?story=20220307194339130>; Meduza, 'HSE's Transformation into a Kremlin-Controlled Research Institute Meduza Explains How the War Has Changed Russia's Most Liberal University', *Meduza*, 21 April 2023, <https://meduza.io/en/feature/2023/04/21/hse-s-transformation-into-a-kremlin-controlled-research-institute>.

²⁸¹ Meduza, 'HSE's Transformation into a Kremlin-Controlled Research Institute Meduza Explains How the War Has Changed Russia's Most Liberal University'.

considerations also showcases the deep entanglement of the current geopolitical climate with Wagner's deployment in Mali.

5 Beyond Moura: How Wagner is targeting civilians

The aforementioned linkages as well as the reports from other countries concerning Wagner's local economic and political entanglements are worrying. However, the arguably most concerning feature is their involvement in targeting civilians. As mentioned before, Wagner has reportedly been involved in unlawful civilian killings on more than one occasion. The incident that has received the most attention to date is the Moura Massacre in which over 500 civilians were killed. To give more context to the extent of Wagner's involvement, in continuation of Lad et al's work²⁸², I will use ACLED data from September 2021 to 31 July 2023 to analyse patterns in Wagner's targeting of civilians. Doing so, I ascertain, both, the number of civilian casualties since Wagner's deployment and the incidences in which Wagner operates independently from FAMa forces have increased. In line with Lad et al's conclusions, the trend of targeting specific ethnic groups, namely Fulani, also persists in this data set.

5.1 More than one incident: Uncovering patterns in Wagner's targeting of civilians

The analysis of Lad et al shows, as opposed to the CAR, Wagner forces still mostly operate alongside FAMa²⁸³. While state forces have already been known to attack civilians and target specific groups based on the assumption, they are collaborating with VEOs²⁸⁴, the number of attacks against civilians, as well as fatalities, have increased since Wagner's presence was reported at the end of 2021²⁸⁵. This trend is also seemingly continuing under consideration of the most recent data. In Figure 12, the top graph visualises all events and the corresponding fatalities recorded, which implied the FAMa as a primary actor. In the bottom graph, I have generated the same graphic as above, filtering for the instances of civilian targeting. This means, all fatalities and events including non-civilian, thus according to IHL legitimate targets, have been excluded. The dotted line marks September 2021, the start of negotiations with Wagner. While activity has been generally steadily increasing throughout the conflict since the assumed presence of Wagner in Mali, the fatalities and violent events recorded in which the FAMa has been implied have not only increased but spiked, which holds for both graphs. Already Lad et al conclude, 71% of Wagner's

²⁸² R.t. Lad et al., 'Wagner Group Operations in Africa'.

²⁸³ Lad et al.

²⁸⁴ Lad et al.

²⁸⁵ Lad et al.

involvements in political violence were instances of civilian targeting²⁸⁶. Here it shows, the increase in civilian targeting since Wagner’s deployment is visibly ongoing.

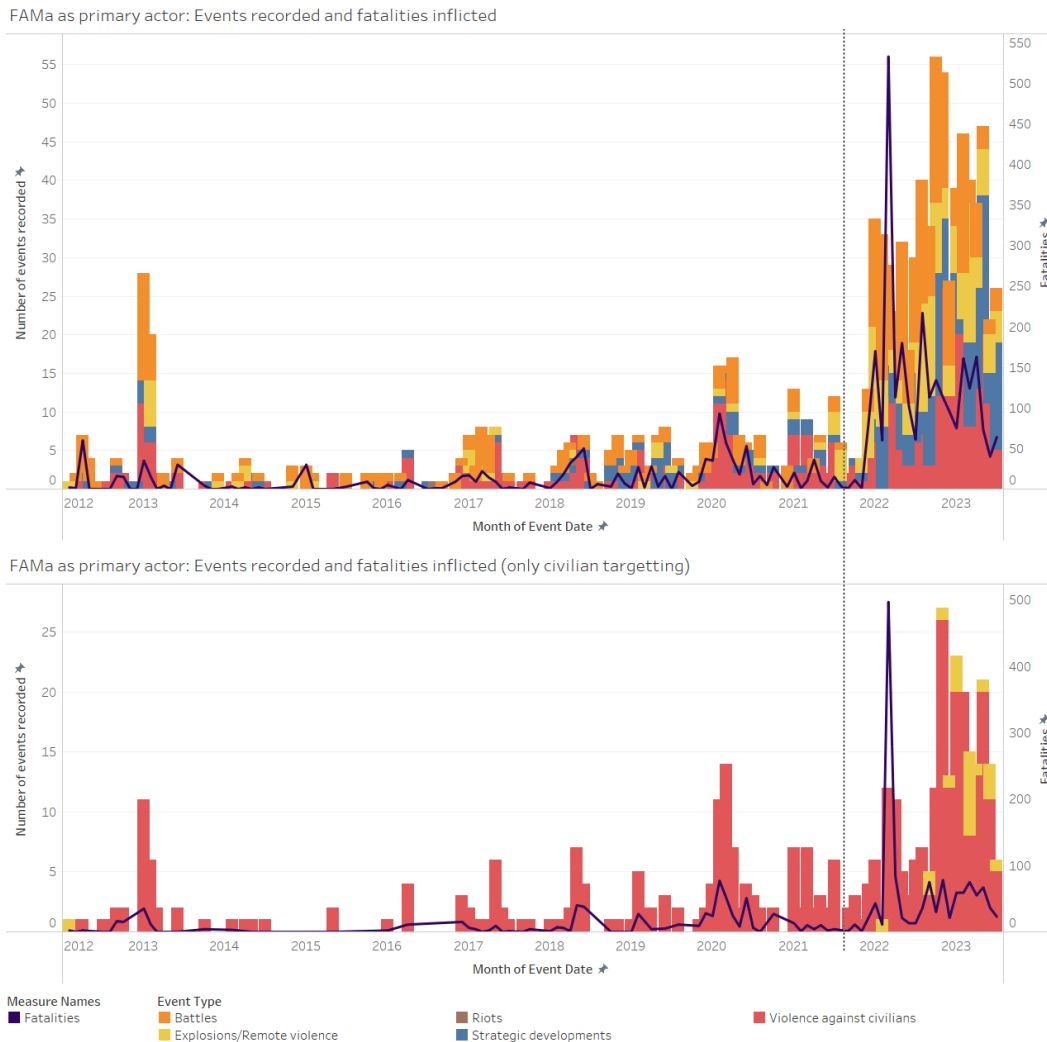


Figure 12: Events and Fatalities tied to FAMA as a primary actor²⁸⁷.

While Wagner and FAMA are still most commonly operating alongside each other, recently, a shift in this tactic has been noted. In May 2022, Wagner was reported to have raided a Tuareg village in Ségou and abducted five people in Mopti independently from the FAMA²⁸⁸. Lad et al conclude that this behaviour

²⁸⁶ Lad et al.

²⁸⁷ Own Figure r.t.: Armed Conflict Location & Event Data Project (ACLED); acleddata.com; Appendix 13.

²⁸⁸ Lad et al., ‘Wagner Group Operations in Africa’.

might be seen more frequently in the future²⁸⁹. Taking a closer look at the more recent ACLED data, this presumption can also be confirmed.

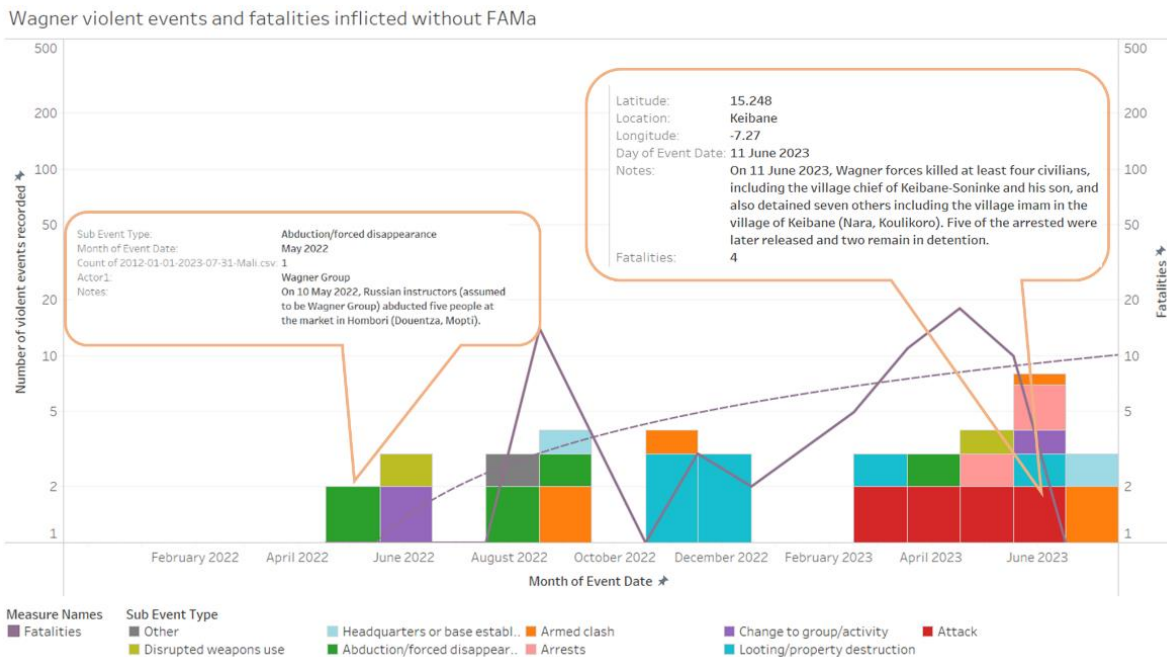


Figure 13: Violent events and fatalities inflicted by the Wagner Group without the involvement of FAMA²⁹⁰.

Figure 13 shows, violent events of Wagner as the main perpetrator independent from FAMA have increased since May 2022. The first recorded events include the abduction Lad et al already referenced²⁹¹. From there on, events and fatalities increase further. Most recently, it shows Wagner forces independently carrying out attacks against presumed militants and civilians, such as the attack on 11 June 2023. This does not only show Wagner is increasingly operating individually, but also, that their independent operations appear to become increasingly violent.

Moreover, specifically Fulani communities bear the brunt of this violence²⁹². As discussed above, Fulani are often associated with specific VEOs, which has caused them to be singled out as a suspect community across the Sahel²⁹³. It now appears that the Wagner Group is reinforcing this vicious cycle of Fulani

²⁸⁹ Lad et al.

²⁹⁰ Own Figure r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com; Appendix 14.

²⁹¹ Lad et al., 'Wagner Group Operations in Africa'.

²⁹² Lad et al.

²⁹³ R.t. Ejiofor, "Fulanis Are Foreign Terrorists".

discrimination, harassment, and recruitment into armed groups²⁹⁴. Also when attempting to recreate the findings referenced in the report of Lad et al, this trend is visible.

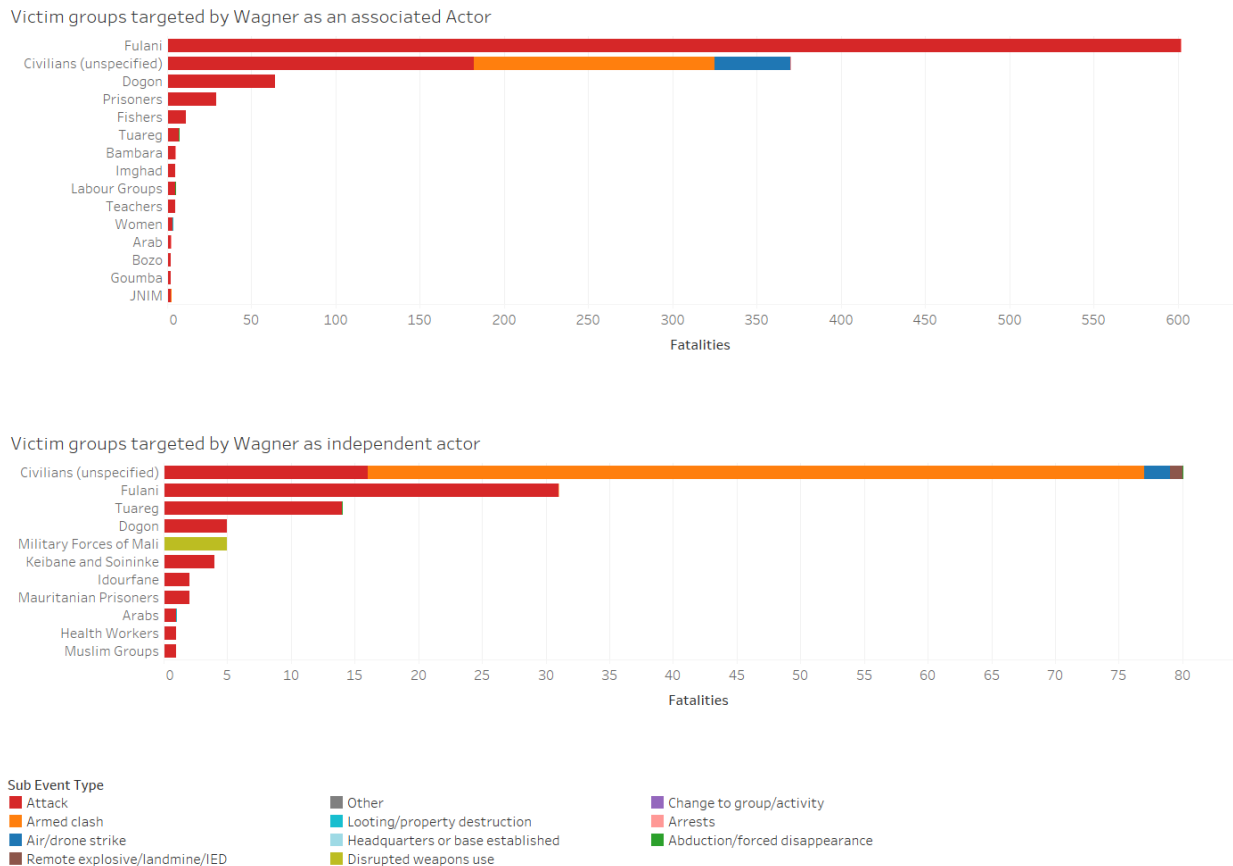


Figure 14: Victim groups targeted by Wagner²⁹⁵.

Figure 14 establishes, when acting alongside the FAMA, as well as independently, Wagner forces are involved in targeting specific ethnic groups more than others. Looking at the proportions of ethnic groups across Mali defined in Part 3, the possibility that this might be due to higher proportions of Fulani, Dogon, or Tuareg in Mali’s society can be ruled out. For the sake of transparency, ACLED at times records multiple victim groups in one column. In these cases, the victim group mentioned first, assumed to be the primary victim group in terms of numbers, has been recorded, omitting the others. Still, the fact, that Wagner is seemingly targeting specific already vulnerable ethnic groups, remains. Their actions are not only deeply concerning because they are clearly targeting civilians and thus violating fundamental principles of IHL in NIAC. Additionally, their targeting of marginalised groups is re-enforcing existing

²⁹⁴ Lad et al., ‘Wagner Group Operations in Africa’.

²⁹⁵ Own Figure r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com; Appendix 15.

patterns of violence, and therefore adding to the vicious cycle of harassment and recruitment into VEOs Fulani civilians have been observed to go through. Thereby, instead of aiding the FAMA to combat and contain the spreading violence, Wagner appears to only add to the escalation of the conflict and spread of violence over the entire Sahel.

5.2 Destabilising the IRoL in two ways

The previous parts have developed a working definition of IRoL in NIAC, an operationalisation thereof, and analysed the role of Wagner in Mali in detail. This section will thus return to the original research question, whether, and if so, how, Wagner's deployment in Mali is destabilising the IRoL.

Based on the previously discussed reports and data, I argue, that the Wagner Group in Mali is destabilising the IRoL in two modes: First, the lack of clarity on PMSCs in NIAC itself is undermining the necessary condition of IRoL in NIAC. The necessary condition can be argued to be violated by the involvement of PMSCs in NIAC by definition. Brooks makes a similar claim regarding US drone strikes, which are characterised by non-transparent internal procedures and similarly unclear IHL provisions²⁹⁶. As previously established, the legal standing of PMSCs is not always predictable, varies depending on the status of the treaties and protocols signed, and is altogether not clear, in NIAC and IAC alike. Hence, the predictability of the application and interpretation of international law, and by extension this necessary condition, might be undermined.

Especially considering the lack of transparency from Mali's interim government on the exact purpose of the Wagner Group, the applicability of IHL is severely restricted. Hence, this condition is undermined by the general legal uncertainty concerning the deployment and activities of a PMSC in NIAC and the additional obscurity Wagner is kept in. While Wagner might present an extraordinary case of this uncertainty, this still applies to all PMSCs. However, to argue, Wagner undermines the IRoL based on the idea all PMSCs violate the IRoL in its necessary condition would mean Wagner violates the IRoL in the same manner as PMSCs that are employed alongside the armed forces and do not actively and unnecessarily harm civilians. While the argument PMSCs will always undermine the IRoL in NIAC based on the lacking clarity of their status is a valid argument, there ought to be a degree of variability when assessing how an actor is destabilising the IRoL. While this argument showcases a fundamental gap in the concept of IRoL, as well as IHL, it is not strong enough to make a strong claim on *how* Wagner in Mali is undermining IRoL.

²⁹⁶ R.t. Rosa Brooks, 'Drones and the International Rule of Law', *Ethics & International Affairs* 28, no. 1 (19 March 2014): 83–103, <https://doi.org/10.1017/S0892679414000070>.

Instead, testing Wagner's compliance with the second condition by applying of the operationalisation of IRoL in NIAC should create the necessary argumentative depth. Therefore, the second part of my argument is based on the proposed operationalisation of IRoL in NIAC as the protection of civilians from unnecessary harm and violence. Referring to the ACLED analysis, I conclude, Wagner is undermining the second condition by exhibiting traceable patterns of targeting civilians. The PMSC is deliberately harming civilians, both independently and in cooperation with the FAMA. Moreover, civilian targeting follows existing patterns of discrimination against specific ethnic groups. As previously elaborated on, certain aspects of IHL might or might not apply to PMSCs. Still, at the very least, they are bound to respect the basic principles of *Jus in Bello*: Protecting civilian life. Wagner is not only violating this fundamental principle by attacking civilians but is further exacerbating conflict dynamics by targeting already marginalised groups, such as the Fulani or Tuareg.

Meanwhile, it is also a case of the risks to IRoL and the protection of civilians under IHL, which the involvement of PMSCs poses. The lack of appropriate mechanisms to determine their status, and investigate, and persecute them in case of IHL violations is harmful to the international system of justice and fundamental principles of warfare. Most importantly, they put civilian life at tremendous risk of being left unprotected from harm and without mechanisms to attain proper justice.

6 Conclusion and Outlook

Regarding, whether Wagner's deployment in Mali is undermining the IRoL, I conclude, Wagner's actions in Mali have a destabilising impact on IRoL. This conclusion is based on the working definition of IRoL in NIAC, I, based on a review of the state of the art on IRoL, have conceptualised along the following two conditions.

The necessary condition refers to the procedural integrity of the application of laws in NIAC, and the predictability of said application and outcome. The sufficient condition, due to its applicability in NIAC and practical universality, is based on IHL. This means, compliance with IHL is necessary for the application of laws, as well as the actors within NIAC. To apply this working definition and test how actors within NIAC uphold IRoL, an operationalisation of this working definition was necessary. Following the basic principles of IHL which hold up in IAC and NIAC alike, irrespective of the status of the actor the operationalisation is applied to, I have come up with the following: Upholding the IRoL in NIAC means the protection of civilians from unnecessary harm and violence.

Thereafter, I have given an overview of the history and conflict dynamics of Mali to better place and understand the deployment of Wagner in the case context. The conflict has been analysed as a constant overlapping of various conflict dynamics. While three phases are distinguishable, all share the feature of ever-changing alliances. Looking at the quantifiable side of the conflict, three core observations stick out: (1) the activity and violence has migrated from specific locations in the North and Centre of Mali towards the South and its borders; (2) the conflict has escalated continuously in respect to fatalities and violent activity, and (3) starting from Phase II and reaching its peak in Phase III, VAC is increasingly dominating events and fatalities. Considering these developments, the emergence of Wagner falls into an extremely volatile phase of the conflict, characterised by the escalation of violence, especially towards civilians.

After reviewing the history, organisation, and areas of engagement of Wagner in Mali, I have analysed their involvement in perpetrating VAC by conducting an analysis of ACLED data. There, I conclude, that Wagner, independently and alongside FAMA is actively targeting civilians. The independent deployments are also increasing and becoming increasingly violent. Shockingly, irrespective of whether they act alone or with FAMA, Wagner is also found to target specific already marginalised ethnic groups, namely Fulani and Tuareg, thereby reinforcing existing patterns of civilian targeting.

As such, I answer, that the deployment of Wagner in Mali is undermining the IRoL in two instances. First, considering the general legal unclarity regarding the standing of PMSCs in IAC and NIAC alike, the predictability of application and outcome, as well as the clarity of the law is not sufficiently given. While the case with almost all PMSCs, this is especially relevant in the case of Wagner, as the Malian junta actively denies, that Wagner is actively involved in the hostilities. Second, the extensive analysis of ACLED data signals, Wagner is involved in harming and targeting civilians., which goes well beyond independent incidences and represents clear and traceable patterns.

In light of the devastating influence Wagner has in the IRoL and the protection of civilians in Mali, it is necessary to point out, the PMSC industry is only expected to expand further. Thus, the international academic and political community ought to find mechanisms to hold PMSCs accountable for their violations of IHL, in Mali and elsewhere. While it would be outside of the realm of this thesis to make clear policy suggestions on how to deal with the presence of Wagner in the Sahel or PMSCs in general, the urgency of the topic, demand an extension of this discourse. Hence, I will briefly present and outlook of possible avenues for future discourse and research.

The international policy realm has so far only *reacted* to the issue, yet not come up with sustainable approaches on how to address Wagner as a case of a much bigger movement. To make their disapproval known and to have a mechanism of sanctioning the group's members, various states have classified

Wagner as a criminal organisation and are debating whether labelling them as a terrorist group would be a plausible next step. In January 2023, the US Treasury sanctioned the Wagner Group as a transnational criminal organisation²⁹⁷. The council of the EU similarly sanctioned Wagner in April 2023²⁹⁸. Afterwards, in May 2023, the French Parliament called on the EU to classify Wagner as a terrorist organisation²⁹⁹. While this allows for limiting their financial capacities and also represents a clear political statement, this does not offer a solution to similar future scenarios. Hence, I propose, such commitments should be enjoyed with caution. In my perspective, there might be two more sustainable avenues to explore.

First, regarding Wagner's deployment in Mali, international partners should reflect on the root causes that could drive states to consider involving Wagner; especially when their crimes are widely known and there already was international intervention in place. Whether that intervention was sufficient in containing the violence is a whole other question. Still, legally, there are precise mechanisms on how to keep MINUSMA or Barkhane in check. To contain violence in armed conflict, based on the hazy legal standing of Wagner, their widely reported abuses of IHL, as well as their questionable effectivity, betting on the Wagner Group seems more than risky. Hence making the decision to involve them, and cutting ties with conventional international partners ought to have had deeper reasons. Thus, from the perspective of international interventions in Mali, now is the moment to deeply re-evaluate the past approach to military intervention and cooperation with local militaries and civilians. This process has arguably slowly started to take place. In July 2023, in the middle of the retreat of French forces from Mali, French President Macron announced, the French engagement on the African continent needs to be re-evaluated³⁰⁰. Yet concrete action plans still need to follow.

Second, understanding Wagner as a case of the general privatisation of warfare is of the essence. While this has been ongoing for longer, it appears international legislature and policymakers have not caught up to these developments. Thus, I argue, the legal position of PMSCs and pathways towards their persecution for IHL violations need to be defined more clearly. PMSCs are not exempt from complying with IHL. Still, how or whether Wagner can be properly investigated and persecuted for their severe IHL violations, including and beyond the Moura Massacre, is unclear. In the case of Blackwater Group, the specific contractors deemed responsible for the Nisour Square massacre were tried in front of a US federal court,

²⁹⁷ U.S. Department of the Treasury, 'Treasury Sanctions Russian Proxy Wagner Group as a Transnational Criminal Organization'.

²⁹⁸ Council of the EU, 'Russia's War of Aggression against Ukraine: Wagner Group and RIA FAN Added to the EU's Sanctions List', *European Council, Council of the European Union*, 13 April 2023, sec. Press Release, <https://www.consilium.europa.eu/en/press/press-releases/2023/04/13/russia-s-war-of-aggression-against-ukraine-wagner-group-and-ria-fan-added-to-the-eu-s-sanctions-list/>.

²⁹⁹ Le Monde, 'French Parliament Calls on EU to List Wagner as "Terrorist Group"'

³⁰⁰ Le Point, '« Réévaluer nos ambitions » : Macron donne le cap à venir aux armées', *Le Point*, 13 July 2022, sec. Société, https://www.lepoint.fr/societe/reevaluer-nos-ambitions-macron-donne-le-cap-a-venir-aux-armees-13-07-2022-2483229_23.php.

not an international or regional organ³⁰¹. This shows, possibilities for persecuting PMSCs in the international system are severely underdeveloped³⁰². This does not only harm the IRoL and the reputation of such systems but first and foremost the civilians: They are neither sufficiently protected from harm and violence, nor are there cohesive mechanisms in place to serve them any justice.

In light of the accelerating development of the PMSC industry, the questions surrounding, how, whether and who can persecute PMSCs for violating IHL are unavoidable. While this is an issue for scholars from various backgrounds, it is first and foremost also a deeply political debate that needs to be taken out on the level of national and international politics alike. In a quickly changing world overrun with insecurities from all sides, the margin for error is acceleratingly decreasing. Therefore, the presently discussed developments need to be taken seriously as symptoms of much greater developments and discussed now to protect civilians and ensure a minimum of safety in an already unsafe environment.

³⁰¹ Amanda Taub, 'Blackwater's Baghdad Massacre Is a Reminder of How the US Became What It Hated in Iraq', *Vox*, 15 April 2015, sec. Criminal Justice, <https://www.vox.com/2015/4/15/8419825/blackwater-iraq-war-failure>.

³⁰² Marten, 'Russia's Use of Semi-State Security Forces: The Case of the Wagner Group', 185.

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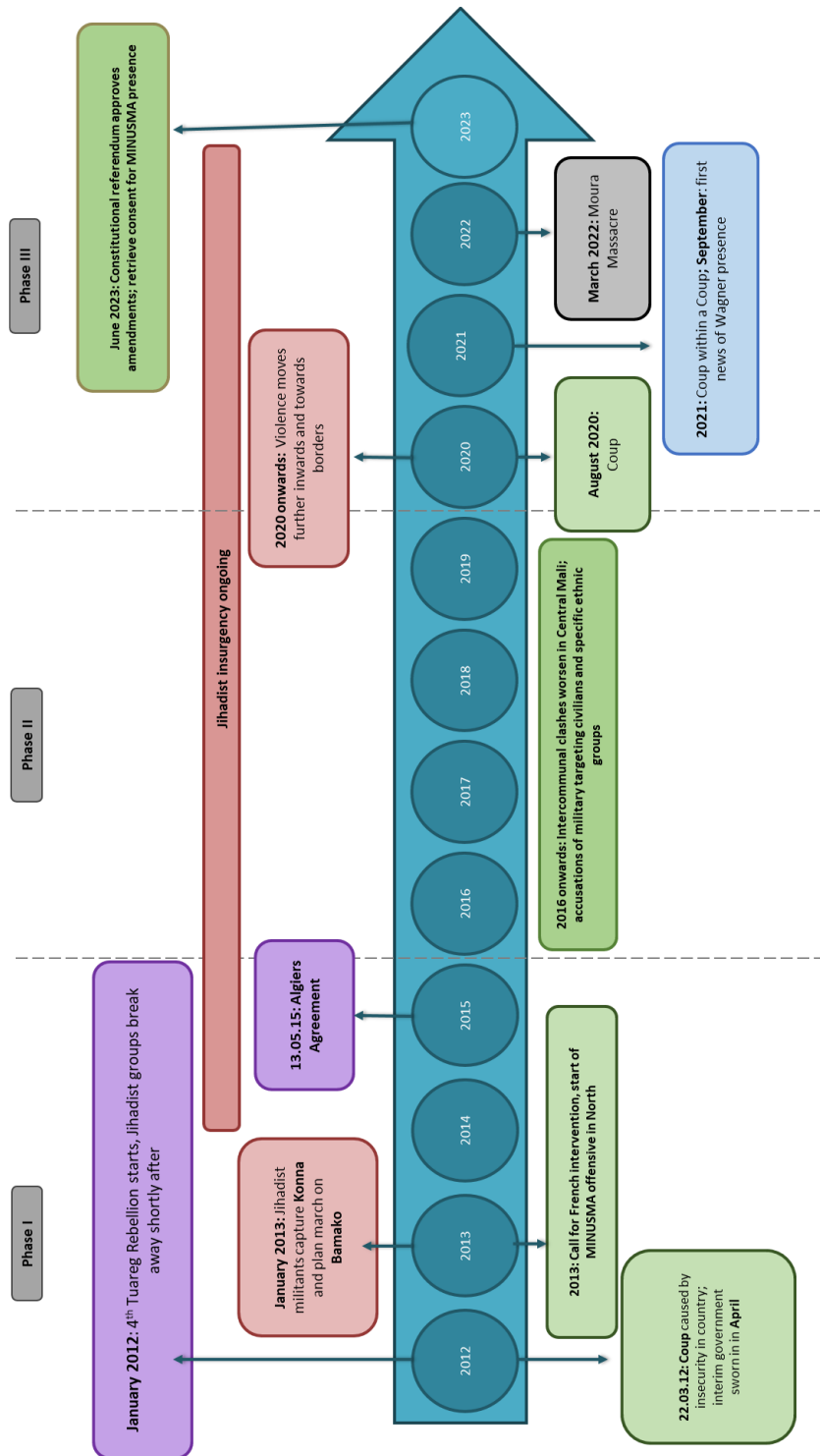
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Appendix

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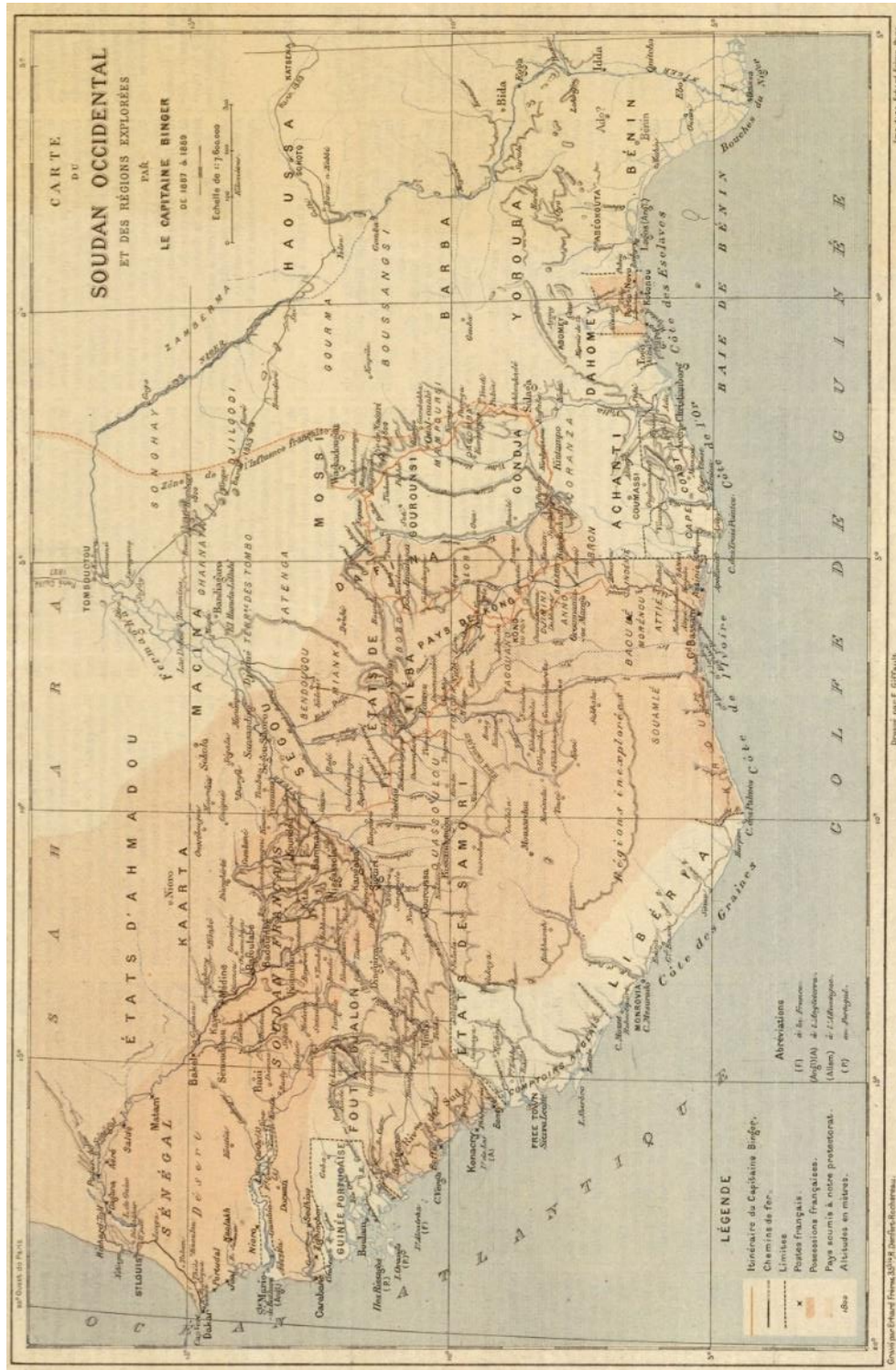
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Appendix 1: Figure 1: Mali Conflict Phases and Timeline of Key Events³⁰³.



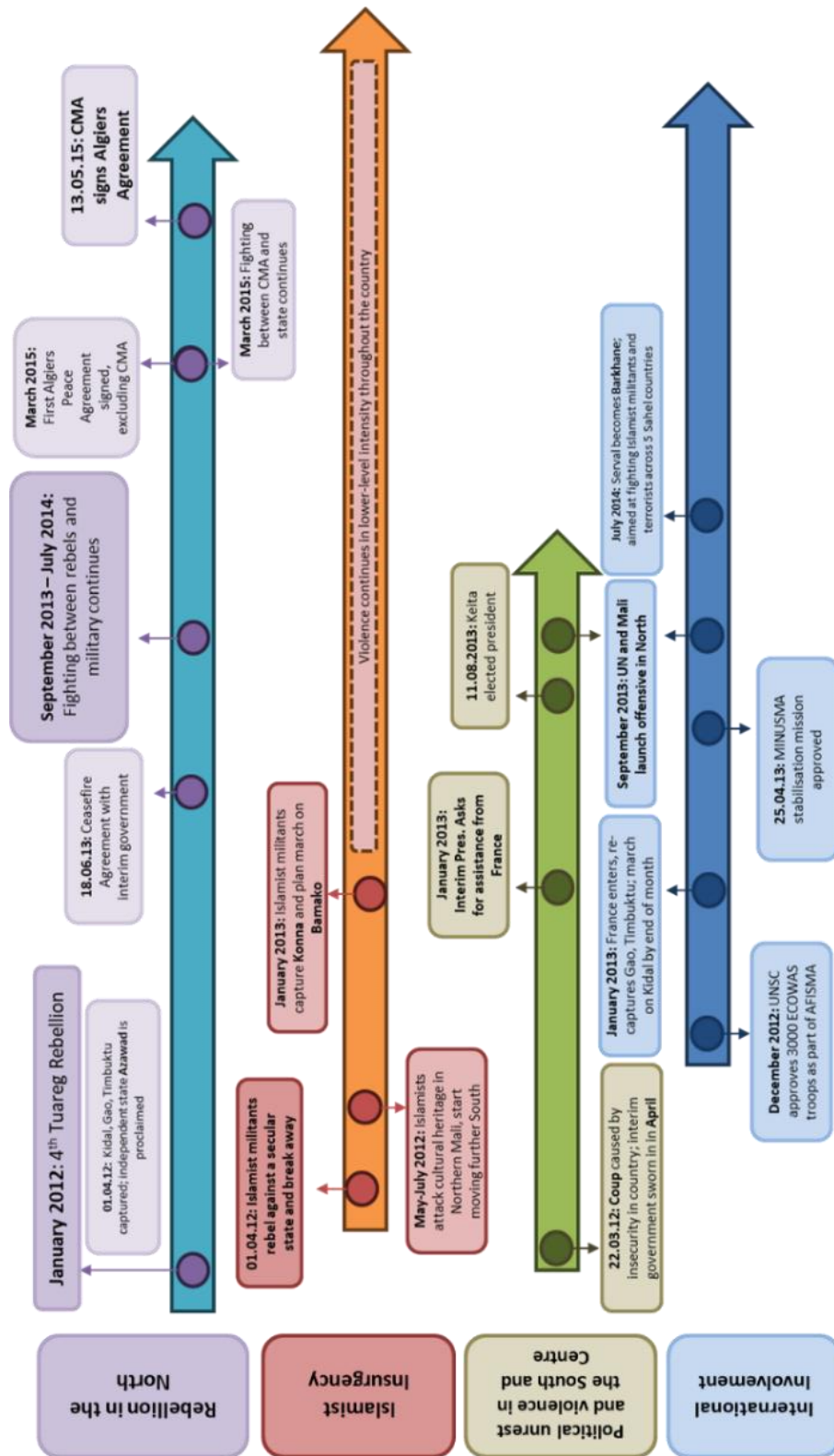
³⁰³ Own Graphic r.t.: BBC, 'Mali Profile - Timeline'; International Crisis Group, 'Tracking Conflict Worldwide: Mali'.

Appendix 3: Figure 3: Map of the French Sudan (modern day Mali) published in *Le Temps* in March 1890 to illustrate an account of the 1887-1889 voyage of Captain Binger³⁰⁵.



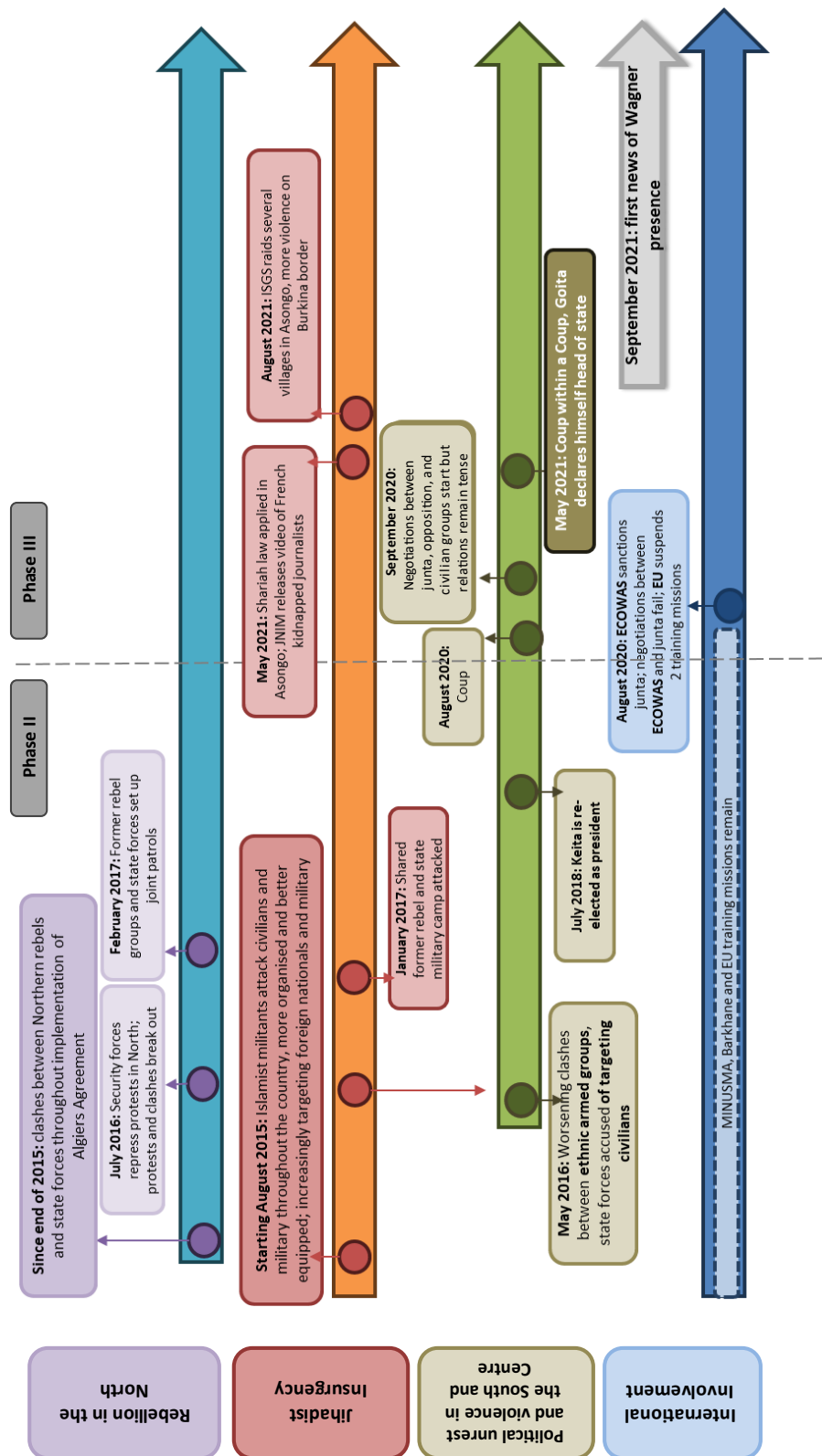
³⁰⁵ Giffault, Binger, and Graveur, 'Carte Du Soudan Occidental et Des Régions Explorées Par Le Capitaine Binger de 1887 à 1889 / Dressé Par E. Giffault ; Gravé Par Erhard Frères 35 Bis r. Denfert-Rochereau'.

Appendix 4: Figure 4: Mali Phase I Timeline of Key Events³⁰⁶.



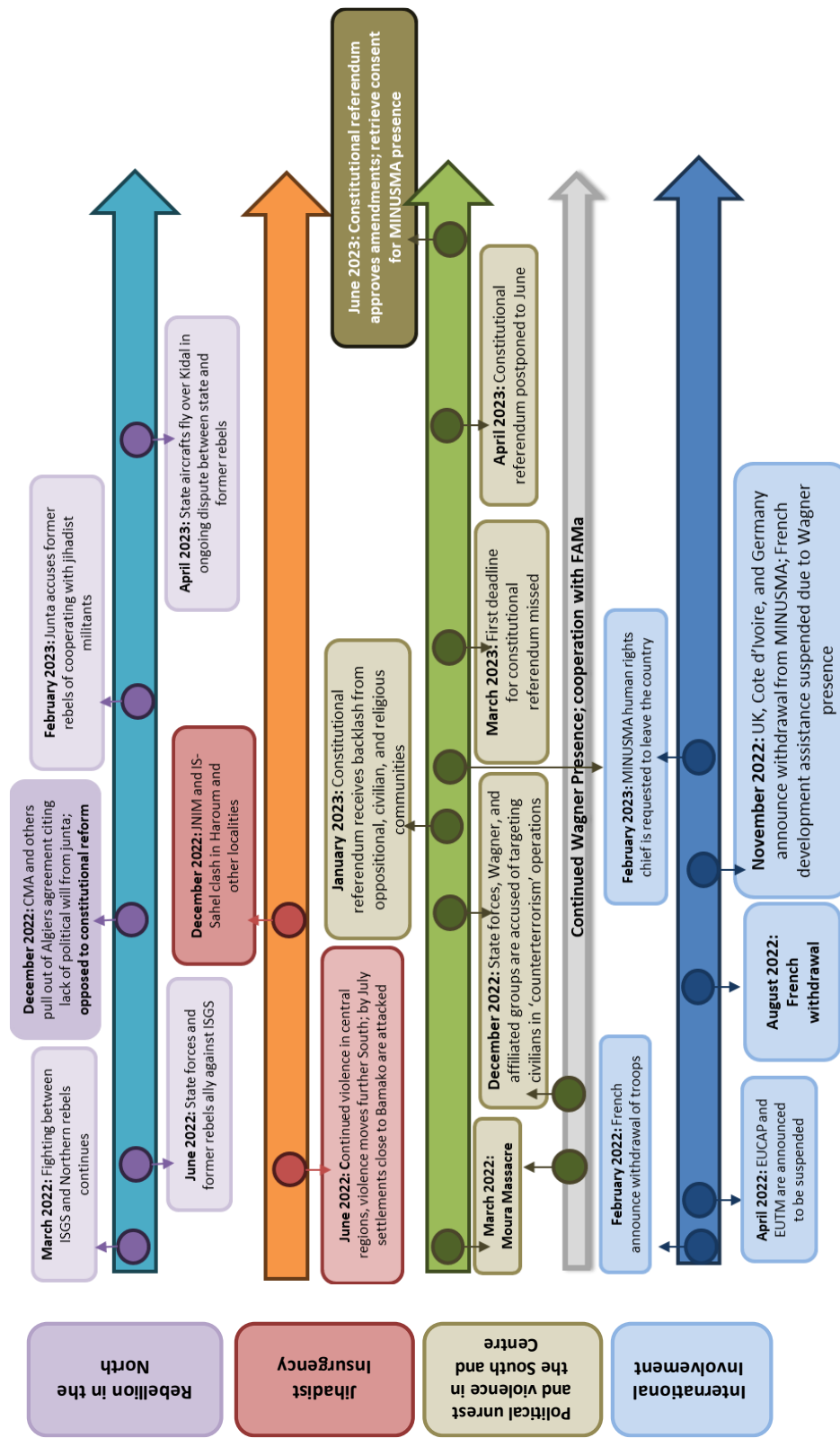
³⁰⁶ Own Graphic r.t.: BBC, 'Mali Profile - Timeline'; International Crisis Group, 'Tracking Conflict Worldwide: Mali'.

Appendix 5: Figure 5: Mali Phase II and Phase III Timeline of Key Events³⁰⁷.



³⁰⁷ Own Graphic r.t.: BBC, 'Mali Profile - Timeline'; International Crisis Group, 'Tracking Conflict Worldwide: Mali'.

Appendix 6: Figure 6: Mali Phase III Timeline of Key Events³⁰⁸.



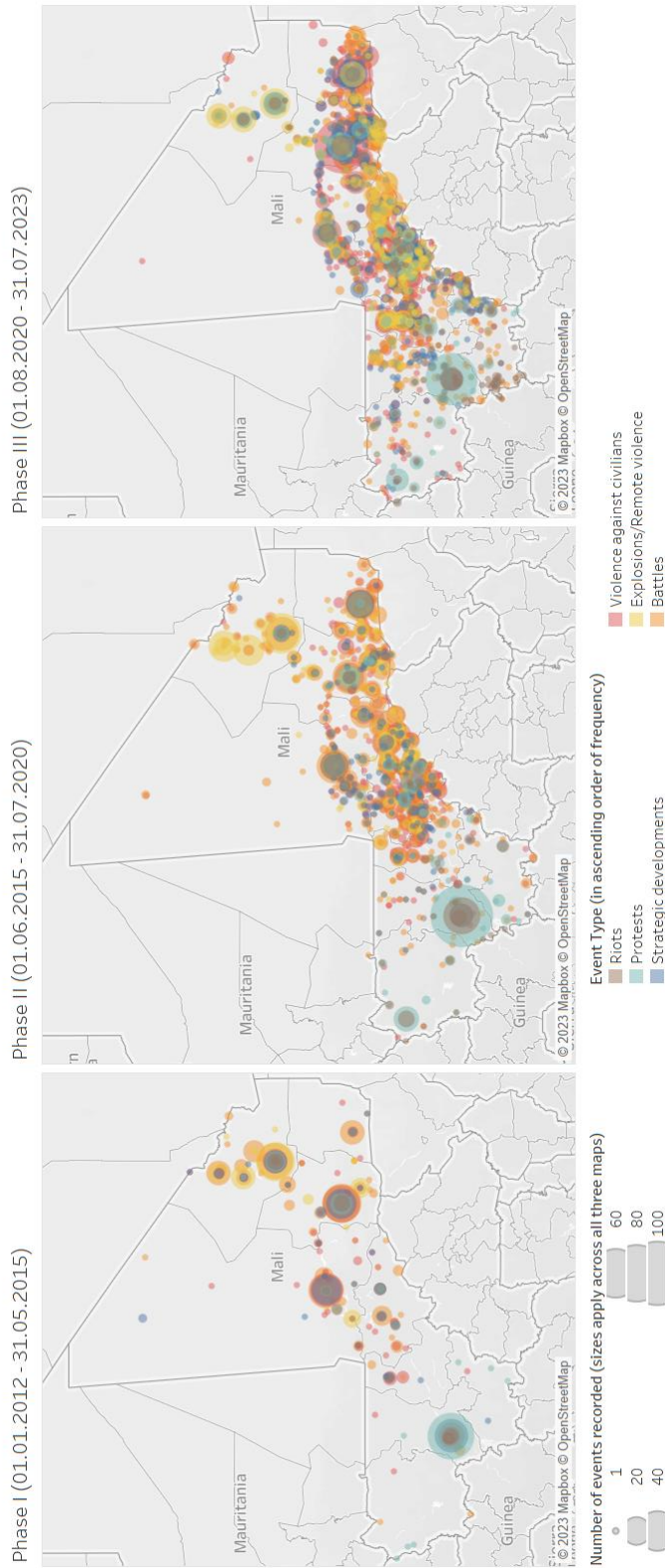
³⁰⁸ Own Graphic r.t.: BBC, 'Mali Profile - Timeline'; International Crisis Group, 'Tracking Conflict Worldwide: Mali'.

Appendix 7: Table of ACLED data input into Tableau 2023.2 for the creation of Figures 7-14.

Figure	Name	Type	Columns	Rows	Other Data	Source	Appx.
7	Mali conflict activity (count of events)	Map	Longitude	Latitude	Colour (Event Type); Size (CNT: 2012-01-01-2023-07-31-Mali.csv)	Armed Conflict Location & Event Data Project (ACLED), acleddata.com	8
8	Mali conflict activity (fatalities)	Map	Longitude	Latitude	Colour (Event Type); Size: Fatalities	Armed Conflict Location & Event Data Project (ACLED), acleddata.com	9
9	Events and fatalities recorded 2012-2023	Dual Combination (Lines and Bars)	QUARTER (Event Date)	CNT(2012-01-01-2023-07-31-Mali.csv); SUM (Fatalities)	Colour (Event Type)	Armed Conflict Location & Event Data Project (ACLED), acleddata.com	10
10	Development of the frequency and fatality of event types	Dual lines graph	QUARTER (Event Date)	SUM (Fatalities)	Colour (Event Type)	Armed Conflict Location & Event Data Project (ACLED), acleddata.com	11
			QUARTER (Event Date)	CNT(2012-01-01-2023-07-31-Mali.csv)	Colour (Event Type)		
11	Map of Wagner's activity recorded in ACLED	Map	Longitude	Latitude	Colour (Event Date); Filter (Assoc Actor 1: Wagner Group, X)	Armed Conflict Location & Event Data Project (ACLED), acleddata.com	12
12	Events and Fatalities tied to FAMa as a primary actor	Dual Combination (Lines and Bars)	MONTH (Event Date)	SUM (Fatalities)	Colour (Event Type);	Armed Conflict Location & Event Data Project (ACLED), acleddata.com	13
					Filter (Actor 1: FAMa, X, yes)		

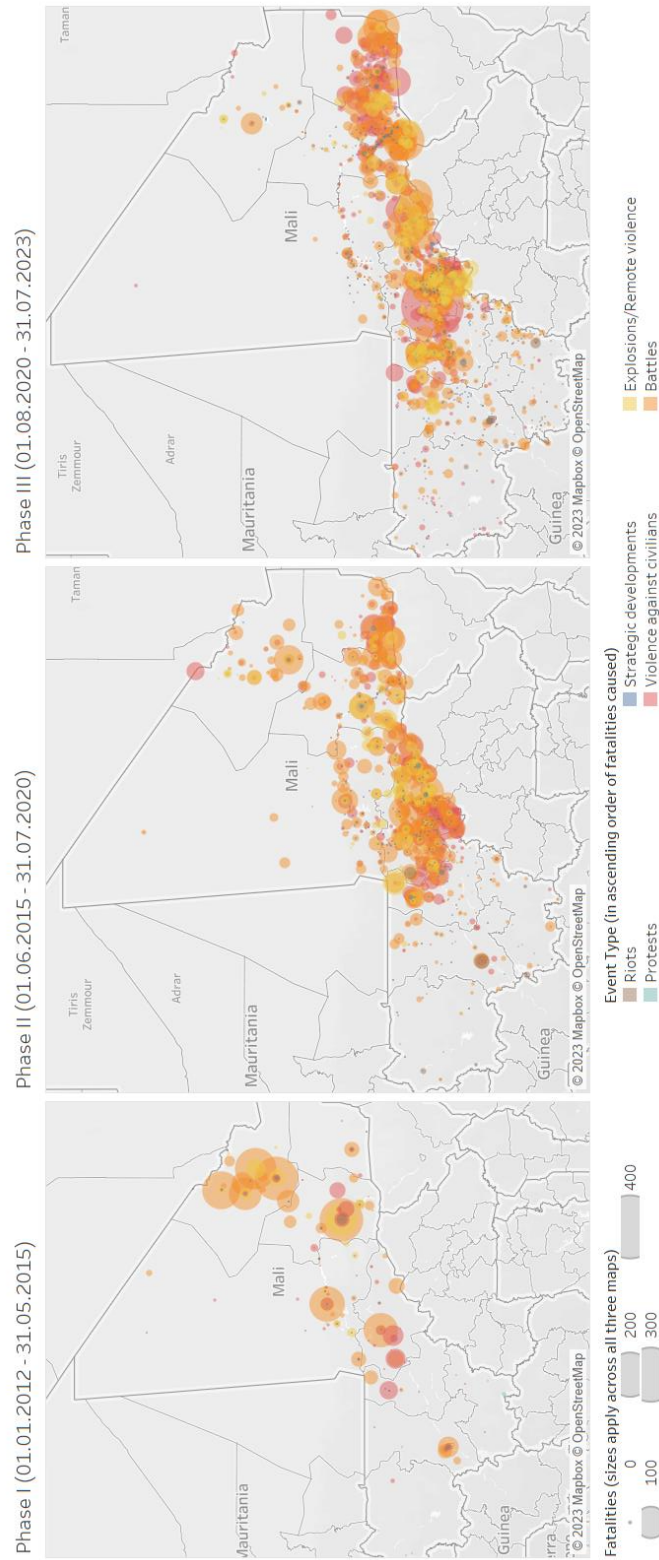
					Type); Filter (Actor 1: FAMa, X, yes; Civilians targeting, yes)		
13	Violent events and fatalities inflicted by the Wagner Group without the involvement of FAMa	Dual Combination (Lines and Bars)	MONTH (Event Date)	CNT(2012-01-01-2023-07-31-Mali.csv); SUM (Fatalities)	Colour (Sub Event Type); Filters (Actor 1: Wagner Group; Asocc Actor Military forces of Wagner, X, no)	Armed Conflict Location & Event Data Project (ACLED), acleddata.com	14
14	Victim groups targeted by Wagner	Horizontal Bars	SUM (Fatalities)	Assoc Actor 2	Filter: (Assoc Actor 1: Wagner, X, yes); Colour: Sub Event Type	Armed Conflict Location & Event Data Project (ACLED), acleddata.com	15

Appendix 8: Figure 7: Mali conflict activity (count of events)³⁰⁹.



³⁰⁹ Own Graphic r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com.

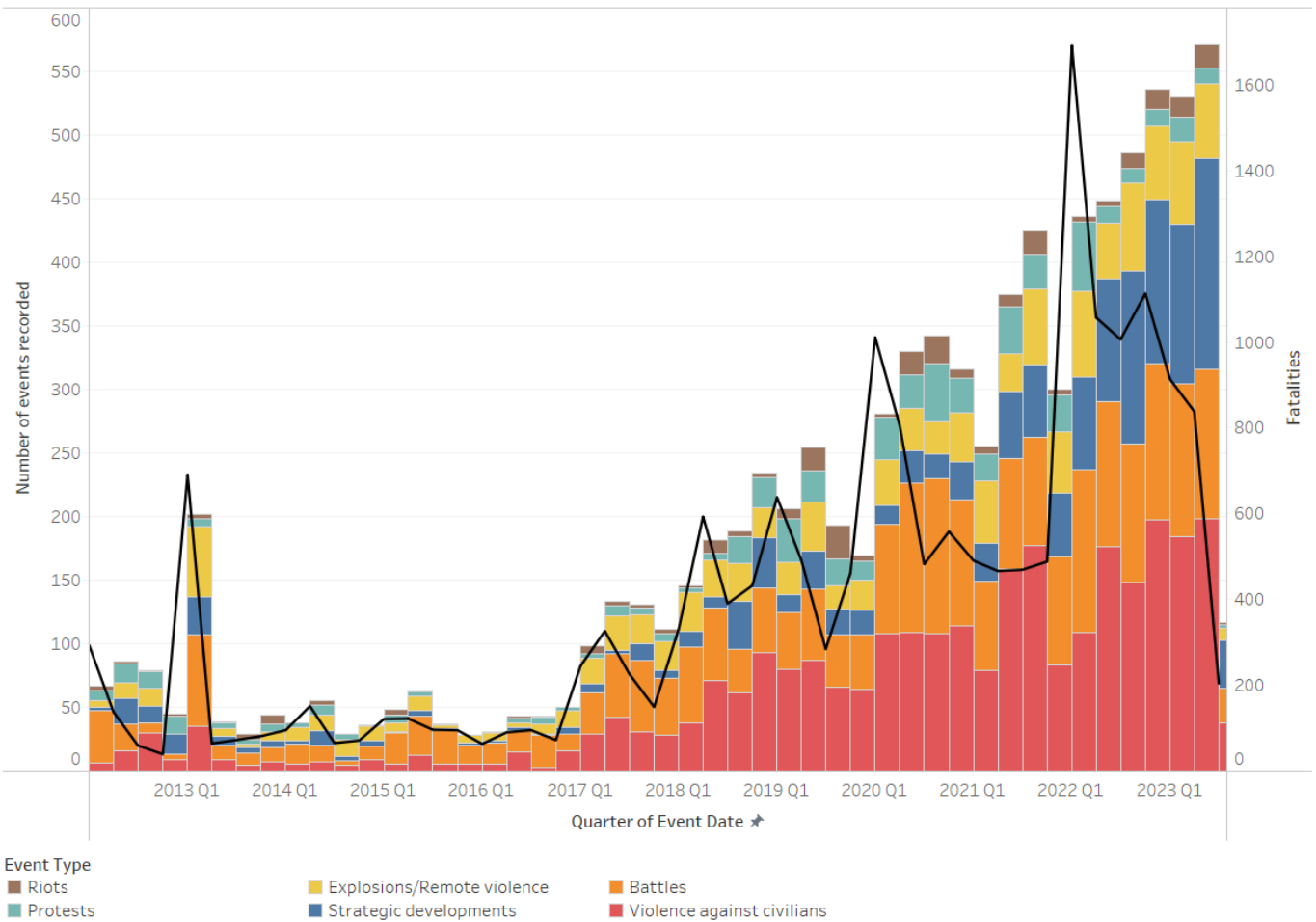
Appendix 9: Figure 8: Mali conflict activity (fatalities)³¹⁰.



³¹⁰ Own Graphic r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com.

Appendix 10: Figure 9: Events and fatalities recorded 2012-2023³¹¹.

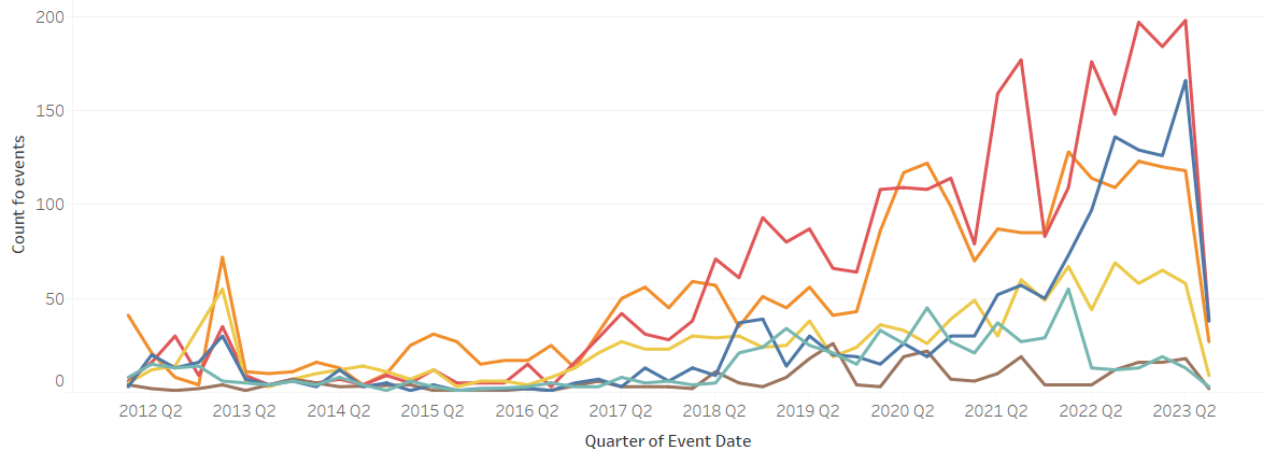
Events and Fatalities (01.01.2012 - 31.07.2023)



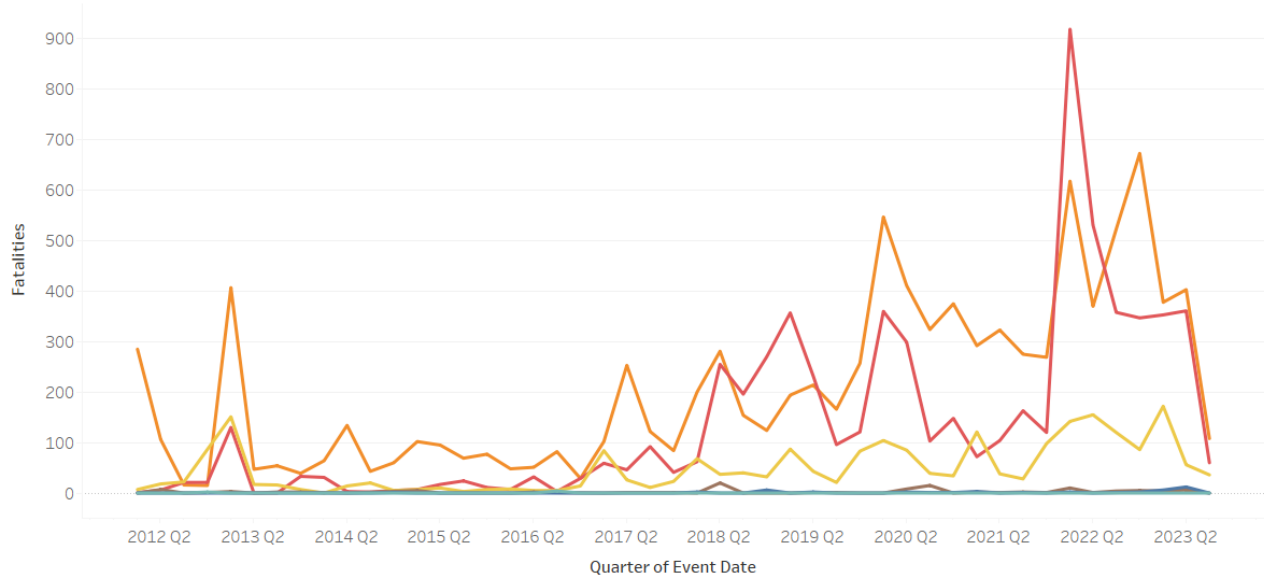
³¹¹ Own Graphic r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com.

Appendix 11: Figure 10: Development of the frequency and fatality of event types³¹².

Event types by count of events

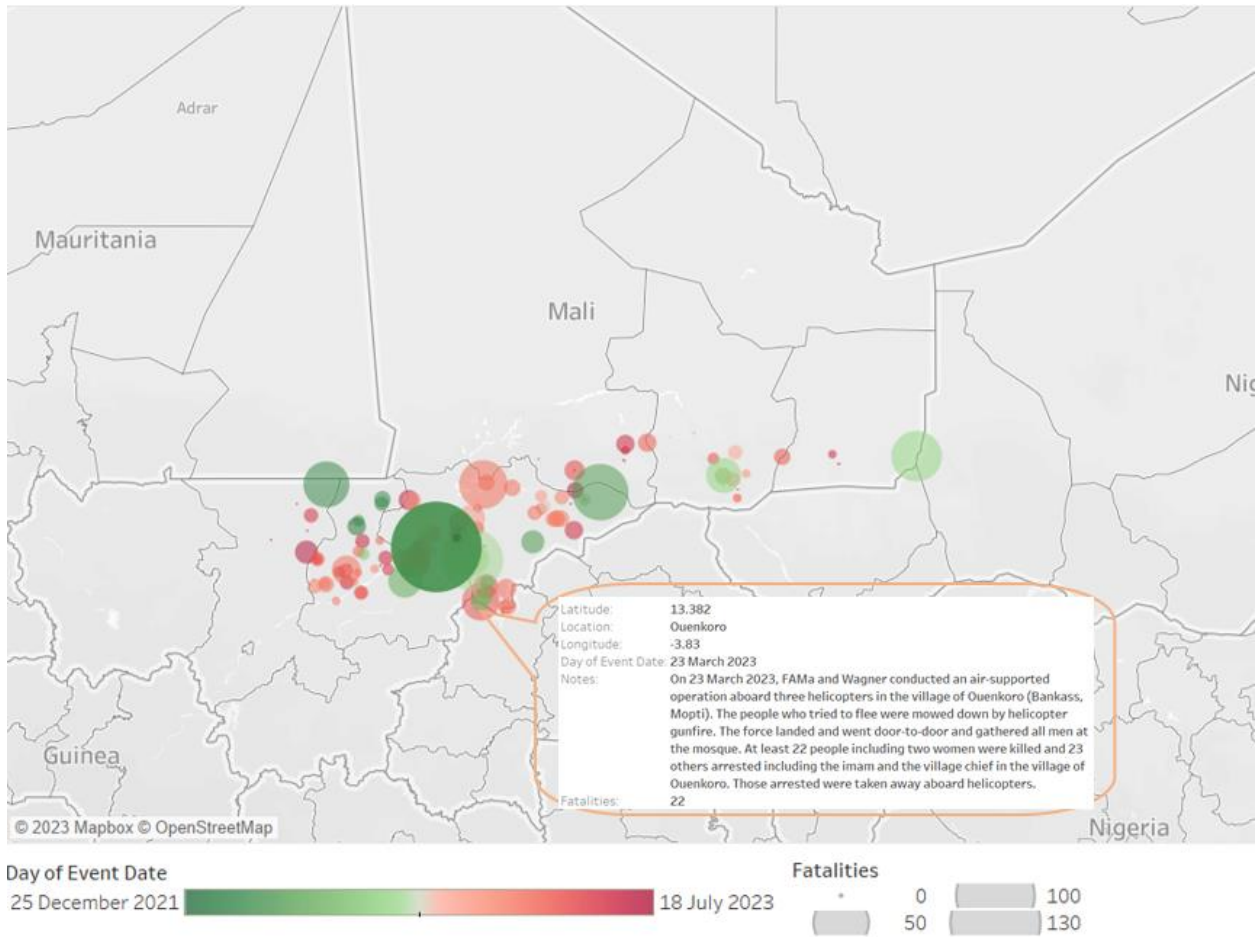


Event types by fatalities



³¹² Own Graphic r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com; Appendix 11.

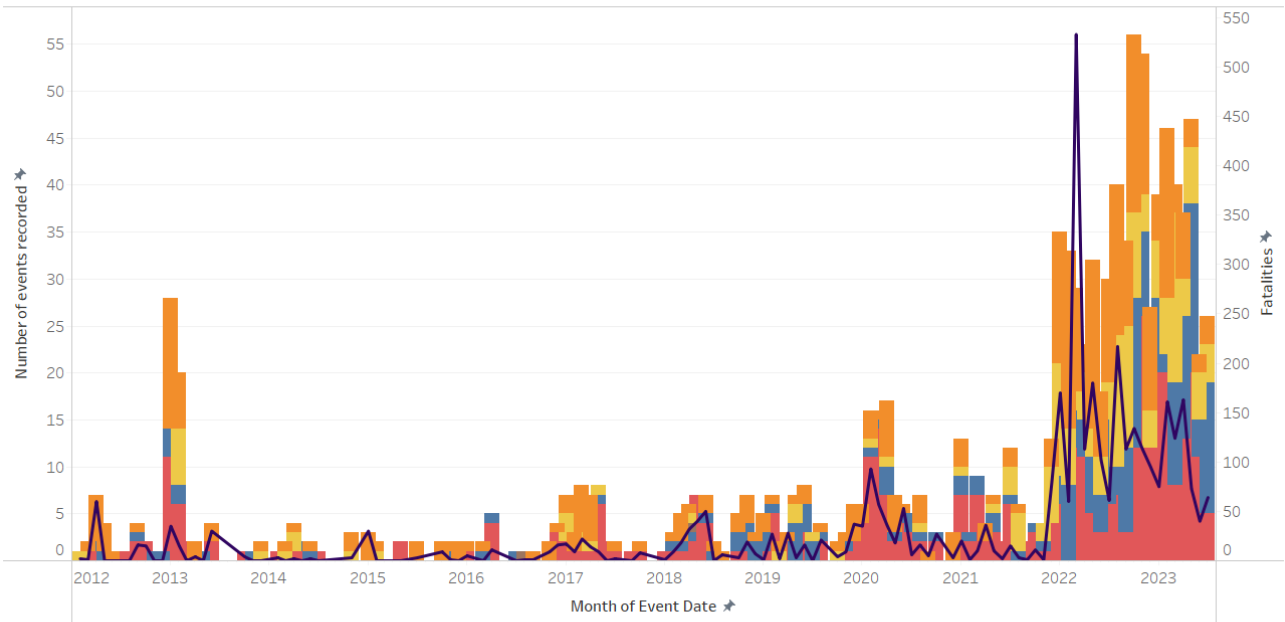
Appendix 12: Figure 11: Map of Wagner's activity recorded in ACLED³¹³.



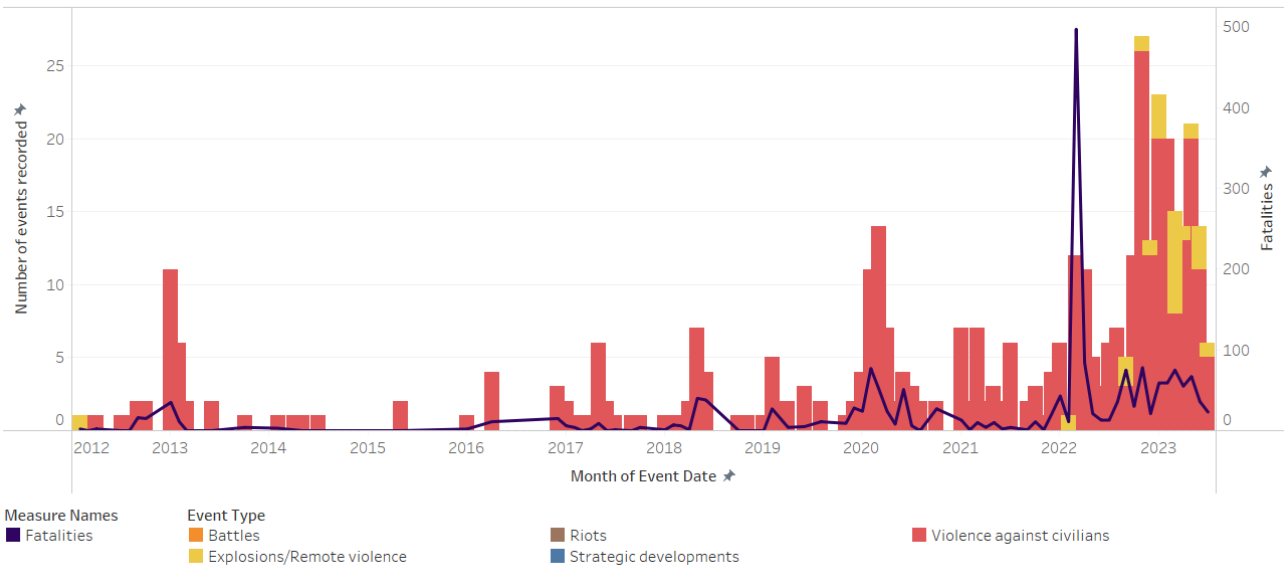
³¹³ Own Graphic r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com.

Appendix 13: Figure 12: Events and Fatalities tied to FAMa as a primary actor³¹⁴.

FAMa as primary actor: Events recorded and fatalities inflicted

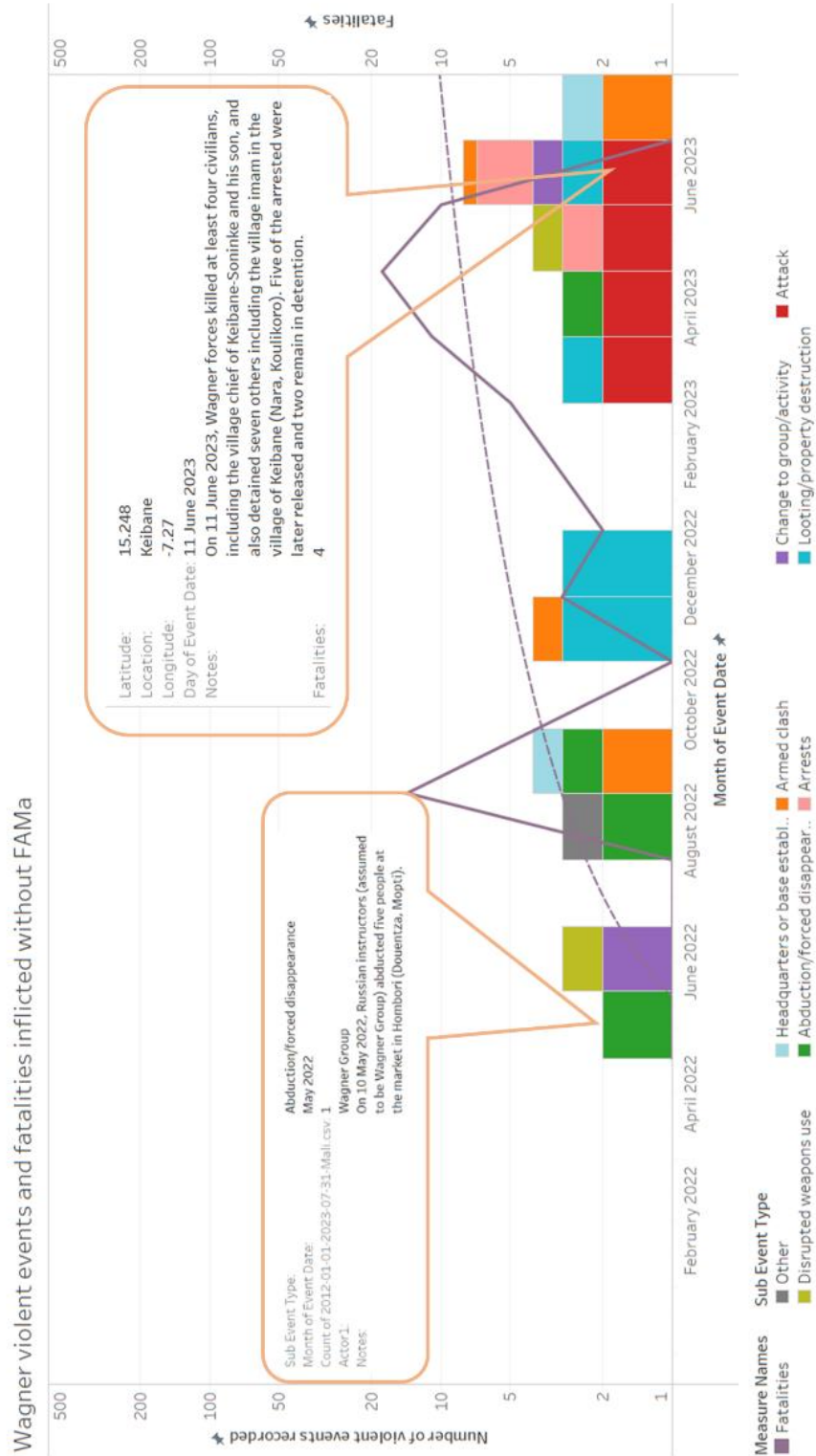


FAMa as primary actor: Events recorded and fatalities inflicted (only civilian targeting)



³¹⁴ Own Graphic r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com.

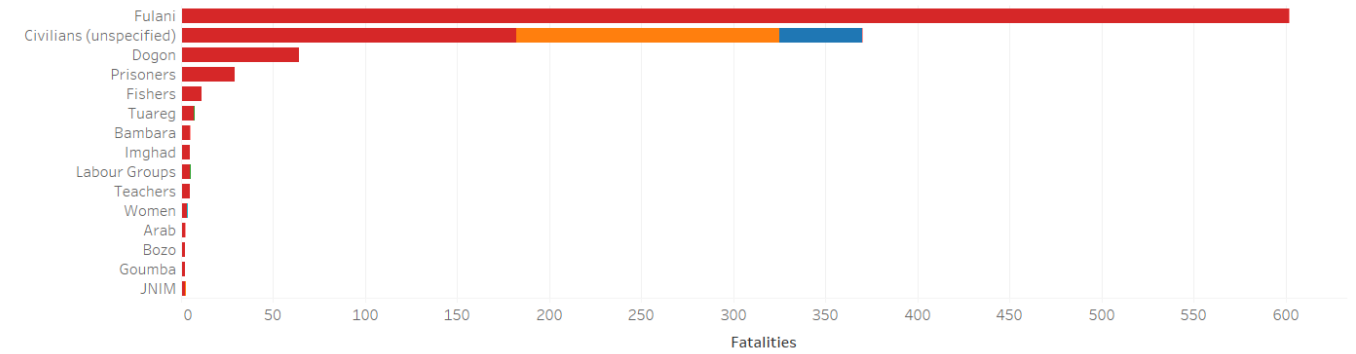
Appendix 14: Figure 13: Violent events and fatalities inflicted by the Wagner Group without the involvement of FAMA³¹⁵.



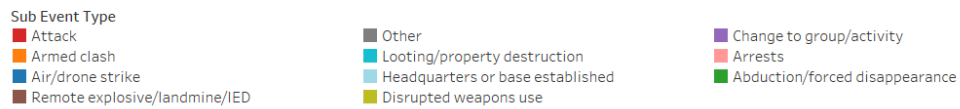
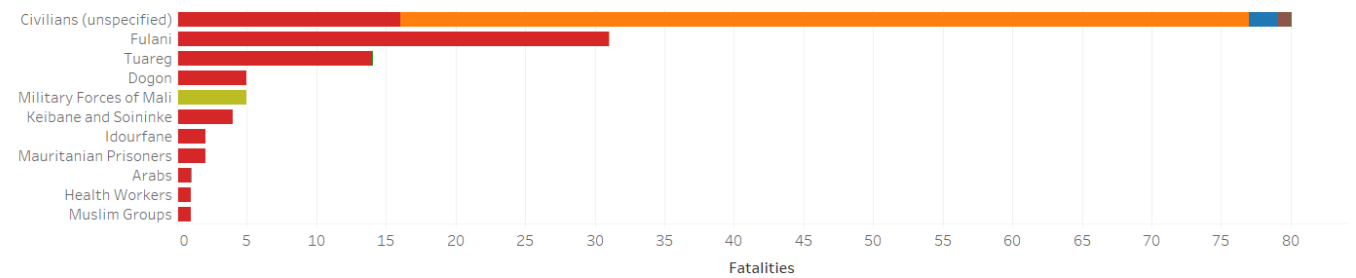
³¹⁵ Own Graphic r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com.

Appendix 15: Figure 14: Victim groups targeted by Wagner³¹⁶.

Victim groups targeted by Wagner as an associated Actor



Victim groups targeted by Wagner as independent actor



³¹⁶ Own Graphic r.t.: Armed Conflict Location & Event Data Project (ACLED), acleddata.com.