

2018 REPORT

# IMPLEMENTING IHL IN WEST AFRICA

PARTICIPATION OF WEST AFRICAN COUNTRIES  
IN INTERNATIONAL HUMANITARIAN LAW  
TREATIES AND THEIR NATIONAL IMPLEMENTATION





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# ECOWAS-ICRC REPORT OF THE 15TH ANNUAL REVIEW MEETING ON THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW IN WEST AFRICA

**30 OCTOBER-2 NOVEMBER 2018, ECOWAS  
PARLIAMENT, ABUJA, NIGERIA**

## **BACKGROUND OF THE ECOWAS-ICRC COLLABORATION**

This report is a joint report by the International Committee of the Red Cross (ICRC) and the Economic Community of West African States (ECOWAS) Commission. The ICRC and the ECOWAS Commission have worked together on implementation of International Humanitarian Law (IHL) for almost two decades, and have seen significant progress during this time. The Memorandum of Understanding (MoU) between the ICRC and the ECOWAS Commission was signed in February, 2001, and defined three major operational axes, including: convening conferences and other meetings; undertaking joint activities to achieve common goals; and providing technical cooperation, such as technical studies on topics of mutual concern.<sup>1</sup>

At the center of this partnership is the ECOWAS-ICRC Annual Review Meeting on the Implementation of IHL in West Africa, which took place for the fifteenth time from October to November 2018. The objective of these annual meetings is to promote key IHL treaties, and provide technical support for their implementation within ECOWAS Member States. It also serves as a platform for participants and experts from ECOWAS Member States to network and exchange views and experiences on contemporary IHL issues of concern, and humanitarian challenges in the region.

Over the years, citizens of ECOWAS Member States have experienced more of the humanitarian consequences resulting from increases in armed conflict and other situations of violence in the region, and governments have experienced first-hand the need to ensure better protection of victims of armed conflicts and affected populations. In this regard, IHL related treaties, as well as customary IHL, impose obligations on parties to an armed conflict (including both State and non-State actors), to limit the effects of armed conflict on persons who are not, or who are no longer taking part in hostilities, and to restrict the means and methods of warfare.

Ratification of IHL treaties remains only the first step, and must be followed by additional measures aimed at ensuring full implementation and compliance with these treaty obligations. Member States must take practical steps towards the domestication and implementation of these treaties, including through the adoption of national implementing legislation.

In addition to working with the ECOWAS Commission, the ICRC also works closely with ECOWAS MS at the national level, to provide technical support in domesticating, integrating and disseminating IHL. This

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<sup>1</sup> Another MoU was signed between the ECOWAS Parliament and the ICRC in 2010, which invites the ICRC to attend the Parliamentary sessions as an observer. The ICRC has been doing so since 2011, and has sought to grow this relationship with the Parliament, by giving an IHL presentation to the plenary in December, 2018.

stream of work is complemented by the ICRC's operational activities, including in the area of assistance and protection.

The ECOWAS-ICRC 15th Annual Review Meeting on the Implementation of IHL in West Africa was held from 30 October-2 November 2018 at the ECOWAS Parliament, with participation by representatives from 14 of the 15 ECOWAS MS<sup>2</sup>, the ICRC, and the ECOWAS Commission. The meeting allowed participants the opportunity to report on their success and challenges implementing their selected IHL priorities for 2018, and identify IHL priorities for 2019. The meeting concluded with validation a new IHL plan of action for the region. The validated ECOWAS IHL Plan of Action (2019-2023) will serve as a practical tool for MS in their implementation efforts, facilitating activities and reporting.

## OBJECTIVE OF THE MEETING

The core objective of the Annual IHL Review Meetings is to contribute to ensuring respect for IHL and other relevant bodies of law, and promote their integration in domestic legislation and practical measures adopted by MS.

To support this objective, during the 14th Annual Review Meeting held from 31 October to 3 November 2018, MS decided to formally extend the ECOWAS Plan of Action on Implementation of IHL in West Africa (2009-2014) until the end of 2018, when a new plan of action would be reviewed and validated at the 15th Annual Review Meeting.

In light of this decision, the main objective of the 15th Annual IHL Review Meeting was to review and validate the new ECOWAS IHL Plan of Action (2019-2023), hereinafter the POA. The validation process did not affect the core objective of the meeting, as it remained centered on MS experts sharing their experiences with the varying IHL thematics contained in the POA.

Specific objectives also included: 1) building capacity for the implementation of the IHL POA at the national level; 2) encouraging discussions on best practices and avenues for bilateral support between MS; 3) updating participant's knowledge and access to available assistance from ECOWAS, the ICRC, and other organizations; and 4) taking stock of progress towards the implementation of IHL-related treaties by ECOWAS MS in the past year, based on IHL Country Priorities identified for 2018.

The objectives of the meeting were met. In particular, the ECOWAS IHL POA (2019-2023) was validated, and the MS took advantage of this meeting to engage directly with one another on specific challenges and successes related to IHL implementation. The level of the discussions and engagement was facilitated by MS experts chairing and contributing to each session supported by an ECOWAS or ICRC technical expert.

## FORMAT OF THE MEETING AND VALIDATION PROCESS OF THE ECOWAS IHL PLAN OF ACTION (2019-2023)

The format of the 15th Annual IHL Review Meeting was different from the format of previous meetings as it focused on the validation of the new ECOWAS IHL POA (2019-2023)<sup>3</sup>.

As in previous meetings, MS had the opportunity to present their respective achievements and challenges in implementing national IHL priorities during 2018, and present their priorities for 2019. The first session was dedicated to this exercise, and MS were encouraged to consider integrating aspects of the ECOWAS IHL POA into their national priorities in the years to come.

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2 The representative from Cape Verde was unable to attend due to a combination of scheduling conflicts and logistical issues.

3 Annex I

The next sessions focused on the review and validation of the POA. It is worth noting that prior to the meeting, the ECOWAS Commission with the support of the ICRC compiled an initial draft POA that was submitted to all MS in June, 2018, for comments and inputs. Verbal affirmations of the draft were communicated by Nigeria, Liberia, and Sierra Leone to the relevant ICRC focal points, while written contributions from Mali, Niger, Burkina Faso, and Ghana were sent to ECOWAS prior to the meeting. Benin submitted its written comments to ECOWAS and the ICRC on the first day of the meeting. All MS represented at the meeting participated in the revision and validation process.

The validation process was spread over four days, with the ten IHL thematics from the POA discussed in depth in separate sessions. The thematics covered were: migrants and internally displaced persons (IDPs), children, sexual violence, counter-terrorism, use of force in law enforcement, protection of healthcare and the emblem, penal repression of IHL violations, arms control, national IHL committees, and dissemination of IHL.

Each thematic session was chaired by a MS expert, who opened the discussion with an overview of their country's experience with the thematic. Other MS were then given the opportunity to ask questions, or share their experiences. An ECOWAS or ICRC technical expert was also available to provide additional information on the thematic, and on relevant tools to support the implementation of the relevant POA section. Following the discussion of each section, the MS would vote on whether to validate the section, or refer it for further review. The full agenda can be found in Annex IV.

On the final day of the meeting, the diplomatic corps, and other international organisations, were invited to the presentation of the newly launched ICRC report "The Roots of Restraint in War"<sup>4</sup>, and to the validation vote of the entire ECOWAS IHL Plan of Action (2019-2023) by the MS. The MS voted unanimously for validation, and the ECOWAS report confirming the validation was signed by the meeting chair, the MS expert from Nigeria.

## OPENING SESSION

Amb. Babatunde Nurudeen, the Ambassador of Nigeria to ECOWAS began his welcome remarks by stressing the importance of the revision and validation of a new ECOWAS IHL POA to limiting the harmful effects of armed conflict in the region. He addressed the strong collaboration of ICRC and ECOWAS, lauding it as an important relationship which has worked to implement laws protecting the victims of violent conflict. He stressed the importance of the work participants would be doing over the next few days, and also encouraged



Group picture- 15th ECOWAS-ICRC Annual Review Meeting

4 The Roots of Restraint in War, ICRC, 2018, [https://shop.icrc.org/the-roots-of-restraint-in-war.html?\\_\\_\\_store=fr](https://shop.icrc.org/the-roots-of-restraint-in-war.html?___store=fr)

all participants to seize the opportunity to exchange ideas and challenges they faced in their individual contexts. Amb. Nudureen closed by asking the MS to ensure the new ECOWAS IHL POA would serve as a strong guide to the implementation efforts of MS.

Dr. Siga Fatima Jagne, the Commissioner of the ECOWAS Department of Social Affairs and Gender, thanked all the MS experts for accepting the invitation, and called their attention to the long history of the meeting. The meeting was presented as the cornerstone of work of ECOWAS and the ICRC, promoting IHL and its implementation at the national levels. She described IHL as the rule of law in armed conflicts, and directed attention to the catastrophic humanitarian impact of armed conflicts in West Africa. Appropriate laws and dissemination were necessary to ensure the respect for IHL and promote a culture of peace. She called on MS to work on providing a regional guide to implementing the necessary law. The new POA to be reviewed by MS looked at specific IHL thematic concerns in the region, and upon validation, it would be passed to the Authority of Heads of State for adoption. The POA would then provide a basis for MS planning and budgeting of IHL implementation activities and strategies, using the indicators as a guide to reporting. The POA would also provide political and legal accountability for all ECOWAS Member States. The commissioner closed with a condolence message to the ICRC for the loss of their two colleagues in North-East Nigeria. One minute of silence was observed.

Eloi Fillion, ICRC Head of Delegation in Nigeria, commended the engagement of the MS in the implementation of IHL, and thanked the MS experts for their attendance. The caliber of participants demonstrated the strong priority of IHL to the region. He requested that the experts review the POA very carefully to ensure each point provided strong protections for the victims of armed conflict. He closed his statement by reiterating the ICRC's dedication to the partnership with ECOWAS, and the continuous availability of ICRC to provide assistance to MS in their IHL implementation drives.

The representative of the Nigerian Minister of Justice, Mrs. Antoinette Oche-Obe, welcomed all the participants, and thanked ECOWAS for hosting the meeting. Looking to the POA to be reviewed by MS, she stated that it set out strategies for IHL implementation in the region, which would increase respect for rule of law in armed conflict. She then thanked the ICRC for its ongoing support for IHL implementation efforts in the region, and assured the ICRC that it would continue to be looked to for support. She thanked the ICRC and ECOWAS for organizing the annual meeting, which was the only opportunity for all MS to compare notes on the status of IHL implementation at the national levels. She encouraged the MS to take full advantage of the possibilities to network as they pushed forward with the validation of the POA. The meeting was then declared open.

## **UPDATE AND STATUS OF RATIFICATION AND DOMESTICATION OF IHL TREATIES**

During the first session, each MS was asked to proceed to the annual review of their IHL implementation measures by presenting any successes in IHL implementation between 2017 and 2018, and to set out their 2019 IHL priorities.

Before they began, the ECOWAS Commission Programme Officer, Olatunde Olayemi invited MS to conduct an informal survey of the region's IHL implementation, with each MS scoring themselves on their level of IHL implementation. The average of the 14 MS was a score of 68.9% on IHL implementation. The exercise was not designed to be scientific, and was focused more on the experts' perception of the state of IHL implementation in their respective contexts. The score was not too high, and demonstrated a combined awareness of the need to do more on IHL implementation.

A theme that ran through the presentations and discussions during this section was related to the functioning of national IHL committees (NIHLC), which should hold the responsibility for coordinating and supporting IHL implementation. Many MS with NIHLCs spoke of being confronted by a lack of resources to perform the necessary activities. M. Olayemi, encouraged MS to think about different ways to acquire resources.

Liberia stated that it proved critical, to the functioning of its NIHLC, to have a permanent secretariat to which State budget and external funds could be allocated. Otherwise, as NIHLC are composed of various ministries, even if State budget or external funds were allocated to the NIHLC via ministries, it was less likely that the required resources would directly benefit the activities of the committee. Liberia also suggested all NIHLC explore possibilities of joint projects with small arms and light weapons committees (SALWC), who may benefit from different sources of funding. Other examples, such as the Inter-ministerial Human Rights and IHL Committee (CIMDH) of Burkina Faso were given as way to maximize limited resources in that context.

On the setting out of the 2019 national IHL priorities, the ICRC Regional Legal Adviser, Myriam Raymond-Jette, reminded MS to work to align their priorities with the draft ECOWAS IHL POA previously submitted, as, once validated, it would be their primary guide on IHL implementation over the next 4 years.

This annual review exercise is not only meant to take stock of progress at national levels, but also to foster peer-to-peer comparison on IHL-related achievements, obstacles and priorities among MS and vis-à-vis the ECOWAS Commission. Comparative Tables 1 and 2 below compare MS recent accomplishments and outstanding priorities of 2018 as well as national IHL priorities set for 2019. These comparative tables contain information provided by MS, and are up to date as of MS reporting in November 2018. All further comparative tables on legislation in MS is compiled from reports by MS, and information available to the ICRC from MS. The tables are not an exhaustive list, and legislation might have been enacted without being included in the MS reports. MS are requested to report any updates to the tables to the ECOWAS Commission and the ICRC.

**COMPARATIVE TABLE 1: IMPLEMENTATION OF 2018 NATIONAL IHL PRIORITIES SET DURING THE 14TH ANNUAL REVIEW MEETING ON THE IMPLEMENTATION OF IHL**

2018 ACCOMPLISHMENTS						
Benin	Burkina Faso	Côte d'Ivoire	The Gambia	Ghana	Guinea	Guinea -Bissau
2018 Accomplishments	<ol style="list-style-type: none"> <li>5/2/2018 accession to the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, 1999.</li> <li>IHL training of 20 trainers for Burkinabe security forces.</li> <li>New penal code takes violations of the Geneva Conventions into account<sup>5</sup>.</li> </ol>		<ol style="list-style-type: none"> <li>Reactivation of the inter-ministerial national IHL committee in October 2018.</li> </ol>		<ol style="list-style-type: none"> <li>IHL capacity building session for legal auditors.</li> </ol>	
2018 Accomplishments						
Liberia	Mali	Niger	Nigeria	Senegal	Sierra Leone	Togo
2018 Accomplishments	<ol style="list-style-type: none"> <li>Development and validation of the terms of reference of the DIH working group within the CNDH. Designation of members of the IHL working group.</li> <li>Integration of the teaching of IHL (30 hours) into the initial training of legal auditors.</li> </ol>		<ol style="list-style-type: none"> <li>Compulsory Treatment and Care for Victims of Gunshot Act (2017) has passed but has not been gazette.</li> </ol>	<ol style="list-style-type: none"> <li>IHL included as part of the Human Rights Advisory Council.<sup>6</sup></li> </ol>		

5 Loi N°025-2018/an portant code penal, Livre IV: Des crimes internationaux, Titre I: Des crimes de guerre, Article 411-1, pg. 161, 31 May 2018, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=2ahUKEwi3vdhngy6vGhWIRhUIHd8IAK4QFjABegQICBAC&url=https%3A%2F%2Facademiedepolice.bf%2Findex.php%2Ftel-echargement%2Fcategory%2F38-codes%3Fdownload%3D163%3Ala-loi-portant-code-penal&usq=AOvVaw1idk5Aus6oQmmG1.1jovshU>

6 Décret N°2018-1969 fixant les missions, la composition et le fonctionnement du Conseil consultatif national des Droits de l'Homme et du Droit international humanitaire, 15 novembre, 2018.

## REMAINING 2018 PRIORITIES

Benin	Burkina Faso	Côte d'Ivoire	The Gambia	Ghana	Guinea	Guinea -Bissau
<p>1. Ratification of the protocols to the Convention on Certain Conventional Weapons (CCW) (process is ongoing).</p>	<p>1. Update/reread the training documents for the army (manual on protection of children in armed conflict is in development).</p>	<p>1. Implementation of the CCW. 2. Ratification of the 1976 Convention prohibiting Environmental Modification Techniques (ENMOD). 3. Ratification of CCW Protocols I, III, IV, and II amended, and Article 1 amended.</p>	<p>1. Protection of the Emblems.</p>	<p>1. Undertaking a comprehensive audit of treaties in the area of IHL which have either not been signed or have been signed but are not yet ratified to ascertain for appropriate action. 2. Training of the members of the NHLC on the outstanding treaties that require ratification, and in the preparation of a Cabinet memorandum. 3. Supporting Ministries responsible for these treaties to ensure a successful ratification process. 4. Awareness-raising for members of the media, civil society and parliamentarians in order to secure their support and the support of the population in general for the ratification process.</p>	<p>1. Ratification of the Kampala Convention (to be considered by national assembly in 2019). 2. Continuation of the popularization of the Penal Code and the Code of Criminal Procedure on aspects relating to the repression of violations of IHL. 3. Setting up a National IHL Committee.</p>	
<b>Remaining 2018 priorities</b>						

Remaining 2018 priorities	Liberia	Mali	Niger	Nigeria	Senegal	Sierra Leone	Togo
<p>1. Domestication of the Kampala Convention</p> <p>2. Domestication of the Geneva Conventions and Additional Protocols</p> <p>3. Ratification of the Cluster Munitions Convention</p> <p>4. Integration of IHL in the National Police and Immigration Service utilizing the Army's integration model</p> <p>5. Promotion of structured collaboration and cooperation amongst Member States of the Mano River Union (Côte d'Ivoire, Guinea, Sierra Leone and Liberia) for implementing and Domesticating IHL within the region</p> <p>6. Resuming the domestication process of the ATT including drafting of a proposed national arms transfer law</p>	<p>1. Resuming the reworking of the Criminal Code and the Criminal Procedure Code to integrate a complete repression of war crimes, including those committed during non-international armed conflicts and other violations of IHL as well as other general principles of international criminal law such as the criminal responsibility of superiors, universal jurisdiction</p> <p>2. Operationalisation of the IHL working group created in the National Human Rights Commission</p>	<p>1. Creation of a National IHL Commission</p> <p>2. Harmonization of the Criminal Code provisions relating to IHL violations with IHL instruments (ongoing)</p>	<p>1. Domestication of the bill on the Geneva Conventions and the Additional Protocols (waiting to be submitted to the Federal Executive Council for approval)</p> <p>2. Domestication of the Rome Statute Bill (public hearing at national assembly occurred, and waiting for a vote on passage)</p>		<p>1. Advocacy for the domestication of the Kampala Convention in aiding a sustainable framework for the protection of IDPs</p>		

COMPARATIVE TABLE 2: NATIONAL IHL PRIORITIES SET FOR 2019

Benin	Burkina Faso	Côte d'Ivoire	The Gambia	Chana	Guinea	Guinea -Bissau
<p>1. Reactivate the national IHL committee, and train its members</p> <p>2. Set out a three year national plan of action for IHL implementation</p> <p>3. Organize a workshop on the dissemination and implementation of IHL, for government officials and academics, to evaluate the national IHL implementation plan of action.</p> <p>4. Publish a compilation of all IHL related treaties and conventions.</p>	<p>1. Strengthen the IHL knowledge of the defense and security forces</p> <p>2. IHL disseminations to the civilian population</p> <p>3. Review IHL training documents and manuals</p> <p>4. Identifying cultural property at the national level (carried over from 2018 and a plan of action on this is being prepared)</p>	<p>1. Implementation of the ATT (carried over from 2018)</p> <p>2. Reactivate the National IHL Committee (carried over from 2018)</p>	<p>1. Signature and ratification of the ATT</p> <p>2. Work on security sector reform</p>	<p>1. Continue enabling the operation of the National IHL Committee (The new government has not fully set out its IHL priorities)</p>	<p>1. Ratification of the ENMOD Convention (carried over from 2018)</p> <p>2. Ratification of the Kampala Convention on Internally Displaced Persons in Africa</p> <p>3. The establishment of the National Commission of IHL</p> <p>4. Continued capacity building of defense and security forces on compliance with IHL / IHD</p> <p>5. Follow the process of revising the child's code with a view to adapting it to the requirements of protecting the rights of the child.</p>	<p>1. Ratification of: the International Convention for the Protection of all Persons from Enforced Disappearance; Optional Protocol to the Convention on the Rights of the Child on a communications procedure; Kampala Convention; ECOWAS Convention on SALW</p> <p>2. Review the penal code</p> <p>3. Study on the status of IHL implementation in the country</p> <p>4. Complete draft law on protection of the Emblem to be pushed to national assembly</p>

2019 National IHL priorities

Liberia	Mali	Niger	Nigeria	Senegal	Sierra Leone	Togo
<p>2019 National IHL priorities</p>	<ol style="list-style-type: none"> <li>Continuation and intensification of training of the military defense and security forces in IHL (postponed from 2018)</li> <li>Continuation of the review of the Criminal Code and Code of Criminal Procedure</li> <li>Further operationalization of the DIH working group with a view to its effectiveness</li> <li>Signature / ratification of the Nuclear Weapons Treaty</li> </ol>	<ol style="list-style-type: none"> <li>Adoption of a law on weapons (carried over from 2018)</li> <li>Adoption of a law on the protection of internally displaced persons (carried over from 2018)</li> </ol>	<ol style="list-style-type: none"> <li>Ratification of the Convention on Cluster Munitions</li> <li>Training of National IHL Committee members</li> <li>Strategic visit of National IHL Committee to the National Assembly</li> <li>Domestication of the Additional Protocols Bill of 2005</li> </ol>	<ol style="list-style-type: none"> <li>Adoption of national IHL Action Plan</li> </ol>	<ol style="list-style-type: none"> <li>Developing and coordinating a plan of action to address IDPs</li> <li>Resuming sessions and sensitizations of the Sierra Leonean armed forces on IHL</li> <li>Revitalize national IHL committee</li> </ol>	<ol style="list-style-type: none"> <li>Reactivate the National IHL Committee (carried over from 2018)</li> <li>Finalize the adoption of the Criminal Procedure Code in line with the newly adopted Criminal Code (law N°2015-10, 24 November 2015) (carried over from 2018)</li> <li>Adherence to remaining IHL treaties</li> </ol>

# ECOWAS IHL PLAN OF ACTION (2019-2023) VALIDATION PROCESS

## 1. INTRODUCTION OF THE PLAN OF ACTION, IHL TREATIES

The validation process started with an introduction of the draft POA by Mr. Olatunde Olayemi of the ECOWAS Commission, and Mr. Sven David Udekwu of the ICRC. They gave an overview of the process of developing the new draft POA, emphasizing the need to change the format used in the old IHL Plan of Action (2009–2014). The new POA was designed around specific thematic areas, with both prevention and protection approaches. These thematics were chosen based on the most urgent IHL topics of concern in the region. Strong measurable indicators, and sources of verification, were paired with each thematic. This new format would facilitate the implementation of the POA by MS and facilitate the reporting and follow up processes. While the POA was focused around thematics, the first section remained dedicated to the foundation of IHL implementation, which is the signature and ratification, or accession, to all IHL treaties. There was no discussion on this section, as MS are aware of the outstanding treaty ratifications, as set out in Annex IV. The rest of the sections were discussed in depth, with MS given the opportunity to discuss their experiences dealing with thematics, and adjusting the contents of the sections as necessary.

### SECTION A OF THE ECOWAS IHL POA: SIGNATURE AND RATIFICATION OR ACCESSION TO IHL TREATIES

Strategies / Activities	Success Indicators	Responsible Institution	Sources of Verification	Timeframe
Signature and ratification or accession to IHL treaties:				
1. Sign, ratify or access the most relevant IHL treaties *list of treaties annexed	a. Number of outstanding IHL treaties signed and ratified or acceded to	Legislative and executive branches of the government Ministries, or organs charged with treaty ratification National IHL Committees <sup>7</sup>	Signature and deposition of instrument of ratification/accession with the appropriate depository	2019 - 2023

## 2. NATIONAL IHL COMMITTEES

The POA section on national IHL committees set out the following strategies/activities: 1) establish or reactivate National IHL Committees – or corresponding inter-ministerial organs responsible for IHL – effectively advising and assisting governments in implementing and spreading knowledge of IHL; 2) develop national IHL POAs with participation from government and civil society.

<sup>7</sup> References to National IHL Committee in this POA refer to National IHL Committees or corresponding inter-ministerial organs responsible for IHL.

## SECTION B OF THE ECOWAS IHL POA: NATIONAL IHL COMMITTEES

Strategies / Activities	Success Indicators	Responsible Institution	Sources of Verification	Timeframe
National IHL Committees:				
1. Establish or reactivate National IHL Committees – or corresponding inter-ministerial organs responsible for IHL – effectively advising and assisting governments in implementing and spreading knowledge of IHL	a. Number of meetings per year held by committee or organ responsible for IHL	National IHL Committees	Establishment instruments (e.g. decree or inter-ministerial order),	2019-2020
	b. Number of reports produced	Ministries charged with establishing and mandating a National IHL Committee	Annual budget	
	c. Adoption of committee recommendations by the relevant branches of government	Relevant ministries that should sit on National IHL Committees including Ministries of Justice, Defense, Interior and Foreign Affairs	Draft of National IHL plan of action	
	d. Publication of national IHL POA		Annual report on IHL implementation activities	
2. Develop national IHL POAs with participation from government and civil society			Recommendations and reports sent to relevant branches of government	

The moderator and technical expert was Mr. Charles Gamodeh Kpan Sr., head of the ICRC-Monrovia office, and the lead reviewer was Mr. TRABI Botty Tah Jérôme, magistrate at the Ministry of Justice of Côte d'Ivoire.

Mr. Trabi opened the discussion by reviewing Côte d'Ivoire's experience with its National Commission for International Humanitarian Law (NCIHL). He stated that Côte d'Ivoire presently had a national inter-ministerial commission for the implementation of IHL created by Decree No. 1996-853 of 25 October 1996. However, the various socio-political crises that the country experienced had disrupted the meeting of the members of this Commission. This lack of functioning was also due to ongoing movements within the government, with the continuous change of personnel and priorities. Mr. Trabi also raised the important problem of financing the activities of the Commission.

In order to reactivate the CNDIH, which was one of Côte d'Ivoire's national IHL priorities for 2018, postponed until 2019 (see Comparative Table 2 above), the Ministry of Justice, through its Directorate of Studies, Legislation and Documentation (DELD), has decided to reform, with the collaboration of the ICRC, the decree relating to the CNDIH. Thus, the composition and remit of CNDIH will be reviewed in the light of the ICRC recommendations. In addition, the Commission's desire for sustainability called for the creation of a permanent secretariat.

Nigeria's participant thanked Mr. Trabi for sharing the successes and challenges of the Ivorian NIHL with such openness, and asked for similar honest discussions and sharing of experience between all MS. In response to the issue of budgeting, in addition to the benefits of having a permanent secretariat<sup>8</sup>, she stressed the importance of having the ministries of finance on the committees to ensure avenues for funding. On this, Mr. Olayemi of ECOWAS mentioned the importance of working with national planning ministries, as they could also help ensure funding. Senegal's parliamentary representative stated that parliamentarians needed to be sensitized by the national committees, as they have the responsibility of passing budgets, and could help if they knew there were needs. Guinea asked about the role ECOWAS could play in pushing governments to create national IHL committees. In response to this question, representatives of States and ICRC MEON Focal Points were asked to approach the Permanent Representation of ECOWAS in the States, in order to coordinate strategies to push the authorities to plan for a budget for the operation of the NCIHL.

<sup>8</sup> For references to previous discussion on this during the meeting, see "Update and Status of Ratification and Domestication of IHL Treaties", above.

With regard to composition and functioning of inter-ministerial committees, Mr. Olayemi stressed about the need for one focal ministry to have the responsibility of running the national IHL committees, as this would facilitate information sharing and follow up on the implementation of the ECOWAS IHL POA.

Senegal's representative from the Ministry of Justice mentioned the information from the 14th Annual Review Meeting had inspired the creation an IHL committee within National Human Rights Consultative Council. The process of creating the IHL committee was to be completed before the end of 2018.

The MS participants voted on the section, and it was validated.

**COMPARATIVE TABLE 3: NATIONAL IHL COMMITTEES IN WEST AFRICA**

Country	Full Name of Committee	Date of creation	Enabling law
Benin	National Commission for the Implementation of International Humanitarian Law (Commission nationale pour la mise en œuvre du droit international humanitaire)	1998	Decree n° 98-155 of 27 April 1998. Adoption in 21 November 2015 of a draft decree modifying Decree n° 98-155.
Burkina Faso	Interministerial Committee for Human Rights and International Humanitarian Law (Comité interministériel des droits humains et du droit international humanitaire)	2005	Decree n° 2005-100/PRES/PM/MPDH of 23 February 2005, amended and finalized by Decree n° 2008-740/PRES/PM/MPDH of 17 November 2008 ; Decree n° 2013-1335/PRES/PM/MDHPC/MEF of 31 December 2013 on the Committee's operations; Decree n° 2014-160/PRES/PM/MDHPC/MEF on the Committee's permanent secretariat.
Cabo Verde	National Commission for Human Rights and Citizenship (Comissão Nacional para os Direitos Humanos e a Cidadania) (CNDHC)	2004	Decree n° 38/2004 of 11 October 2004.
Cote d'Ivoire	National Interministerial Commission for the Implementation of International Humanitarian Law (Commission interministérielle nationale pour la mise en œuvre du droit international humanitaire)	1996	Decree n° 96-853 of 25 October 1996.
Republic of the Gambia	Interministerial Committee on International Humanitarian Law	1999	12 August 1999 letter from the Presidency to the Department of State for Justice.
Ghana	Ghana National Committee on Humanitarian Law	2016	Creation of the Committee approved by Minister of Justice & Attorney-General in 2016.
Guinea Bissau	National Commission for Human Rights and IHL Technical Group (Comissão Nacional para os Direitos Humanos)	2009	Decree n° 6/2009 of 2009.
Liberia	Liberia International Humanitarian Law Committee	2013	August 2012 MoU between the Ministry of Justice and the Ministry of Foreign Affairs. >>
Niger	National Committee for the Implementation of IHL (NCIHL)	2018	Order No. 00136 MJ / GS / SG establishing, missions, composition and functioning of the National Committee for the Implementation of IHL (NCIHL)

Nigeria	National Committee for the Implementation of the International Humanitarian Law Treaty in Nigeria	2010	Inaugurated on 23 July 2010 by the Attorney-General of the Federation and Minister of Justice
Senegal	National Consultative Committee for Human Rights and International Humanitarian Law	2018	Décret N°2018-1969
Sierra Leone	National Committee for the Implementation of International Humanitarian Law Treaty	2011	Approved by the Cabinet on 12 October 2011. Officially inaugurated on 30 April 2012, at a ceremony in Parliament, by the Chief Justice and the Minister for Justice
Togo	Interdepartmental Commission on implementation of International Humanitarian Law (Commission interministérielle de mise en œuvre du droit international humanitaire)	1997	Inter-ministerial order n° 97-031 of 11 June 1997, order n° 034/MJRIR/CAB/SG of 6 December 2013 appointing members of the Commission

### 3. MIGRANTS AND INTERNALLY DISPLACED PERSONS (IDPS)

The POA set out the following strategies and activities in relation to migrants and IDPs: 1) ensure legislation, procedures and policies relating to the protection, safety, and dignity of all migrants, and IDPs, provide adequate safeguards in line with IHRL, IHL, and Refugee Law; 2) implement specific legislation and policies for IDPs, which fully incorporate the requirements and protections of the Kampala Convention; 3) designate and mandate a competent national authority or body responsible for protection and assistance, assigning responsibilities to appropriate organs, and cooperating with relevant international agencies and civil society organizations; 4) ensure border security agencies and other bodies dealing with migrants receive special training on the rights of migrants, and the special classes of migrants such as refugees and other asylum seekers; 5) initiate information campaigns for the civilian population, migrants, and IDPs, detailing the rights and protections due to these vulnerable groups, and encouraging community level respect and acceptance.

## SECTION C OF THE ECOWAS IHL POA: MIGRANTS AND INTERNALLY DISPLACED PERSONS (IDPS)

<i>Migrants<sup>9</sup> and Internally Displaced Persons (IDPs):</i>				
Strategies / Activities	Success Indicators	Responsible Institution	Sources of Verification	Timeframe
<ol style="list-style-type: none"> <li>1. Ensure legislation, procedures and policies relating to the protection, safety, and dignity of all migrants, and IDPs, provide adequate safeguards in line with IHRL, IHL, and Refugee Law.</li> <li>2. Implement specific legislation and policies for IDPs, which fully incorporate the requirements and protections of the Kampala Convention</li> <li>3. Designate and mandate a competent national authority or body responsible for protection and assistance, assigning responsibilities to appropriate organs, and cooperating with relevant international agencies and civil society organizations</li> <li>4. Ensure border security agencies and other bodies dealing with migrants receive special training on the rights of migrants, and the special classes of migrants such as refugees and other asylum seekers.</li> <li>5. Initiate information campaigns for the civilian population, migrants, and IDPs, detailing the rights and protections due to these vulnerable groups, and encouraging community level respect and acceptance</li> </ol>	<ol style="list-style-type: none"> <li>a. Legislation, procedures and policies protecting the safety and dignity of migrants in line with IHRL, IHL and Refugee Law;</li> <li>b. Legislation and policies integrating the Kampala Convention;</li> <li>c. Designation of a competent national authority for the protection and assistance of migrants and IDPs</li> <li>d. Number of border security units given special training on the rights, protection, and differing status of migrants</li> <li>e. Diversity, quality, and geographic scope of information campaigns</li> </ol>	Legislative, executive, and judicial branches of government; Relevant ministries National IHL Committee National authority for the protection and assistance of migrants and IDPs Media Border security agencies	Gazetted legislations; National policies; Establishment instruments (e.g. decree, inter-ministerial order, terms of references) of a national authority or body for migrant and IDPs protection and assistance; Reports on status of migrants and IDPs from national agencies, civil society, and international organizations monitoring migration and IDPs related issues Training manuals and reports and assessment results following border security officer trainings Dissemination campaigns through radio, television, newspaper, and in-person presentations	2019-2021

The session was moderated by Precious Eriamiatoe, ICRC Legal Adviser in Abuja. The lead reviewer was M. Etienne Ibrahim, Deputy Secretary General, Ministry of Justice, Niger, and the technical expert was Charles Sanches, ICRC Legal Adviser in Dakar.

Mr. Ibrahim spoke of the dual issue faced by Niger, with migrants in the Agadez region, and IDPs in Diffa. On migration, he first distinguished migrants seeking to settle in the country (mostly Sudanese asylum seekers) from those in transit. The Agadez region, a zone covering two thirds (2/3) of the country, was described as mainly a transit zone for the many migrants seeking to travel on to Europe. However, the number of migrants transiting had decreased since the passage of the law prohibiting trafficking of migrants<sup>10</sup>. Despite the decrease, UNHCR, IOM, and other organizations still needed to work on registering and providing assistance to migrants, as there were still economic issues, health issues (malaria, respiratory infections, lack of prenatal assistance), and difficulties in reestablishing family links.

9 “Migrants” refers here to its broad definition which includes refugees, asylum seekers and irregular migrants to capture the full extent of humanitarian concerns related to migration, and to provide sufficient flexibility to address people’s often complex and changing situation, regardless of their reasons for migrating.

10 Loi No 2015-36 relative au trafic illicite de migrants, 26 mai 2015. See also, Ordonnance No. 2010-86 du 16 décembre 2010 relative à la lutte contre la traite des personnes.

Turning to the Lake Chad region, Mr. Ibrahim addressed how the armed conflict had forced many to flee from their homes, both across borders and within Niger. IDPs had many of the same needs as migrants, as they were not in their normal place of habitation. Niger was working with international organizations to facilitate humanitarian assistance for the IDPs in the form of health care, food, and protection. Beyond the direct assistance, Niger was working on a law domesticating the AU Convention for the Protection and Assistance of internally displaced persons in Africa (Kampala Convention)<sup>11</sup>. In drafting this law, Niger aimed to consult the IDPs, alongside government actors, to ensure the laws being developed took into account issues that might not otherwise be considered.<sup>12</sup>

The ICRC expert, Mr. Sanches, set out the protection focus and legal framework for the ICRC's work with migrants.<sup>13</sup> He stressed that the ICRC neither encourages nor discourages migration, but would always call attention to the issue of protection of migrants.

On IDPs he referenced the high figures on internal displacement in the region, calling for further action on prevention, and finding durable solutions. He stated that while internal displacement may occur even when IHL is respected during armed conflict, IHL violations often cause greater displacement as well as secondary displacement. For example, civilians may be targeted directly by parties to the armed conflict, or parties to an armed conflict may carry out indiscriminate attacks forcing people to flee. People may also flee because they are threatened, subjected to forced recruitment, or other violations such as collective punishment. The most effective way to prevent displacement induced by war and other situations of violence is obviously through prevention of armed conflict and violence. When armed conflicts do occur, respect for IHL can help reduce the scale of displacement.

Ghana thanked Niger, and acknowledged the efforts they undertook to attempt to respond to the needs of the migrants and IDPs. Guinea thought it was important to focus on the reasons for migration, looking at the situations in the countries of origin that caused this migration. Mr. Ibrahim responded on the need for all MS to indeed take responsibility for their citizens' opportunities at home.

Sierra Leone stated that the relevant section of the POA worked well for protection of IDPs, but more needed to be done to respond to the overall migration movements, distinguishing economic migrants from migration related to armed conflicts. Ghana agreed with Sierra Leone that migrants were also moving on economic grounds. Responding to this, Benin stated that migration should be seen as an opportunity, and accordingly Benin had opened their borders to all Africans. Niger referenced the free movement doctrine of the AU<sup>14</sup>, and suggested the ICRC and ECOWAS work on the overall migration thematic with the AU.

Liberia asked which agency or stakeholder was traditionally in charge of the management of IDPs, giving the example of their technical committee, which set up the legal framework for dealing with IDPs. Liberia wanted the roles and responsibilities for any protection to be clearly spelled out in the POA, but this was not feasible due to the different actors in the varying contexts.

In response to the MS exchanges and questions, Mr. Olayemi, of the ECOWAS Commission, stated that it might be necessary to reconsider if migrants and IDPs should remain in the same section. He suggested that mixed migration might be a better name for what was discussed to capture all the groups included under the term migrants. Ghana supported this and suggested separating the migrants and IDPs on legal grounds.

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11 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009.

12 Loi No 2018-74 relative à la protection et à l'assistance aux personnes déplacées internes, 10 décembre 2018.

13 International Federation of Red Cross and Red Crescent Societies, Policy on Migration, 2009: "Migrants are persons who leave or flee their habitual residence to go to new places – usually abroad – to seek opportunities or safer and better prospects. Migration can be voluntary or involuntary, but most of the time a combination of choices and constraints are involved. Thus, this policy includes, among others, labour migrants, stateless migrants, and migrants deemed irregular by public authorities. It also concerns refugees and asylum seekers, notwithstanding the fact that they constitute a special category under international law."

14 Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment, 2018

The Deputy–Head of Delegation of the ICRC in Abuja, Dr. Jean–François Quéguiner, reminded the plenary that it was important to keep the objective of the POA in mind. As this was a POA on IHL, everything had to be seen in the light of a situation of armed conflict. In other words, the PoA’s ambition was not to address all issues related to migration in West Africa and, in particular, could not engage on the debate of the free movement doctrine of the AU. The idea of this section of the PoA was to ensure that migrants benefit from applicable protections deriving from IHL and human rights provisions; in this context, the source/cause of migration was not particularly relevant. It was decided an advisory group would meet separately to look at the issue of migrants closer, and the section was adopted in principal.

The advisory group met and agreed on a definition for migrants, which was accepted by all participants, and which allowed the section to remain intact. The definition is included as a footnote in the POA: “Migrants” refers here to its broad definition which includes refugees, asylum seekers, and irregular migrants to capture the full extent of humanitarian concerns related to migration, and to provide sufficient flexibility to address people’s often complex and changing situation, regardless of their reasons for migrating.”

**COMPARATIVE TABLE 4: NATIONAL LEGISLATION IMPLEMENTING THE KAMPALA CONVENTION IN WEST AFRICA**

Liberia	Mali	Niger	Nigeria
<p>Draft legislation pending:</p> <p>A draft Bill to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) has been submitted to the National Legislature and is in the Judiciary Committee room for review. This will be followed by plenary’s (highest decision making body of the Parliament) approval or rejection</p>	<p>Draft legislation pending:</p> <p>Establishment of a Technical Committee on the domestication of the Kampala Convention by Decision n° 2016-0109/MSAHRN (Ministry of Solidarity, Humanitarian Action and National Reconciliation) of 26 April 2016 which among others has to:</p> <p>Elaborate, adopt and implement a plan of action for domestication of the Convention;</p> <p>Propose measures to harmonise the national legislation with the Convention.</p>	<p>Law No 2018-74 on the protection and assistance for internally displaced persons, passed on 10 December 2018</p>	<p>Draft legislation pending:</p> <p>In April 2016, a Draft Bill to implement the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and for Related Matters was introduced before the National Assembly. In July 2016, the Bill passed the second reading in the House of Representatives</p>

#### 4. PROTECTION OF CHILDREN IN ARMED CONFLICT

The POA sets out the following activities/strategies on children: 1) Integrate, and ensure respect for, the rules of treaties relating to the rights of children in armed conflicts, including the Geneva Conventions and its Protocols and the 1989 Convention on the rights of the Child and its 2000 Optional Protocol, into domestic legal frameworks; 2) incorporate specific training on the protection of children, and treatment of child combatants, into the training of all ranks of soldiers and security forces; 3) designate specially trained senior security and military officers in charge of working with active units, relevant ministries, and civil society groups to protect the access of children to education; 4) ensure children are protected and left untouched by all participants during armed conflicts and other situations of violence; 5) ensure schools are protected and left untouched by all participants during armed conflicts and other situations of violence.

**SECTION D OF THE ECOWAS IHL POA: CHILDREN**

<b>Children:</b>				
<b>Strategies / Activities</b>	<b>Success Indicators</b>	<b>Responsible Institution</b>	<b>Sources of Verification</b>	<b>Timeframe</b>
1. Integrate, and ensure respect for, the rules of treaties relating to the rights of children in armed conflicts, including the Geneva Conventions and its Protocols and the 1989 Convention on the rights of the Child and its 2000 Optional Protocol, into domestic legal frameworks 2. Incorporate specific training on the protection of children, and treatment of child combatants, into the training of all ranks of soldiers and security forces 3. Designate specially trained senior security and military officers in charge of working with active units, relevant ministries, and civil society groups to protect the access of children to education 4. Ensure children are protected and left untouched by all participants during armed conflicts and other situations of violence 5. Ensure schools are protected and left untouched by all participants during armed conflicts and other situations of violence	a. Legislation and measures protecting the rights of children in armed conflicts and criminalizing related IHL violations b. Number of judicial proceedings in cases of IHL violations against children c. A module on child protection is required for all soldiers and members of security forces in training d. Number of coordination and dissemination meetings facilitated by designated senior security and military officers e. Children have continuous access to education in secure environments throughout any period of armed conflict or other situations of violence f. Schools remain unoccupied and undamaged by combatants during armed conflicts or other situations of violence	Legislative, executive, and judicial branches of government Relevant ministries National IHL committees Military and paramilitary training centers Civil society groups	Gazetted legislations National policies Judicial decisions Reports from national agencies, civil society, and international organizations monitoring child protection Updated training manuals Special designation/ orders issued to selected senior officers Surveys and reports of students and other members of the community during and after armed conflicts and other situations of violence	2019-2021

The session was moderated by the ECOWAS Commission Programme Officer from the Trafficking in Persons Unit, Mr. Olatunde Olayemi, who also served as the technical expert. The lead reviewer was Dr. Joe Fayia Nyuma, Deputy Director General, Ministry of Foreign Affairs of Sierra Leone.

Dr. Nyuma began by setting out a definition of child soldier as: “A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes.”<sup>15</sup> He continued by illustrating the experience of the Sierra Leonean war which deprived child soldiers of virtually all their rights under the international

15 The Paris Principles: Principles And Guidelines on Children Associated with Armed Forces or Armed Groups, section 2.1, pg. 7, February 2007.

conventions<sup>16</sup>. He described the rampant poverty, separation and loss of family members, and the lack of options as providing fertile ground for recruitment of children. Though the child soldiers committed crimes during the war, the reconciliation system had worked to rehabilitate them. Following the war, Sierra Leone worked to domesticate the international treaties protecting children, and he noted the restriction on age of military recruitment in Sierra Leone to the minimum age of eighteen years old.<sup>17</sup> Looking beyond child soldiers, he noted the importance of past IHL trainings for the military, by ICRC, before they were sent on international missions.

The floor was then opened for discussion, with the second representative for Sierra Leone addressing the section of the POA, and agreeing that it was exhaustive and would work well to protect children if implemented fully.

Ghana commended Dr. Nyuma for the presentation, and addressed the definition of child soldiers, questioning whether a child could voluntarily join at 15.<sup>18</sup> The Gambia looked back to the definition, and reminded the meeting that that child soldiers could be cooks, cleaners, and or just generally involved with the armed groups.

Ghana also mentioned that special attention must be paid to vulnerable children when looking at terrorism, like in Nigeria. Burkina Faso asked about possible steps to protect children from recruitment by terrorist groups, and he suggested a line on street children be added in the POA, as they would be most vulnerable to recruitment. The representative from Mali stated they had the same issue with child soldiers joining armed groups, and spoke on reintegration programs to put children back in society. She asked about the reason children join these groups, and stated programs needed to be in place to keep children in school.

Liberia recommended expanding protected spaces for children from schools to all spaces that children might be found. A representative from Niger questioned the efficacy of having trained officers in active units focused on child protection, and asked about the possibility of an indicator for this point. He suggested point 4 on ensuring protection of children during armed conflict be reviewed to ensure the wording realistically covered what was possible during fighting.

Responding to some of the comments on street children, and finding other options for children, Mr. Olayemi agreed that development issues were an important factor, but stressed that these were not within the purview of the POA. He pointed out, however, that ECOWAS was implementing several initiatives aimed at eradicating the phenomenon of street children. Preempting other issues of concern, he reminded participants that the POA contained many other thematics, which would involve protection of children as well. He encouraged participants to focus on each thematic. Due to a lack of time, he asked MS to vote on the section in principal, which was done, and they were encouraged to take up any additional questions with the secretariat.

16 Convention on the Rights of the Child (1989); Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000); African Charter on the Rights and Welfare of the Child (1990); Convention on the Worst Forms of Child Labour (1999); Geneva Convention IV, and Additional Protocol I and II. (*the minimum age for recruitment is set at 15 in most instruments*)

17 Sierra Leone's Child Rights Act (2007) states:

(1) Every child has the right to be protected from involvement in armed or any other kind of violent conflicts, and accordingly, the minimum age of recruitment into the armed forces shall be eighteen.

(2) The Government shall not –

(a) recruit or conscript any child into military or para-military service or permit such recruitment or conscription by the armed forces.

18 In response to this question: Article 77(2) of the 1977 Additional Protocol I provides: "The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces.[...]" and article 4(3)(c) of the 1977 Additional Protocol II provides: "Children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities."

**COMPARATIVE TABLE 5: NATIONAL LEGISLATION ON THE PROTECTION OF CHILDREN IN ARMED CONFLICT IN WEST AFRICA**

Benin	Burkina Faso	Guinea	Mali	Niger	Nigeria	Senegal	Sierra Leone	Togo
<p>Legislation adopted: Law n° 2015-08 of 23 January 2015 forbids the enrollment of children in armed forces of groups</p>	<p>Legislation adopted: Act n° 052.2009 of 31 December 2009 determining the Burkina Faso courts' jurisdiction and procedure for implementing the Rome Statute of the International Criminal Court, defines as war crime the enrolment or conscription of children below 18 years in the armed forces or the armed groups, or the act of making them participate actively in hostilities</p>	<p>Legislation adopted: The Children's Code of Guinea of 19 August 2008 sets the minimum age for recruitment into armed forces or armed groups as 18 years, and prohibits the use of children under 18 in armed conflict (Art. 429). It also prohibits rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilisation and all other forms of violence committed against persons under the age of 18. Art. 429-439 provide for general protection of children in armed conflict, protection of displaced children, refugee and separated children. Under the law, children benefit from all of the protections provided under IHL</p>	<p>Legislation adopted: Penal Code Act n° 01-079 of 20 August 2001, criminalises the act of conscripting or enrolling children below 15 years into the national armed forces or making them actively participate in hostilities as war crime, but solely in times of international armed conflict (Art. 31(i) par.26)</p> <p>Ordinance n° 02-062/P-RM of 5 June 2002 on the Child Protection Code stipulates that children benefit from all protections of IHL conventions to which Mali is party and prohibits making children under 18 years participate in armed conflict or conscripting them into the armed forces or an armed group (Art. 17).</p>	<p>Legislation adopted: Ordinance n° 2010-75 of 9 December 2010 on the status of military personnel of the armed forces, prohibits the recruitment of children below 18 years into the defence and security forces</p> <p>Draft legislation pending: A Bill amending the Penal Code and Code of Penal Procedure (2013) is pending. The Bill criminalises violations of IHL including all war crimes under the Rome Statute committed during international and non-international armed conflict. It also raises the minimum age for recruitment into the Armed Forces and for participation in hostilities, from 15 to 18 years</p>	<p>Legislation adopted: The Child Rights Act 16 July 2003. Section 34(1) provides that no child shall be recruited into any of the branches of the armed forces of Nigeria. Section 34(2) provides that the Government or any other relevant agency or body shall ensure that no child is directly involved in any military operation or hostilities. So far 25 States of the Federation have adopted the Act into State Legislation</p>	<p>Draft legislation pending: Draft bill on the Child Code prohibits the enrolment of children in armed conflict. The official age for conscription is 20 years old</p>	<p>Legislation adopted: The Child Rights Act, 3 September 2007 (published in Supplement to the Sierra Leone Gazette Extraordinary Vol. CXXXVIII, No. 43 dated 3 September 2007). Art. 28 states that every child has the right to be protected from involvement in armed or any kind of conflicts, it establishes minimum age for recruitment into the armed forces at 18. It also states that the Government shall not use or permit the use of land mines and other weapons declared by international instrument to be adverse to children</p>	<p>Legislation adopted: The Penal Code of November 2015 prohibits the use of children below 18 years in the armed forces or armed groups, both in international and non-international armed conflicts (Art. 146 al. 14)</p>

## 5. SEXUAL VIOLENCE IN ARMED CONFLICT

The POA sets out the following activities/strategies in relation to sexual violence: 1) integrate measures to prevent and criminalize rape and other forms of sexual violence during armed conflict in domestic legislation, with special protections for the most vulnerable groups, e.g. women and children; 2) Create dissemination programs on the prevention of sexual violence to the general public and to armed forces; 3) Establish specialized trainings for the judicial sector on the prosecution of IHL violations relating to sexual violence; 4) Ensure military and security authorities establish strong and sensitive internal systems for monitoring and responding to sexual violence, taking into account the differing needs of each survivor; 5) Provide specialized training for personnel in all institutions who may respond to sexual violence in armed conflict, stressing the importance of sensitivity to the needs of survivors; 6) Work with National Red Cross and Red Crescent Societies and civil society organizations to ensure survivors of sexual violence have ongoing access to any non-discriminatory assistance they require (health care services, rehabilitation, psychological, socio-economic, and/or spiritual). All while ensuring the privacy, dignity, and safety of the survivors, and working to combat social stigma that may exist.

### SECTION E OF THE ECOWAS IHL POA: SEXUAL VIOLENCE

<b>Sexual Violence:</b>				
<b>Strategies / Activities</b>	<b>Success Indicators</b>	<b>Responsible Institution</b>	<b>Sources of Verification</b>	<b>Timeframe</b>
1. Integrate measures to prevent and criminalize rape and other forms of sexual violence during armed conflict in domestic legislation, with special protections for the most vulnerable groups, e.g. women and children 2. Create dissemination programs on the prevention of sexual violence to the general public and to armed forces 3. Establish specialized trainings for the judicial sector on the prosecution of IHL violations relating to sexual violence 4. Ensure military and security authorities establish strong and sensitive internal systems for monitoring and responding to sexual violence, taking into account the differing needs of each survivor 5. Provide specialized training for personnel in all institutions who may respond to sexual violence in armed conflict, stressing the importance of sensitivity to the needs of survivors	a. Legislation and measures preventing and criminalizing rape and other forms of sexual violence during armed conflicts; b. Number of judicial procedures and decisions on IHL violations relating to sexual violence c. Number of dissemination programs, with the civilian component receiving equal priority d. Participation by civil society groups and community leaders in the dissemination programs e. Number of judges going through the specialized judicial training f. Number of survivors assisted as a result of the authorities' monitoring and response system	Legislative, executive, and judicial branches of government Relevant ministries including the Ministries of Justice, Health, and Defense; Armed and security forces commanders and military courts; State prosecutors and the judiciary Relevant governmental and private institutional personnel National Societies of the Movement	Gazetted legislation; National policies and statistics; Reports on dissemination initiatives; Literature/manuals and other materials used in the disseminations and specialized trainings; Reports on specialization trainings for the judicial sector Reports from national agencies, civil society, and international organizations monitoring sexual violence Judicial decisions Annual reports of results from military and security authorities on the work monitoring and response system related to sexual violence Training manuals and assessment results of specialized trainings Surveys of survivors Reports from National Societies	2019-2022

<p>6. Work with National Red Cross and Red Crescent Societies and civil society organizations to ensure survivors of sexual violence have ongoing access to any non-discriminatory assistance they require (health care services, rehabilitation, psychological, socio-economic, and/or spiritual). All while ensuring the privacy, dignity, and safety of the survivors, and working to combat social stigma that may exist</p>	<p>g. All personnel responding to survivors of sexual violence in armed conflict benefit from specialized training for treatment of survivors</p> <p>h. Percentage or survivors who receive ongoing assistance in all areas of need</p> <p>i. Number and quality of joint initiatives by the government with the National Societies</p>			
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The lead reviewer was Mrs. Kumba Jow, Senior State Counsel, Ministry of Justice, The Gambia, and the technical Expert was Angelique Gabrielle Tening Sarr ICRC Advisor on Community based Protection, Gender & Sexual Violence.

The Gambian delegation, lead by Mrs. Jow, went through the section in the POA detailing the areas that The Gambia had already worked on in their laws, mentioning laws protecting women and children from sexual violence. The laws worked alongside articles of the Gambian constitution prohibiting inhuman or degrading treatment, and there was an act used to prosecute sexual assault cases.<sup>19</sup> The delegation then turned to the issue of prosecutions that had already taken place, on sexual violence. Mrs. Jow concluded by mentioning the relevant training in IHL, including on issues of sexual violence, for the army, which was a prerequisite before approval for foreign peace keeping missions.

Ghana commended The Gambia on their legal regime in this area, and he believed their strong prevention strategies were the best way to continue. He went on to raise the issue of transactional sex in times of conflict, with many instances of soldiers exchanging food or goods for sexual favors. Mali took the floor, stating they were a country in armed conflict, and that their laws criminalize acts of sexual violence committed in times of peace or armed conflict. She went on to stress the importance of disseminations on this issues, which needed to be in languages the target population would understand. Those involved must include the judges, police, and other relevant groups, who might interact with survivors of sexual violence. Furthermore, Mali stressed inclusion of men in the protections afforded.

The ICRC expert, Ms. Sarr, advised the group not forget the other types of sexual violence beyond rape, such as slavery, harassment, and assault.<sup>20</sup> She strongly agreed with the fact that sexual violence concerned men alongside children and women, and it was captured in the POA, which did not segregate its application. She went on to state that sexual violence committed in relation to or during an armed conflict is a war crime criminalized under numerous international conventions<sup>21</sup> and national laws. On the transactional sex issue, she noted that it was still a form of sexual violence, as the situation was a coercive one, where the survivor did not have equal power with the soldiers. Soldiers needed to be trained not to participate in this type of activity,

19 “(1) A person who intentionally, under coercive circumstances (a) engages in a sexual act with another person; or (b) causes another person to engage in a sexual act with the perpetrator or a third person, commits the offence of rape.” Gambia Sexual Offences Act, §3, 2013.

20 ICTR, Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4, Judgment (Trial Chamber), 2 September 1998, para. 688; ICTR, Prosecutor v. Alfred Musema, Case No. ICTR-96-13, Judgment (Trial Chamber), 27 January 2000, para. 965.

21 See Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949 (GC IV), Art. 27; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977 (AP I), Art. 75(2) (b); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977 (AP II), Art. (4)(2)(e); Rome Statute, Art. 8(2)(e)(vi); Statute of the International Tribunal for Rwanda, 8 November 1994 (ICTR Statute), Art. 4(e); Statute of the Special Court for Sierra Leone, 16 January 2002 (SCSL Statute), Art. 3(e); and UN Transitional Administration in East Timor, Regulation No. 2000/15, Section 6.1(e)(vi).

and MS would need to work with international organizations to ensure appropriate punishments were applied to these acts. Most acts of sexual violence during armed conflict were committed with impunity. She raised that due to fear of socio-cultural repercussions, survivors were often unwilling to testify. Steps would need to be taken to ensure the physical safety of survivors, as well as prevent stigmatization by the community. Ms. Sarr agreed with Mali that disseminations on sexual violence would need to be done in the language the people would understand, as this was one vital way to prevent stigmatization of survivors, and encourage survivors to act against their attackers. Training for military and security forces would need to be very clear on the rules for protection and prevention, and it would need to be accompanied by concrete measures looking at logistic structures, human resources, mixed teams, etc. She concluded by stating that access to health care or justice should not be forced on a complainant, as it would always need to be their choice to access it or not.

Mrs. Jow added that while transactional sex might not be violent, training would encourage soldiers and others not to exploit vulnerable people, who were not in a position to make a real choice. Senegal made a comment about the definition of sexual violence, and questioned whether the POA included rape in its current form. Ms. Sarr responded that any sexual act done with force counts as sexual violence, though there were different levels of gravity. Mali raised the point that victims should be encouraged to denounce the perpetrators, as impunity could not be allowed to continue, and these acts had to be punished. Mrs. Jow stressed the issues with reporting in The Gambian context, which resulted in placing all reporting agencies for sexual violence in one area. This had achieved positive results, as there was no confusion on to who to approach, particularly if the perpetrators were members of the security forces.

ECOWAS then called for a vote on the section, and the participants voted to validate.

**COMPARATIVE TABLE 6 : NATIONAL MEASURES COMBATTING SEXUAL VIOLENCE IN ARMED CONFLICTS IN WEST AFRICA**

Bénin	Burkina Faso	Cote d'Ivoire	The Gambia	Guinée	Libéria
<p>Law 2018-16 on the Criminal Code in the Republic of Benin Articles 466 2), 3), 4) and 467)</p>	<p>Law N ° 052-2009 / AN determining the competence and the procedure of implementation of the Rome Statute relating to the International Criminal Court by the Burkinabé courts Article 19 (war crimes) 1. (b), (c) / 2. (m) (y) (z) / 3. (a) (b) 4. (F), and 20</p>	<p>Adopted law: Law No. 2015-134 of 9 March 2015 amending and supplementing Law 61-640 of 31 July 1981 establishing the Penal Code Article 139 new  Decree No. 2016-373 of June 3, 2016 establishing, attributing, organizing and operating the National Committee to Combat Sexual Violence Related to Conflict (CNLWSC), led by the Chief of General Staff of the Armed Forces (CEMGA)  National measures: In 2017, the Armed Forces of Côte d'Ivoire were removed from the United Nations List of Sexual Violence in Situations of Armed Conflict, following the efforts of the country on this theme, such as the development of a plan of action, the signing of commitments by army commanders, the revision of the Code of Conduct of the Armed Forces of Côte d'Ivoire (FACI) including specific prohibitions on sexual violence, the formation of the FACI on violence in situations of armed conflict, the creation of a joint mechanism with UNOCI to monitor allegations of sexual violence, etc.</p>	<p>Adopted law: Penal Code Articles 121 and 122  Sexual Offenses Act Criminalizing Sexual Violence 2013</p>	<p>Adopted law: Constitution of May 7, 2010 Articles 5, 6 and 8  Penal Code 2016 Articles 194, 789 and 792  Decree D / 2011/289 / PRG / SGG of 28 November 2011 on the Code of Conduct of the Defense Forces  Decree D / 293 of 2012  Decreets establishing the DIH Offices in the armed forces and security  Bills pending: Draft law on terrorism</p>	<p>Adopted law: Law on the Amendment of the Law on Rape of 2006  National measures: Establishment in 2008 of the Gender Violence Unit in the Ministry of Women's Affairs and Development  Opening of a Criminal Court E - a criminal court room exclusively dedicated to the prosecution of sexual crimes.</p>
	<p>Bills pending: Draft Criminal Code including the definition and repression of war crimes, which include acts of sexual violence committed in times of armed conflict.</p>				

Mali	Niger	Nigeria	Sénégal	Sierra Leone	Togo
<p>Adopted law: Law No. 01-079 of August 20, 2001 amended by Law No. 2005-45 of August 18, 2005 and Law No. 2016-39 of July 7, 2016 Chapter 3 War Crimes Article 31 (b) (c) (i) 21 °, 22 ° and Article 32</p>	<p>Adopted law: Law n ° 2003-025 of June 13th, 2003 modifying the law n ° 61-27 of July 15th, 1961, instituting the Penal Code, Special Official Journal n ° 4 of April 7th, 2004 Section 3 - War Crimes Art 208. 3 2) 3) 9) Art 208. 4</p>	<p>Adopted law: The Criminal Code (which applies in the South), the Penal Code (in the North). The Anti Torture Act 2017 defines torture to include rape and sexual abuse. The VAPP Act 2015 includes a more comprehensive regulation of sexual violence. The Act is only applicable in the FCT and three other States (States are required to adopt the Act into State laws).</p>	<p>Adopted law: Law No. 2007-02 of 12 February 2007 amending the Penal Code Article 431-3 - War Crimes Article 431-6 - (penalties) National measures: Senegal adopted the National Action Plan for the implementation of United Nations Security Council Resolution 1325 (2000) in May 2011.</p>	<p>Adopted law: Law No. 7 of August 18, 2005 on Combating Trafficking in Human Beings Subsections 2 (1) and (2) Article 2 (3)</p>	<p>Adopted law: Law No. 2015-10 of 24 November 2015 on the new Penal Code Article 145 ... 2) 3) Article 146 ... 1) 12) 16) Article 147 (1) (2) (10) (15) Article 148</p>
<p>The Geneva Convention Act 1960 domesticates selected provisions of the Four Geneva Conventions, namely those relating to grave breaches (serious violations of IHL applicable in IAC). The Armed Forces Act prohibits acts of sexual violence such as rape and defilement (sexual intercourse) of a girl under the age of sixteen.</p>					

## 6. PROTECTION OF HEALTH CARE AND THE EMBLEM

The section on protection of health care and the Emblem set out the following strategies/activities: 1) integrate and enforce measures set out in IHL and IHRL instruments on the respect and protection of health care in domestic legal frameworks; 2) enact specific legislative and regulatory measures to prevent and criminalize misuse of the Movement’s emblems as set out in the Geneva Conventions and their Additional Protocols; 3) Scrutinize the doctrines, standard operational procedures, trainings, and practices of security operations to ensure access and delivery of health care is protected in all instances; 4) governmental organs work with medical ethics bodies to investigate and discipline erring medical professionals and sensitizing the public on medical ethics and respect of the right of all to access health care, without discrimination, at all times; 5) establish national data collection mechanisms/ frameworks for documenting incidents of violence against the sick and wounded, healthcare personnel, facilities and transport. Also, promote research and reporting on the public health impact of such occurrences.

### SECTION F OF THE ECOWAS IHL POA: PROTECTION OF HEALTH CARE AND THE RED CROSS AND RED CRESCENT

<i>Protection of Health Care and the Red Cross and Red Crescent</i>				
Strategies / Activities	Success Indicators	Responsible Institution	Sources of Verification	Timeframe
1. Integrate and enforce measures set out in IHL and IHRL instruments on the respect and protection of health care in domestic legal frameworks 2. Enact specific legislative and regulatory measures to prevent and criminalize misuse of the Movement’s emblems as set out in the Geneva Conventions and their Additional Protocols 3. Scrutinize the doctrines, standard operational procedures, trainings, and practices of security operations to ensure access and delivery of health care is protected in all instances 4. Governmental organs work with medical ethics bodies to investigate and discipline erring medical professionals and sensitizing the public on medical ethics and respect of the right of all to access health care, without discrimination, at all times 5. Establish national data collection mechanisms/ frameworks for documenting incidents of violence against the sick and wounded, healthcare personnel, facilities and transport. Also, promote research and reporting on the public health impact of such occurrences.	a. Legislation and measures ensure the respect and protection of health care in armed conflicts and in other situations of violence; b. Legislation and measures prevent the misuse of the emblems; c. Number of judicial procedures relating to violations of laws protecting healthcare and/or the emblems d. Operating procedures protecting access and delivery of health care during security operations are included in templates for all security operations e. Number of disciplinary proceedings by medical boards for discrimination in health care delivery f. Number of public disseminations on respect for health care access for all g. Data collection mechanisms of all violent or discriminatory acts against health care recipients, personnel, facilities, or transportation	Legislative, executive, and judicial branches of the government National IHL Committees Relevant ministries including Ministries of Justice, Health, and Defense Security forces and their strategic planning units Medical ethics boards and other similar bodies monitoring the practices of health care workers Health care personnel, recipients, and community stakeholders	Gazetted legislation National policies Judicial decisions Reports from healthcare providers and organizations working in the field Copies of operating procedures and military doctrines approved for specific operations Reports of meetings of medical ethics bodies, and copies of disciplinary decisions Dissemination materials and follow up surveys in local communities Reports of attacks, abuse, or discrimination against health care personnel, recipients, facilities, or transport	2019-2022

The moderator was Dr. Jean-Francois Queguiner ICRC Abuja-Deputy Head of Delegation. The lead reviewer was Mrs. Antoinette Oche-Obe, Deputy Director, International and Comparative law Dept, Ministry of Justice, Nigeria, and the technical expert was Precious Eriamiatoe, ICRC-Abuja, Legal Adviser.

The lead reviewer, Mrs. Oche-Obe, set out the Nigerian laws protecting access to health care in times of conflict with reference to the Nigerian Constitution and Health Care Act, and the current effort to create a new law with additional protections.<sup>22</sup> Nigeria also recently passed legislation on compulsory treatment for gunshot injuries, but it had yet to be integrated properly through disseminations to the public and medical professionals.<sup>23</sup> Nigeria has been training health care workers to provide care impartially, and training for security forces on the right of access to health care by all people. She gave the example of the Medical and Dental Association of Nigeria, and the code of ethics guiding the members. The plight of health care workers in conflict was raised, with non-state actors not acting in conjunction with the law. On the issue of protection of the Emblem, she spoke of the Nigerian Red Cross Society Act that criminalizes improper use.<sup>24</sup>

Ghana stated that ICRC disseminations to the public on the Emblem were indeed useful and necessary. He also asked if the ICRC used escorts in their field work. Senegal stated that those attacking healthcare workers were attacking them, and the ICRC, deliberately, to prevent the provision of aid. He promoted more sensitization on the Emblem.

The ICRC expert, Ms. Eriamiatoe, confirmed the lack of escorts for ICRC, with the Emblem serving as the only protection. She stressed the need for states to disseminate knowledge on the Emblem to all levels of society, and include the necessary protections for the Emblem in the domestic legal systems. The Geneva Conventions and their Additional Protocols require this of all States Parties. Looking to the issue of sanctioning of healthcare personnel who did not provide required aid, Ms. Eriamiatoe focused on the necessary sensitization for all health care workers, who would be breaking national and international laws by refusing health care on discriminatory grounds. The representative from Mali called for all countries to fight discrimination in delivery of health care.

Ghana asked several questions, with the first relating to when patients could not consent to treatment, the second on how ICRC dealt with government attacking the Emblem, finally asking if the Emblem served as protection in situations of genocide. Ms. Eriamiatoe responded that the Emblem always protects during armed conflicts, and no party could legally ignore the protection afforded by the Emblem. However, the reality of the protection afforded by the Emblem depended on the actors in the armed conflict, and the ICRC worked hard to ensure all parties to the conflict understood and accepted the neutral and impartial humanitarian role of the ICRC. On the issue of consent, Ms. Eriamiatoe stated this was a general issue of medical ethics, but she stated that most doctors knew how to make the judgment on necessary treatment, in situations where consent could not be received from the patient.

Niger raised a grammatical point on using action verbs for the strategies in this section. On the indicators, he proposed they should match the strategies with their numbering. This was submitted to the secretariat for consideration. The MS participants then voted on the section, and it was validated in principle.

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22 Constitution of the Federal Republic of Nigeria, Sec. 17. Nigerian Health Act of 2014. Cap. G3 LFN 2004 implemented the Geneva conventions, but now is to be repealed for enactment of the Geneva Conventions and Additional Protocols Bill, 2018.

23 Compulsory Treatment and Care for Victims of Gunshot Act (2017) has passed but has not been gazetted.

24 Nigerian Red Cross Society Act, 1 January 1961, Section 8 of the Act provides for conditions of use of the emblem of the Red Cross and Red Crescent. This Act also provides sanctions for abusive use of the emblem and perfidy.

**COMPARATIVE TABLE 7: NATIONAL LEGISLATION ON THE PROTECTION OF THE EMBLEM IN WEST AFRICA**

Benin	Burkina Faso	Capo Verde	Côte d'Ivoire	The Gambia	Ghana	Guinea	Guinea-Bissau	Liberia	Mali	Nigeria
Legislation adopted: Law n° 2004-06 of 11 May 2004 concerning use and protection in the Republic of Benin of the name and emblem of the Red Cross and Red Crescent.	Legislation adopted: Law n° 059-2003/AN of 23 October 2003 concerning the use and protection of the Red Cross emblem and emblem of the Red Crescent in Burkina Faso. Decree n° 262 of 9 July 1962 recognising the National Society of the Red Cross as a public interest organisation. Draft legislation pending: Draft bill authorizing ratification of Additional Protocol III to the Geneva Conventions on the Red Crystal adopted by the Transition National Council in June 2015.	Draft legislation pending : Bill on the protection of the Red Cross and Red Crescent emblem (2014) provides a legal framework to punish abusive use of emblems in situation of armed conflict. Bill on the status of the Cabo Verdean Red Cross (2014), which seeks to integrate the national society as an auxiliary to Government.	Legislation adopted: Decree n° 63-169 of 18 April 1963 recognising the public service provided by the Ivoirian Red Cross. Draft legislation pending: Draft Bill on use and protection of the emblem pending at the Ministry of Justice (2003). Among others, this draft bill defines conditions of indicative and protective use of the emblem and provides sanctions for misuse of the emblem and perjury.	Legislation adopted: Geneva Conventions are internalised in the laws since 2009, and this includes protection of the emblems.	Legislation adopted: Red Cross Emblem (Control) Act, 1973, NRCD 216 regulates the use of the Red Cross emblem and provides for its misuse. Ghana Red Cross Society Act 1958 makes provision for the status and constitution of the Ghana Red Cross Society.	Legislation adopted: Act n° L95/010/CTRN /95 of 9 May 1995 on the use and protection of the Guinean Red Cross emblem and name. Arts. 10 and 11 punish abuses of the Red Cross emblem during peace time and armed conflict. Ordinance n° 006/PRG/86 of 15 January 1986 establishing the Guinean Red Cross. The Ordinance creates the Guinean Red Cross based on the Geneva Conventions and recognises the Guinean Red Cross as a voluntary relief society, autonomous and auxiliary to public authorities that can carry out its activities throughout the national territory.	Draft Legislation pending: Draft bill on the protection of the Red Cross emblem (2013) protecting Red Cross and Red Crescent emblem and providing a legal framework to punish abusive use of emblems in situations of armed conflict	Legislation adopted: Liberia National Red Cross Society (LNRCS) reaffirmation Act, August 21, 2008, gives instruction to national civilian and military authorities on the use of the distinctive emblems in accordance with the Geneva Conventions and their Additional Protocols. It also provides for the necessary penal, administrative and disciplinary sanction in cases of misuse.	Legislation adopted: Act n° 09-018 of 26 June 2009 regarding the use and protection of the emblem and name of the Red Cross and Red Crescent in Mali. However there is not yet a decree for its application. Decree n° 123 of 13 September 1965 recognising the Malian Red Cross as a public interest organisation. Decree n° 6 of 17 January 1966 amending Decree 123 and recognising the Malian Red Cross as a voluntary aid society, assisting the public authorities and public service.	CAP. G3 L.F.N 2004 Geneva Conventions Act sec. 10 states that the protective emblems of the Red Cross and Red Crescent must be used exclusively by authorised individuals and organisations for humanitarian purposes. It is a criminal offence for any individual to falsely and fraudulently wear or display the Red Cross emblem anywhere in Nigeria

## 7. IHL AND COUNTER-TERRORISM

The section on counter-terrorism set out the following strategies/activities: 1) ensure domestic legal frameworks related to counter-terrorism do not overlap or contradict IHL by prohibiting conduct which is lawful under IHL, creating legal confusion, and adversely affecting the underlying principles of IHL; 2) ensure humanitarian actors are able to conduct their non-discriminatory protection and assistance activities without the threat of prosecution or harassment by the government, security forces, or general population.

### SECTION G OF THE ECOWAS IHL POA: COUNTER-TERRORISM

Counter-Terrorism				
Strategies / Activities	Success Indicators	Responsible Institution	Sources of Verification	Timeframe
1. Ensure domestic legal frameworks related to counter-terrorism do not overlap or contradict IHL by prohibiting conduct which is lawful under IHL, creating legal confusion, and adversely affecting the underlying principles of IHL 2. Ensure humanitarian actors are able to conduct their non-discriminatory protection and assistance activities without the threat of prosecution or harassment by the government, security forces, or general population.	a. Legislation on counter-terrorism that do not overlap or contradict IHL b. Judicial decisions correctly interpreting counter-terrorism laws and IHL not creating legal confusion, and adversely affecting the underlying principles of IHL c. Humanitarian workers carry out activities without adverse reactions from the State d. The civilian population and security forces understand the importance of nondiscriminatory provision of assistance to vulnerable populations.	Legislative, executive, and judicial branches of the government Relevant Ministries including Ministries of Justice, Defense and Interior National IHL Committees Specialized military and paramilitary forces	Gazetted legislation and regulations; Judicial decisions Reports from humanitarian organizations following protection or assistance activities Reports from discussions with community groups and security forces	2019-2023

The moderator was Mr. Oluwafisan Bankale, Small Arms Division Programme Officer from the ECOWAS Commission Peace Keeping and Regional Security Directorate. The lead reviewer was Mr. Modibo Sacko, Technical Adviser Ministry of Justice, Mali, and the technical expert was Rochus Peyer, ICRC Legal Adviser, Abuja.

Mr. Sacko opened the session by speaking about the terrible consequences of terrorist acts, both for the security of the people, and the soul of the affected country. Globalization has aided the transnational nature of terrorism, and countries are seeing that they must work together to combat the threat. Looking at the legal aspect of counter-terrorism and IHL, he stated that despite a lack of definition for terrorism in IHL, most acts generally regarded as terroristic acts are forbidden under IHL. He explained that most terrorist acts taking place in time of peace would be violations of IHL, and qualify as war crimes, if they were committed in an armed conflict. IHL's principle of distinction works to protect civilians from deliberate attacks, and it prohibits taking hostages as well. In Mali, the fight against terrorism takes place in the context of an armed conflict, and it was necessary to promulgate laws to deal with this threat. Mali has passed laws criminalizing acts of terrorism, prohibiting financing terrorism, and setting up specialized judicial services centralized in

Bamako to deal with cases related to terrorism.<sup>25</sup> He concluded by assuring the participants that Mali has training for its defense and security forces on IHL and the fight against terrorism.

The ICRC expert, Mr. Peyer, stated that ICRC condemns all acts of violence which are indiscriminate and aim at spreading terror among the civilian population. He stressed the fact that IHL safeguards, when looking at issues such as treatment of detainees, remain applicable in times of armed conflict whether counter-terrorism laws are in place or not. In the ICRC's view, IHL offers an adequate legal framework to regulate the fight against terrorism when it takes the form of an armed conflict. Accordingly, domestic counter-terrorism laws should be drafted in a way that they do not negate IHL. He also addressed the risk that vague or overly broad prohibitions in counter-terrorism laws hamper or even lead to the criminalization of the delivery of impartial humanitarian assistance. MS were thus advised to include and enforce humanitarian exemptions in their counter-terrorism legislation. This would ensure that humanitarian actors were not prosecuted for providing impartial assistance. He advised on the availability of certain legal sources to draw from as MS developed their legislation on the issue such as the AU Anti-terrorism Model Law.<sup>26</sup> The MS voted to validate the section.

Section J of the Action Plan was validated by the MS following these presentations. Due to time considerations, considering the agenda of the Annual Meeting, and in order not to fall behind for the day, the MS chose to continue their discussions in bilateral exchanges.

## 8. USE OF FORCE IN LAW ENFORCEMENT

The section on use of force in law enforcement set out the following strategies/activities: 1) ensure legislation, procedures and policies regulating use of force provide adequate safeguards in line with IHRL, IHL and Domestic Law; 2) initiate training and capacity-building of security officials in accordance with international rules and standards, including teaching of police ethics, human rights and correct use of force considering legality, necessity and proportionality; 3) provide security officials with non-lethal weapons highlighting adverse effects on health to ensure a differentiated use of force, and penalize all excessive use of force

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25 Loi N° 08-025 du 23 July 2008 portant répression du terrorisme au Mali (criminalizing different acts of terrorism). Loi N° 0008 du 17 March 2016 portant Loi uniforme relative à la lutte contre le blanchiment de capitaux et le financement du terrorisme (criminalizing the financing of terrorism). Loi N° 01-080 du 20 August 2001 portant Code de Procédure Pénale modifiée le 21 May 2013 (mandating a judicial center specializing in the fight against terrorism, and transnational crime.)

26 The AU Anti-terrorism Law, Final draft as endorsed by the 17th ordinary session of the Assembly of the Union, Malabo, 30 June – 1 July 2011. (AU Anti-terrorism Model Law)

## SECTION H OF THE ECOWAS IHL POA: USE OF FORCE IN LAW ENFORCEMENT

<i>Use of Force in Law Enforcement</i>				
Strategies / Activities	Success Indicators	Responsible Institution	Sources of Verification	Timeframe
<ol style="list-style-type: none"> <li>1. Ensure legislation, procedures and policies regulating use of force provide adequate safeguards in line with IHRL, IHL and Domestic Law</li> <li>2. Initiate training and capacity-building of security officials in accordance with international rules and standards, including teaching of police ethics, human rights and correct use of force considering legality, necessity and proportionality.</li> <li>3. Provide security officials with non-lethal weapons highlighting adverse effects on health to ensure a differentiated use of force, and penalize all excessive use of force</li> </ol>	<ol style="list-style-type: none"> <li>a. Legislation is passed enshrining the limits on the use of force in law enforcement, and implemented at the relevant levels of law enforcement</li> <li>b. Number of officials trained in police ethics, human rights and alternatives to the use of force</li> <li>c. Reduction in the amount of firearm use by law enforcement, and complaints of excessive force.</li> <li>d. All illegal use of force is penalized by the appropriate law enforcement mechanisms, and the judiciary</li> </ol>	Legislative, executive, and judicial branches of the government Relevant Ministries including Ministries of Justice, Defense and Interior Law enforcement agencies National IHL Committees	Gazetted legislation Training reports, list of participants, and evaluations Training manuals or modules for specialization training Judicial and law enforcement agency decisions on use of force cases Statistics on firearm use, and excessive force complaints	2019-2022

The lead reviewer on the use of Force in law Enforcement, was Mr. Mamadouba Keita, Executive Director, Justice Reform and Cooperation Program, Ministry of Justice, Guinea Conakry, and the technical expert was Pietro Tilli, ICRC-Abuja Regional Police and Security Forces Delegate.

Mr. Keita opened on the first point in the relevant section of the POA, stating that the referenced legal frameworks regulating use of force, which provide adequate safeguards, would need to be domesticated to ensure appropriate protection in line with IHRL, IHL and Domestic Law. He added that the legislative process would need to be inclusive of many different stakeholders, including government and civil society, among others. He gave the example of Guinea, where there are laws addressing proportionality and promoting policies of non-violent interventions. Looking at the second activity in the POA section -training and capacity-building of security officials - he gave the example of Guinea which regularly organized training and capacity building on IHL and IHRL for the gendarmerie and police. On the third element regarding non-lethal weapons, as weapons other than firearms, he suggested other options like tear gas. The principle of necessity was also raised and Mr. Keita stressed that security officials needed to understand that they would be held responsible if they did not act within the bounds of necessity.<sup>27</sup>

Ghana raised the challenge of law enforcement in all situations, stating that security forces would need to go on the offensive in certain situations. Cote d'Ivoire asked Mr. Keita to share Guinea's experience dealing with the sanctions for non-compliance. Mali asked for clarification on why this section was restricted to one side in the conflict. Niger asked about the division of responsibility between the forces on the ground, and those

<sup>27</sup> See Universal Declaration of Human Rights, Art. 3; International Covenant on Civil and Political Rights, Art. 6; African Charter on Human and Peoples' Rights, Art. 4.

giving orders. Niger also asked the participants to consider changing “correct use of force” to “excessive force”.

Mr. Keita responded by addressing the issues of liability of the person who gives the orders, and the person who executes them. He confirmed that in Guinea the responsibility for the illegal order lay with the commander, but also with the one who executed the illegal order. He also insisted that commanders still have the responsibility to monitor their troops. On the issue of the respective roles of the defense forces and security forces, he pointed out by way of illustration that in Guinea, the armed forces could be integrated as security forces, and had participated in the operations of the security forces. within ECOMOG.

The ICRC expert, Mr. Tilli, then tried to distinguish between the use of force in peace-building missions and the use of force in law enforcement operations in connection with internal security issues. Mr. Tilli then reminded participants that all members of the police and military have received training on the use of force, which is a requirement for the military and security forces. However, he indicated that there is still a need to update training on the use of force, as the reminders of the law are still useful, especially for those who have served in the armed forces for many years. In response to Togo’s question, Mr. Tilli spoke about the internal mechanisms of accountability.

Section K of the POA was validated.

COMPARATIVE TABLE 8: DISSEMINATION AND INTEGRATION OF IHRL AND HUMANITARIAN PRINCIPLES IN POLICE AND SECURITY FORCES IN WEST AFRICA

Ghana	Guinea	Mali	Niger	Nigeria	Senegal
<p>Programs: IHL training courses for Police personnel are organised on an ad hoc basis.</p>	<p>Legislation adopted: Order n° 822S/CAB/2004/DRH establishing a Human Rights and IHL Bureau within the Ministry of Defence.</p> <p>Order n° 11863/MIS/DNSP/DPPF/93 of 15 December 1993, appointing a Director of IHL education within the Security Services.</p> <p>Order n° 821S/CAB/2004/DRH, creating an IHL and Human Rights Office responsible for promoting and coordinating IHL and human rights teaching within Security Services, as well as dissemination regarding the principles of the Red Cross and Red Crescent Movement. In addition, the Office is tasked with offering an advisory service for questions within its competence, and to work on implementation of IHL and human rights within the Security Services.</p> <p>Law n° 2015/009/AN of 4 June 2015 on Public Order Law Enforcement concerning the maintenance of public order in the Republic of Guinea. This law aims to establish a balance between the enjoyment of rights and freedoms and respect for public order. It also authorises security forces to use force and firearms in accordance with the law and proportionally to the threat faced.</p> <p>Decree n° D/98/15/PRG/SGG of 11 August 1998 on National Police Code of Ethics. This decree applies to police officers and the Republican Guard and requires the Police to fulfil its mission in strict observance of the Universal Declaration of Human Rights, the Constitution and international conventions and laws. It also lists the general duties of police officers and sets out the obligation for these forces to obey and to report to their command.</p> <p>Programs: Dissemination sessions are jointly organised by the Human Rights Bureau of the Ministry of Internal Affairs and the ICRC in police academies and units, on respect for human rights during the course of law enforcement operations, arrests and detention, and is designed for law enforcement officers.</p>	<p>Legislation adopted: The Code of Conduct of Mali's defence and security forces stipulates that the defence and security forces must receive appropriate training in IHL and Human Rights (Art. 21).</p> <p>Programs: Dissemination and training sessions on IHRL and humanitarian principles at military academies and centres of instruction are jointly organised on a regular basis by the ICRC and the General Chief of Defence, for ranking officers, non-commissioned and commissioned officers.</p> <p>Dissemination and training programme on IHL and the protection of women and children is financed by UNWomen and executed by the IHL division of General Chief of Defence.</p>	<p>Programs: In 2016, the Police and Gendarmerie of Niger, with support of the ICRC, organised two workshops, in Niamey (February) and Maradi (August) on the respect of international standards in law enforcement operations, specifically on use of force and firearms during arrest, police custody and public order management.</p>	<p>Programs: Following a Memorandum of Understanding signed in early 2016, dissemination sessions are jointly and regularly organised by the Nigeria Police Force and the ICRC Delegation in police training facilities and units, on best practices for the respect of international rules and standards for policing.</p> <p>The Nigeria Police Force is in the process of reviewing its Force Order 237 on the use of force and firearms, with support from Swiss Government, UNODC and the ICRC.</p> <p>In 2016, the Nigeria Police Force developed the Nigeria Police Human Rights Trainers' Guide for Police Staff College, Mobile Police Colleges, Department of Peacekeeping Operations and Police Colleges.</p> <p>The Nigeria Police Force organises periodic training seminars on Human Rights for Police Instructors.</p>	<p>Legislation adopted: Military Code of Justice Law n° 94-44, 27 May 1994 provides for the repression of various crimes against military honour like pillage committed by military and paramilitary forces before and during armed conflicts.</p>

## 9. ARMS CONTROL

The section on arms control set out the following strategies/activities: 1) harmonize domestic legal frameworks with IHL instruments regulating weapons, including the ATT and ECOWAS Convention on Small Arms and Light Weapons (SALW); 2) designate and mandate competent national authorities and focal points – such as National Arms Control Committees and/or National Commission for the fight against the illicit proliferation and circulation of Small Arms and Light Weapon – to foster, coordinate and report on the implementation of IHL instruments regulating weapons; 3) establish and maintain national records of export authorization or actual export of conventional arms; 4) establish national control systems regulating export, import, transit, transshipment of, and brokering activities related to, conventional arms, and to regulate the exports of related ammunition and parts and components.

### SECTION I OF THE ECOWAS IHL POA: ARMS CONTROL

<i>Arms control</i>				
Strategies / Activities	Success Indicators	Responsible Institution	Sources of Verification	Timeframe
1. Harmonize domestic legal frameworks with IHL instruments regulating weapons, including the ATT and ECOWAS Convention on Small Arms and Light Weapons (SALW) 2. Designate and mandate competent national authorities and focal points – such as National Arms Control Committees and/or National Commission for the fight against the illicit proliferation and circulation of Small Arms and Light Weapon – to foster, coordinate and report on the implementation of IHL instruments regulating weapons 3. Establish and maintain national records of export authorization or actual export of conventional arms 4. Establish national control systems regulating export, import, transit, transshipment of, and brokering activities related to, conventional arms, and to regulate the exports of related ammunition and parts and components	a. Legislation and measures regulating the use, transfer and brokering of weapons, their ammunition and other related materials in conformity with IHL and relevant treaties; b. Active and efficient national authorities or focal point foster, coordinate and report on the implementation of IHL instruments regulating weapons c. Effective national records of export authorization or actual export of conventional arms d. Effective national control systems regulating export, import, transit, transshipment of, and brokering activities related to, conventional arms, and to regulate the exports of related ammunition and parts and components	Legislative and executive branches of government; National IHL Committees; SALW Committees; Relevant ministries including Ministries of Justice, Defense, and Interior National agencies of control and regulation of import and actual export of conventional weapons	Legislation, regulations and practice; Implementation reports submitted to the relevant treaty organs, Establishment instruments (e.g. decree or inter-ministerial order) of arms control national authorities and focal points Arms control national authorities and focal points' activity reports and recommendations	2019-2023

The moderator, and technical expert, was Mr. Oluwafisan Bankale, Programme Officer, Small Arms Division, ECOWAS Department of Political Affairs, Peace and Security. The lead reviewer was Commissioner Benoni Knuckles from the Liberia National Commission on Small Arms.

Commissioner Knuckles began with a background on weapons circulation and use in Liberia. He remembered that weapons were quite common in the country prior to 1980, but the 1980 coup resulted in an even greater flood of weapons and ammunition into the country. This only worsened during the civil wars which ravaged the country until the late 1990's. The UN Security Council's sanctions on sales of weapons to Liberia, and the ECOWAS peacekeeping operation in Liberia helped set the basis for arms control in the country. Since the end of the fighting, a lot was done to enforce arms control in Liberia, with a national commission set up, ratification of the ECOWAS Convention on Small Arms and Light Weapons (SALW), and passage of a national law.<sup>28</sup>

Liberia's focus on arms control had remained strong, as it worked with ECOWAS to support the negotiations of the Arms Trade Treaty (ATT), and was an early signatory to the treaty in 2013, with ratification following in 2015. Now, Liberia was working on completing implementation of all major treaties, and expanding the scope of its national commission on small arms to cover the ATT. Liberia was reviewing its law in order to integrate principles and tenets of the ATT. The review would consider expansion of the scope and weapons categories beyond small arms and light weapons. The ECOWAS Authorities in Abuja and national SALW commissions in capitals were seeking to adapt their mandates to integrate the ATT. Utilizing the existing ECOWAS arms importation exemption requirements as per the ECOWAS Convention, would fulfill expanded ATT requirements once elements of scope and categories were integrated.

The discussion then opened, with participants discussing the trafficking of arms across borders, particularly between Liberia and Guinea. The porous borders contributing to trafficking amongst other Mano River Union countries, including Sierra Leone and Cote d' Ivoire were also raised. The type of weapons being trafficked tended to be crude home-made single-barrel pistols commonly used in armed robberies. More cooperation between MRU member states, border communities, and amongst national commissions on arms was called for by the participants. They also spoke of the need to develop a national arms marking and record keeping regime, for tracking, tracing, and supporting responsible management of arms and ammunition. The section of the POA was then validated.

**COMPARATIVE TABLE 9: ARMS CONTROL IN WEST AFRICA**

Benin	Burkina Faso
<p><b>Legislation adopted:</b></p> <p>Decree n° 99-023 of 22 January 1999, creates a National Authority for the implementation of the Convention on Chemical Weapons of 1993.</p> <p>Decree n° 2000-106 of March 9 2000 creates a National Commission against the Proliferation of Small Arms in Benin. The Commission was officially installed on 14 February 2003.</p>	<p><b>Legislation adopted:</b></p> <p>Ordinance n° 81-0001/PRES/CMRPN on Importation and Fabrication of gunpowder, cartridge hunting weapons and war ammunitions in Haute Volta Republic.</p> <p>Act n° 052.2009 of 3 December 2009 determining the Burkinabe courts' jurisdiction and procedure for implementing the Rome Statute of the International Criminal Court, criminalises the use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices (Art. 19 Par 2 v).</p> <p>Act n° 003-2006/AN of 14 March 2006 on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. It establishes prohibitions and controls regarding the use of these weapons and related chemical agents. Art. 2 provides for the definition of chemical weapons; Art. 3 - 5 deal with prohibition of activities relating to chemical weapons; Art. 7 - 10 provides for the authorisation needed for the use of prohibited substances.</p> <p>Decree n° 2000-147 of 20 April 2000 establishes a National Authority for the implementation of the Convention on Chemical Weapons.</p> <p>Decree n° 2005-565 of 22 November 2005 provides for ratification of the Agreement on the privileges and immunities of the Organisation for the Prohibition of Chemical Weapons.</p> <p>Decree n° 2008-324 of 09 June 2008 amending Decree n° 2000-147 of 20 April 2000 establishes a National Implementation Agency for the Convention on Chemical Weapons.</p>

<sup>28</sup> Liberia became a signatory to and ratified the ECOWAS Convention on Small Arms and Light Weapons in 2009. National Commission on Small Arms enacted into Law in 2012, but it was first established in 2006 by executive order. Firearms and Ammunition Control Act of 2015 passed into law.

	<p>Decree n° 2008-472 of 28 July 2008 appointing a Coordinator for the Technical Secretariat of the National Implementation Agency for the Convention on Chemical Weapons.</p> <p>Decree n° 2001-180/PRES/PM/SECU of 2 May 2001 prohibiting anti-personnel mines in Burkina Faso.</p> <p>Decree n° 2001-167 of 25 April 2001 on the creation, constitution, organisation and attributes of a National Commission for the Control of Light Weapons Proliferation CNLPAL.</p> <p>Decree n° 2001-168 of 25 April 2001 appoints the Chairman of the CNLPAL.</p> <p>Decree n° 2006-174 of 20 April 2006 on the constitution, attributes, organisation and operations of the CNLPAL.</p> <p>Decree n° 2008-219 of 22 May 2008 appointing Permanent Secretary of the CNLPAL.</p> <p>Decree n° 2001-635 of 30 November 2001 amending decree n° 2001-005 of 24 January 2001 on the institution of a High Authority for the Control of Weapons Importation and their Use (HACIAU) in Burkina Faso.</p> <p>Decree n° 2002-008/PRES/PM of 30 May 2002 on the organisation and operation of the HACIAU.</p> <p>Decree n° 2007-049/PRES/PM/DEF/MAECR/MFB 2007 on the makeup, attributes, organisation and operation of the HACIAU. Modified by Decree 2012-1032/PRES/PM/MDNAC/MAECR/MEF of 28 December 2012 which broadens the competency of the HACIAU.</p> <p>Decree n° 2013-528/PRES/PM of 5 July 2013 on nomination of the Permanent Secretary of HACIAU.</p> <p>Decree n° 2015-809/PRES-TRANS/PM modifying Decree n° 2002-556/PRES of 27 November 2002 on delegation of Signatures.</p> <p>Decree n° 2009-301/PRES/PM/SECU/MATD/MEF/DEF/MECV/MJ/MCPEA of 8 May 2009 regulating civilian weapons and ammunition in Burkina Faso.</p>
<p><b>Draft legislation pending:</b></p> <p>A Bill authorizing the ratification of the Convention on Cluster Munitions is under review at the Bills Commission of the National Assembly.</p>	<p><b>Draft legislation :</b></p> <p>Pre-draft bill on domestication of the Army Trade Treaty undertaken by the Permanent Secretariat of the HACIAU is being drafted by a multi-sectorial committee with legal and technical support from the European Union.</p> <p>Pre-draft bill on arms regime to replace Decree undertaken by a multi-sectorial Committee.</p> <p>Protocol V to the CCW is in the process of being ratified after authorization by Transition National Council of June 2015.</p> <p>Draft decree on arms, ammunitions, optical and other related material of Defence and security forces reform initiated by HACIAU.</p> <p>Draft decree on civil arms regime in application of the Legislation on arms and ammunitions.</p>

Mali	Niger	Nigeria	Senegal
<p>Legislation adopted:</p> <p>Ordinance n° 07-021/P-RM of 18 July 2007 on the implementation of the Chemical Weapons Convention.</p> <p>Ordinance n° 00-049/P-RM of 27 September 2000 on the implementation of the Ottawa Convention and Decree n° 00-569/P-RM of 15 November 2000 laying down the procedures for implementing the order.</p> <p>Decree n° 96-304/PRM of 14 November 1996 establishing the National Commission for the control of light weapons proliferation (CNLPAL).</p> <p>Decree n° 08-681/P-RM of 11 November 2008 to repeal decree n° 96-304/PRM, stipulating the operational procedures, attributes, makeup, and organization of the CNLPAL.</p> <p>Decree n° 09-543/P-RM of 8 October 2009 establishing the composition of the CNLPAL.</p>	<p>Legislation adopted :</p> <p>Act 2004-044 of June 2004 implements the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.</p> <p>Order n° 94-185/PRN of 28 November 1994 establishing a National Commission for the Collection and Control of Illicit Arms (CNCCAI). The National Commission was modified by orders n° 99-417/PCRN of 8 October 1999 and n° 2010-560/PCSRD of 22 July 2010 reorganising it and broadening its mandate to include humanitarian demining.</p> <p>Others:</p> <p>In 2016, a request for a 5 year extension of the delay to proceed to the destruction of anti-personnel mines in the territory of Niger pursuant to Art. 5 of the Ottawa Convention was accepted.</p>	<p>Firearms Act of 1990</p>	<p>Legislation adopted:</p> <p>The Penal Code criminalises infractions in respect of the 1980 Convention on Conventional Weapons as well as to its Protocols I, II and III in situations of armed conflict (Art. 431-5).</p> <p>The Criminal Code sanctions the use of certain categories of classical, incendiary weapons, non-Detectable fragments, use of mines, booby-traps and other devices in armed conflict (Art. 431-6).</p> <p>Act n° 2006-36 of 16 October 2006 prohibiting the Production, Stockpiling, and Use of Chemical Weapons and on their Destruction.</p> <p>Decree n° 2006-783 of 18 August 2006 establishing the National Commission for the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, signed in Ottawa on 5 December 1997.</p> <p>Act n° 2005-12 of 3 August 2005 relating to the Prohibition of Anti-personnel Mines.</p> <p>Decree n° 2006-784 of 18 August 2006 establishing the National Mine Action Centre in Senegal (CNAMS).</p> <p>Order n° 009543 of 20 October 2000 establishing the National Commission for the Control of Illicit Trade in and Proliferation of Small Arms and Light Weapons (following the 1998 ECOWAS moratorium).</p>
<p>Draft legislation pending:</p> <p>Draft amendment to the Weapons Act (SALW/ Firearms). In March 2015, CNPAL and UNREC officially submitted the recommendations of the workshops on "The Harmonisation of Mali's Legislation on Small Arms and Light Weapons with the ECOWAS Convention and International Standards", to the Malian Authorities.</p>	<p>Draft legislation pending:</p> <p>A draft bill amending the Weapons Act is currently being discussed at the National Commission on SALW.</p>	<p>Draft legislation pending:</p> <p>The Firearms Bill 2014 amends the Firearms Act of 1959 in order to jointly domesticate the ECOWAS Convention on SALW and the ATT.</p>	<p>Draft legislation pending:</p> <p>Draft bill on the Weapons and Ammunition Act (2014).</p> <p>Draft decree for the application of the Weapons and Ammunition Act (2014).</p> <p>Draft decree on the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.</p> <p>Draft bill for the implementation of the Arms Trade Treaty, March 2016.</p>

Sierra Leone	Togo
<p><b>Legislation adopted:</b></p> <p>The Arms and Ammunition Act, 2012, regulating the use and ownership of weapons.</p>	<p><b>Legislation adopted:</b></p> <p>Decree n° 2001-098/PR of 19 March 2001 establishing a National Commission for the control of Illicit Trafficking, Trade in and Proliferation of Small Arms and Light Weapons.</p> <p>The Penal Code adopted and entered into force in November 2015, criminalises the development, production, acquisition, stockpiling or conserving of chemical weapons, and the direct or indirect transfer of same (Arts. 563 to 565). The Cabinet, on 4 November 2015, decreed the establishment of the National Anti-Chemical Weapons Authority in Togo (ANIAC).</p> <p>The Penal Code establishes the use of non-conventional weapons, an offence in all types of armed conflict (Arts. 560 to 575) and criminalises the development, fabrication, stocking, acquisition or conservation of bacteriological weapons (Arts. 560 to 562) as well as the use and development of cluster munitions (Arts. 576 to 579). Articles 554 to 559 partially implement the ECOWAS Convention on</p>
<p><b>Draft legislation pending:</b></p> <p>Draft bill on the 1993 Chemical Weapons Convention, prepared by the legal drafting department of the Attorney General's Office, which seeks to domesticate the Chemical Weapons Convention.</p> <p>Draft bill on the Convention on Cluster Munitions (2008), is being prepared by Attorney General's legal drafting office, which seeks to domesticate the Convention on Cluster Munitions.</p>	<p><b>Draft legislation pending:</b></p> <p>Firearms and ammunitions bill. This draft bill aims at implementing different arms related treaties including the Arms Trade Treaty of 2013 and the ECOWAS Convention on SALW of 2006.</p>

## 10. PENAL REPRESSION OF IHL VIOLATIONS

The section on penal repression of IHL violation set out the following strategies/activities: 1) harmonize domestic legislation with IHL instruments for effective prevention, prosecution and punishment of IHL violations; 2) ensure judicial guarantees reflected in IHL and IHRL are integrated in domestic legislation; 3) integrate IHL in initial and periodic specialization trainings for judges, prosecutors, and other judicial actors; 4) take all measures to facilitate judicial cooperation between the competent authorities of Member States.

### SECTION J OF THE ECOWAS IHL POA: PENAL REPRESSION OF IHL VIOLATIONS

<b>Penal repression of IHL violations</b>				
<b>Strategies / Activities</b>	<b>Success Indicators</b>	<b>Responsible Institution</b>	<b>Sources of Verification</b>	<b>Timeframe</b>
1. Harmonize domestic legislation with IHL instruments for effective prevention, prosecution and punishment of IHL violations 2. Ensure judicial guarantees reflected in IHL and IHRL are integrated in domestic legislation 3. Integrate IHL in initial and periodic specialization trainings for judges, prosecutors, and other judicial actors 4. Take all measure to facilitate judicial cooperation between the competent authorities of Member States	a. Criminal legislation harmonizing domestic law with IHL b. Number of judges, prosecutors and other judicial actors trained on IHL c. Number of judges, prosecutors and other judicial actors specialized in IHL d. Number of IHL related prosecutions and judicial decisions upheld and respected	Legislative, executive, and judicial branches of government Relevant ministries including Ministries of Justice and Defense National IHL committees High Magistracy Council National School of Administration and Magistracy Bar association Military and paramilitary Schools	Gazetted legislation Training manuals or modules for initial and specialization trainings IHL related judicial decisions	2019-2023

The Moderator was Myriam Raymond-Jette, ICRC Abidjan Regional legal Adviser. The lead reviewer was Mr. Ngane Ndour, Deputy Director of Human Rights, Ministry of Justice, Senegal, and the technical expert was Kany Elizabeth Sogoba, ICRC-Bamako Legal Adviser.

After presenting the section of the POA on repression, Mr. Ngane referred to the Senegalese legislation integrated by the amended Penal Code and the Code of Criminal Procedure of 2007 on war crimes, but also the crimes against humanity, genocide, offenses against the administration of justice of the International Criminal Court (ICC) and the procedure applicable to Senegal's cooperation with the ICC.<sup>29</sup>

He then chose to illustrate the repression of international crimes, particularly the obligation to prosecute or extradite, with the example of Hissène Habre's trial before the Extraordinary African Chambers (EAC) in Senegal. He recalled that the EAC was created by an agreement between Senegal and the African Union to consider genocide, crimes against humanity, war crimes and torture committed in Chad from June 7, 1982 to December 1, 1990, and in accordance with Senegal's international commitments.<sup>30</sup> These were created within

<sup>29</sup> Law No. 2007-05 of 12 February 2007 amending the Code of Criminal Procedure for the Implementation of the Rome Statute of the International Criminal Court; Law No. 06/2007 amending the Penal Code.

<sup>30</sup> Agreement between the Government of Senegal and the African Union on the creation of Extraordinary African Chambers in Senegalese Courts, 22 August 2012, available online: <http://www.chambresafricaines.org/pdf/Accord%20UA-Senegal%20Chambres%20africaines%20extra%20Aout%202012.pdf>.

the jurisdictions of Senegal – within the Regional Tribunal of Dakar, of the Dakar Court of Appeal.<sup>31</sup> The EAC was called upon to apply the Statute of the EAC, as well as the Senegalese law in cases not provided for in the Statute. Senegal and Chad have also signed a judicial cooperation agreement under the EAC. Mr. Ngane thus marked the experience that Senegal had acquired in judicial cooperation, but also the experience of the Senegalese judiciary in prosecuting international crimes.

He then briefly returned to the context of the creation of the EAC recalling the talks that had been held at the level of the African Union, but also the extradition requests filed by Belgium in Senegal, and the judgment of the International Court of Justice (*Belgium v. Senegal*) in which the ICJ decided that Senegal should immediately submit the case of Hissène Habré to its competent authorities for the purposes of criminal proceedings, if it did not extradite him.<sup>32</sup>

Ms. Sogoba went on to stress that the criminal prosecution of violations committed during an armed conflict were an essential element in ensuring respect for IHL. The possibility that a sanction may be imposed was a significant deterrent to discourage the future commission of violations and eventually lead to better respect for IHL. States parties to the Geneva Conventions of 1949 and their Additional Protocols have the obligation to prevent and put an end to acts contrary to these instruments.<sup>33</sup> Like Senegal and other countries in the region, States parties must take the necessary legislative measures to incorporate violations of IHL into their legislation in order to make such acts criminal offenses under national criminal law, subject to prosecution. Ms. Sogoba stressed, however, that national judicial authorities must have the specialized expertise required to implement these national provisions and prosecute these types of complex crimes. Effective penal repression of violations of IHL would only then be possible.

As an illustration, Ms. Sogoba spoke about the capacity building of magistrates in Mali. Following advocacy by the ICRC and other organizations, the National Institute of Judicial Training (NIJT) decided to integrate the teaching of IHL into the training of new legal auditors. The integration of the teaching of IHL in the initial training of legal auditors would make it possible to close a gap in the training of future judges, often from private law faculties, who did not include IHL in their programs, which were different from the public law faculties.

Looking to the ongoing training of sitting judges in Mali, the ICRC, in recent years, has engaged in a dialogue with the Ministry of Justice and the NIJT, notably on the margins of a regional judiciary seminar in Abidjan, which two Malian judges participated in. Subsequently, a national seminar was organized in December 2016, and in 2018, a mapping of the actors of the judicial sector and other stakeholders was carried out. This mapping made it possible to analyse the national legal framework, and the national and sub-regional dynamics surrounding the Malian judicial response to violations of IHL. This analysis made it possible to highlight the overlaps and contradictions between IHL and terrorism according to national legislation. It also revealed that the Malian judicial response was at this stage much more oriented towards acts of terrorism at the expense of violations of IHL, in the contexts in which it was applicable. The mapping was also intended to identify the training needs of legal actors in IHL, and to integrate their perspectives into the conceptualization of an ongoing training workshop. A training workshop organized with the NIJT will be organized on this basis for the attention of the magistrates of the northern and central regions of Mali, as well as those of the specialized judicial centre in the fight against terrorism and transnational organized crime.

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31 Id, Annex, Status of Extraordinary African Chambers in the Senegalese Courts for the Prosecution of International Crimes Committed in Chad During the Period from June 7, 1982 to December 1, 1990.

32 ICJ, Questions concerning the obligation to prosecute or extradite (*Belgium v. Senegal*), Judgment of 20 July 2012, available online : <https://www.icj-cij.org/fr/affaire/144/arrets>.

33 In the event of an international armed conflict, see the grave breaches of the Geneva Conventions of 1949 and Additional Protocol I provided for in the following articles: GC I, art. 50; CG II, art. 51; CG III, art. 130; GC IV, art. 147; PA I, art. 11 and 85. In cases of non-international armed conflict, the treaties do not establish a specific obligation to punish such violations; the duty to stop them has been interpreted as including their repression. It has also been recognized, on the judicial level, that individuals may be held criminally responsible for violations of Common Article 3 and Additional Protocol II. See in this regard Article 8 of the Statute of the International Criminal Court (ICC). See also Common Article 1 of the Geneva Conventions concerning the obligation of States to respect and enforce these conventions.

The discussions then focused more on the Hissène Habré affair. Although Senegal has modified its legal arsenal to take into account the principle of universal jurisdiction, the MS asked on what legal basis Senegal judged Hissène Habré, since this principle was not yet taken into account in its legislation at the time of the commission of the incriminated facts. In response to this question, Mr Ngane agreed that this was a widely debated issue for international law experts in this case. He recalled, however, that Hissène Habre had filed a complaint with the ECOWAS Court in 2008 to the effect that his trial would violate the principle of non-retroactivity of criminal law and that in 2010 the Court of ECOWAS had thus decided that taking into account this situation, Habré should be tried before a special ad hoc jurisdiction of an international character.

With discussion concluded, the section of the POA was validated.

**COMPARATIVE TABLE 10: PENAL REPRESSION OF IHL VIOLATIONS IN WEST AFRICA**

Benin	Burkina Faso	Capo Verde	Côte d'Ivoire	Ghana
<p>Legislation adopted:</p> <p>The Code of Penal Procedure n° 2012-15 of the Republic of Benin partially implements the Rome Statute of the International Criminal Court. See Title XIV of Book IV of the Code on the cooperation with the International Criminal Court.</p>	<p>Legislation adopted:</p> <p>Act n° 052.2009 of 3 December 2009, determining the jurisdiction and procedure for the Burkinabe courts' implementation of the Rome Statute of the International Criminal Court, which criminalizes serious violations of the Geneva Conventions and their Additional Protocols.</p> <p>Act n° 043/96/ADP of 13 November 1996 Penal Code, criminalizing crimes of genocide and crimes against humanity (Arts. 313 - 317).</p>	<p>Legislation adopted:</p> <p>The Penal Code of 18 November 2003 criminalises war crimes during international and non-international armed conflict and crimes against humanity, and punishes these crimes by 15 to 30 years of imprisonment. Art. 272 provides for a penalty ranging from 10 to 20 years of imprisonment for those committing wilful killing, torture or inhuman treatment, among other conducts, against persons or property protected by IHL during an armed conflict. Art. 273 provides for a penalty ranging from 10 to 15 years of imprisonment for those using means and methods which are expected to cause unnecessary suffering or which are otherwise prohibited. Art. 273 criminalises indiscriminate attacks or or targeting civilians during an armed conflict or occupation.</p>	<p>Legislation adopted:</p> <p>Law n° 2015-134 of 9 March 2015 modifies and completes Law n° 81-640 of 31 July 1981 criminalising war crimes (Art. 139), genocide (Art. 137), and crimes against humanity (Art.138 and 138-1). Art. 139-1, 139-2, 140-1 and 140-2 contain general provisions relating to the aforementioned crimes, article 473 criminalises misuse of the distinctive emblems.</p> <p>Act n° 2015-133 of 9 March 2015 modifies the Code of Criminal Procedure to provide for no statute of limitation for genocide, crimes against humanity and war crimes (Art. 7).</p>	<p>Legislation adopted :</p> <p>Geneva Convention Act (Act 780) of 2009 criminalises grave breaches found in the four Geneva Conventions of 1949 and Additional Protocol I, with sentencing ranging from 14 years imprisonment to the death penalty.</p>

	<p>Draft legislation pending:</p> <p>Pre-draft bill on the amendment to the Penal Code is pending at the Ministry of Justice. The review of the Penal Code will include provisions on the punishment of violations of the provisions of the various IHL treaties ratified by Burkina Faso (Geneva Conventions of 1949 and their Additional Protocols of 1977).</p> <p>Amendment to the Code of Penal Procedure is pending at the Ministry of Justice.</p> <p>Amendment to the Code of Military Justice is pending at the Directorate of Military Justice</p>		<p>Draft legislation pending:</p> <p>A Bill to amend the Criminal Code is pending at the Ministry of Justice. The draft bill namely takes into account the crime of aggression (Art. 163-1 and 163-2) and that of violence against health care (Art. 175).</p>	<p>Draft legislation pending:</p> <p>A Bill for the implementation of the Rome Statute of the International Criminal Court is pending at the Cabinet level.</p>
Guinea	Liberia	Mali		
<p>Legislation adopted: The Constitution of 7 May 2010 prohibits torture and other inhuman treatment (Art. 6). The article also provides that no one can justify torture or other inhuman treatment on the basis that they were ordered to do so, and that no situation of emergency can justify human rights violations.</p> <p>The Code of Military Justice n° 002/CTRN/2011 provides for jurisdiction by military courts during armed conflict to prosecute offences committed by prisoners of war, violations of laws regulating arms and ammunition, as well as related offenses. Art 100 lists the offenses relating to violations of laws and customs of war and international conventions. Arts. 148, 149 and 158 suppress stripping of the sick, wounded, shipwrecked or dead in military operation areas and looting committed by the military during the conduct of hostilities. The Code also provides for use of the distinctive signs and emblems to ensure respect for people, property and places protected by the Geneva Conventions.</p> <p>The Penal Code n° 98/036/98 criminalises and punishes abuses of emblems protected by international conventions (Art. 579) and provides for the sanctions that can be decided by military tribunals (Art. 578).</p>		<p>Legislation adopted: Bill n° 01-079 of 20 August 2001 on the Penal Code of Mali criminalises war crimes committed during international armed conflict (Art 31), crimes against humanity (Art. 29) and genocide (Art. 30). Article 32 provides for imprescriptibility of these crimes. It should be noted however, that some of the Rome Statute provisions have not been integrated into the Penal Code (for example, superior responsibility and war crimes committed during non-international armed conflict).</p> <p>Bill n° 01-80 of 20 August 2001 on the Penal Procedure Code provides for extraterritorial jurisdiction in respect of crimes against humanity, genocide and war crimes (Arts.22 and 24), but does not provide for universal jurisdiction.</p> <p>Bill n° 95-042/AN-RM of 20 April 1995 on the Military Code of Justice applies to military personnel. It provides for the organization and composition of military tribunals, penal military procedure, ad hoc military jurisdiction in peacetime and in time of war, military offences and the penalties applicable. The law criminalises pillage (Arts.133 and 134), robbery (Art. 143) and unlawful use of the emblem and other distinctive signs (Art. 145).</p>		

<p>Law L / 2016 / AN of 26 October, on the Penal Code, criminalizes violations of the Geneva Conventions of 1949 and their Additional Protocols committed during international and non-international armed conflicts (Articles 192 to 199, 787 to 795 ) and all violations of the laws and customs of war. also provides for sanctions in the event of genocide and crimes against humanity, as well as in the case of superiors' responsibility, imprescriptibility of these crimes and lack of immunity for heads of state. It also punishes violations of the following treaties:</p> <p>1993 Convention on the Prohibition of the Development, Stockpiling and Use of Chemical Weapons and on Their Destruction (Articles 846 and 847);</p> <p>1998 Convention on the Prohibition of the Use, Stockpiling, Development and Transfer of Anti-Personnel Mines and on Their Destruction (Articles 850 and 851);</p> <p>2008 Convention on Cluster Munitions (Article 852, 853, 854 and 855); and the 2006 ECOWAS Convention on Small Arms and Light Weapons and Other Related Materials (Articles 848 and 849).</p> <p>This bill criminalises violations of the Geneva Conventions of 1949 and their Additional Protocols committed in international and non-international armed conflicts (Articles 192 to 199, 787 to 795) and all violations of the laws and customs of war. The law project. This bill also contains offenses relating to violations of the following treaties:</p> <p>1993 Convention on the Prohibition of the Development, Stockpiling and Use of Chemical Weapons and on Their Destruction (Articles 846 and 847);</p> <p>1998 Convention on the Prohibition of the Use, Stockpiling, Development and Transfer of Anti-Personnel Mines and on Their Destruction (Articles 850 and 851);</p> <p>2008 Convention on Cluster Munitions (Article 852, 853, 854 and 855); and the 2006 ECOWAS Convention on Small Arms and Light Weapons and Other Related Materials (Articles 848 and 849).</p> <p>The new Code of Military Justice gives the Military Tribunal jurisdiction to prosecute international crimes (war crimes, crimes against humanity and genocide) committed by military personnel, as well as other offenses related to the use of certain weapons ( Article 22, 28, 29, 30, 173, 187, 223, 224 and 225). In times of armed conflict, the jurisdiction of the military courts is extended to offenses committed by prisoners of war and violations of the law on weapons and ammunition. The undue use of distinctive signs, emblems defined and protected by international conventions in armed conflicts is punishable by Article 234 of the CJM.</p>	<p>Draft legislation pending :</p> <p>The leadership of the Liberian National IHL Committee has submitted a draft bill entitled the Geneva Conventions Act of 2014 to the Law Reform Commission for review and finalisation (and incorporation into the Penal Code of Liberia). The draft bill would thereafter be submitted to the Presidency for onwards submission to the national legislature for passage into law.</p>	<p>Bill pending:</p> <p>Revision of the Penal Code and Code of Criminal Procedure in progress by the Standing Legislative Committee (Ministry of Justice). Harmonization of these texts with the IHL Treaties, including a complete repression of violations of IHL and the integration of the general principles of international criminal law, is planned.</p>
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Niger	Nigeria	Senegal	Sierra Leone	Togo
<p>Legislation adopted:</p> <p>Act n° 2003-025 of 13 June 2003 on the Penal Code and the Code of Penal Procedure (Arts 208.3 and 208.4); and Special Official Gazette n° 4 of 7 April 2004 Section III Preliminary Chapter, sub-sections I to IV (Art. 208.1-208.8), criminalise genocide, crimes against humanity and war crimes, and provide for the universal jurisdiction of Nigerien courts.</p> <p>Act n°2003-010 of 11 March 2003 on the Code of Military Justice (special National Gazette n° 6 of 5 May 2003) amended by Ordinance n 2010-94 of 23 December 2010 (National Gazette n° 5 of 1 March 2011) criminalises violations of IHL committed by defence and security forces (Arts. 321 and 322).</p> <p>Ordinance n° 2010-75 of 9 December 2010 on the status of military personnel of the armed forces, prohibits the recruitment of children below the age of 18 into the defence and security forces.</p>	<p>Legislation adopted:</p> <p>Geneva Conventions Act of 20 June 1960 domesticates the Four Geneva Conventions of 1949. This Act provides for the punishment of grave breaches of the 1949 Geneva Conventions and permits the President to provide by order for the punishment of all other breaches.</p>	<p>Legislation adopted:</p> <p>Act n° 2007-05 of 12 February 2007 amending the Code of Penal Procedure for the implementation of the Rome Statute of the International Criminal Court. Art. 667-1 and following articles establish a mechanism of judicial cooperation with the International Criminal Court.</p> <p>On 31 January 2007, the National Assembly of Senegal adopted the Law n° 06/2007 amending the Penal Code. The Law incorporates as offences in domestic law the crimes of genocide, crimes against humanity and war crimes, as well as offences against the administration of justice of the ICC (Art. 431-1 to 431-5).</p>	<p>Legislation adopted:</p> <p>Geneva Conventions Act 2012 domesticates the four Geneva Conventions of 1949 and their Additional Protocols of 1977. In particular, it criminalises and imposes sanctions for grave breaches as defined in the Geneva Conventions, as well as for other violations of the Conventions and their Additional Protocols.</p>	<p>Legislation adopted:</p> <p>The Penal Code n° 2015-010 of 24 November 2015 criminalises serious violations of international humanitarian law as war crimes (Arts. 145 to 148). The Code also criminalises genocide and crimes against humanity.</p>
<p>Draft legislation pending:</p> <p>A Bill amending the Penal Code and Code of Penal Procedure (2013) is pending. The Bill criminalises violations of IHL including all war crimes under the Rome Statute committed during international and non-international armed conflict. The Bill also raises the minimum age for recruitment into the Armed Forces and for participation in hostilities, from 15 to 18 years, in compliance with Niger's obligations under the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000).</p>	<p>Draft legislation pending:</p> <p>The Federal Ministry of Justice is currently working towards re-submission of a bill to domesticate the Rome Statute of the International Criminal Court to the National Assembly (previous draft bills have not been adopted).</p> <p>A letter has been sent from the Minister of Justice to the Secretary of the Government requesting the repeal of the Geneva Conventions Act, CAP G3.LFN 2004 and enactment of the Geneva Conventions and Additional Protocols Act 2018.</p>	<p>Draft Legislation pending:</p> <p>Reform Bill for the Code of Military Justice to criminalise pillage and abusive use of red cross and red crescent emblem as war crimes.</p>		<p>Draft legislation pending :</p> <p>Bill amending the Code of Penal Procedure.</p>

## 11. DISSEMINATION OF IHL KNOWLEDGE

The section on dissemination of IHL knowledge was broken into two sessions, with one looking at the unique situation of IHL dissemination to military/security forces, and the other looking at dissemination to the civilian population, including the judiciary, academics, and the general population among others.

### SECTION K OF THE ECOWAS IHL POA: DISSEMINATION OF IHL KNOWLEDGE

<i>Dissemination of IHL knowledge</i>				
Strategies / Activities	Success Indicators	Responsible Institution	Sources of Verification	Timeframe
<p>1. Disseminate IHL knowledge and encourage its respect as widely as possible to parliamentarians, civil society, and the population as a whole including in local languages;</p> <p>2. Dissemination in Academics:</p> <p>a. Integrate IHL into relevant university programs, particularly faculties of law, medicine, and journalism/communications</p> <p>b. Promote IHL related academic research and publication</p> <p>3. Dissemination to Military/ Paramilitary Forces</p> <p>a. Designate competent legal authorities to advise commanders on the application of IHL and IHLR, and on appropriate instructions to give military and security forces</p> <p>b. Ensure IHL/IHLR rules are integrated in trainings and rules of engagement of military and security forces during internal security and peacekeeping missions, with particular focus on protection of women and children and to translate them in the local languages of Member States</p> <p>c. Ensure the judicial bodies of military and security forces are trained in the application of IHL, and can punish IHL violations by their troops</p> <p>4. Translate IHL treaties in the local languages of Member States</p>	<p>a. Number of IHL related prosecutions and judicial decisions upheld and respected</p> <p>b. Amount of legislation passed implementing IHL related treaties</p> <p>c. Number of meetings, trainings and activities with civil society actors, the media, medical organizations, and special interest groups</p> <p>d. Amount and quality of IHL dissemination material</p> <p>e. Number of active civil society and academic networks on IHL</p> <p>f. Number and quality of universities integrating IHL course and specialization programs</p> <p>g. Number and quality of IHLR and IHL legal advisors for military and security forces;</p> <p>h. Amount and quality of advice to military commanders on the application of IHL and IHLR</p> <p>i. Mainstreaming of IHL into training programs of military and security forces;</p> <p>j. Establishment of protection units sensitized to special protection needs of women and children</p> <p>k. Successful court martial cases of all proven cases of IHL violations, with appropriate punishments meted out</p>	<p>National IHL Committees;</p> <p>Relevant ministries including Ministries of Education, Defense, and Justice;</p> <p>Parliamentarians</p> <p>Universities including Law Faculties, Medical Schools and Communication Departments</p> <p>Military and paramilitary forces legal advisors</p> <p>Military courts and tribunals</p> <p>Military and paramilitary Schools</p>	<p>Dissemination activity reports, list of participants and evaluations</p> <p>Media coverage of IHL related news</p> <p>University programs and curriculum integrating IHL</p> <p>IHL related academic research and publication</p> <p>Establishment acts creating military and security forces legal advisors positions, with designations made by commanders</p> <p>Military and paramilitary forces training manuals and curricula;</p> <p>Specialized training manuals and courses on the protection of particularly vulnerable groups in armed conflicts or other situations of violence</p> <p>Participation of military and security forces legal advisors in trainings and deployments;</p> <p>Recommendations and reports of military and security forces legal advisors</p> <p>Decisions of military courts/tribunals</p>	<p>2019-2023</p>

## DISSEMINATION TO MILITARY/SECURITY FORCES

The section on dissemination to military/security forces set out the following strategies/activities: 1) designate competent legal authorities to advise commanders on the application of IHL and IHRL, and on appropriate instructions to give military and security forces; 2) ensure IHL/IHRL rules are integrated in trainings and rules of engagement of military and security forces during internal security and peacekeeping missions, with particular focus on protection of women and children and to translate them in the local languages of Member States; 3) ensure the judicial bodies of military and security forces are trained in the application of IHL, and can punish IHL violations by their troops.

See section K of the ECOWAS IHL POA: Dissemination of IHL Knowledge, above.

The moderator was Mr. Olatunde Olayemi, the Programme Officer in the ECOWAS Commission's Humanitarian and Social Affairs Directorate. The lead reviewer was Mr. Cecil Adadevoh, Principal State Attorney, Office of the Attorney-General and Ministry of Justice, Ghana, and the technical expert was Emeline Oboulbiga Yameogo, ICRC-Ouagadougou Communications Officer.

Mr. Adadevoh spoke about the training they had in place for all officers in the Ghanaian military, and suggested this training be included in universities too. In the School of Law of the University of Ghana, IHL was an elective course. Ghana has pushed for more training for military and security forces, before they are dispatched on peace missions. He stressed that the training on IHL was very important, as the evolution from conventional war to terrorism changed the methods of fighting. Ms. Yameogo reinforced Ghana's position on the need for IHL training, and talked about the importance of making sure it was in languages the lower levels of soldiers would understand.

The representative from Burkina Faso asked about the availability of manuals on training for soldiers. He talked about the importance of ongoing training for soldiers, and asked if such continuous training was the norm in Ghana.

The Nigerian representative mentioned that the ICRC had worked continuously on training the military and security forces of Nigeria. The office of the national security adviser and the EU were also praised as proponents of these trainings. Training of trainers was the main focus, as it was found to be the best way to pass the information down through the forces. She thanked the ICRC for its ongoing role in this training. Liberia also talked about their work with the ICRC on integrating IHL into armed forces training. Liberia held refresher training courses once a year for the army, and they were trying to expand that to the police, drug enforcement agency, and immigration. Meetings with the commandant of police were ongoing in that objective. Mali mentioned their peacekeeping school, which welcomed all soldiers in Africa for free trainings. Mali stated they did not have issues with training their forces on IHL, and the ICRC worked with them on their trainings.

Guinea's representative talked about the number of soldiers passing through the Kofi Annan Center in Accra, praising it as a strong place to spread IHL knowledge. Sierra Leone's Ministry of Justice representative spoke on how IHL was a module taught in armed forces training centers, and there was also training for anyone dealing with warfare. Passing the IHL course was a requirement for military and police before they could participate in peacekeeping missions abroad.

The Ministry of Foreign Affairs representative from Sierra Leone suggested training children from the primary school level on IHL. He also talked about the problem they had with child soldiers, and how it might have helped if children had received IHL training from the beginning. Ms. Yameogo of the ICRC agreed that the youth should be trained on IHL, as the varying contexts were seeing youths directly affected by armed conflict.

Mr. Adadevoh responded to some of the points, emphasizing the retraining program that was in place for the Ghanaian military. He mentioned that the Kofi Annan center accepted civilians as well, and agreed with

Sierra Leone that education on IHL should start at the primary level. He mentioned that Ghana was also trying to train all security services, including the prison services, as they were sometimes involved in international missions.

The Legal Adviser for the ICRC in Bamako, Mrs. Sogoba, raised the importance of having legal advisers in armies, as they could provide immediate advice on questions of IHL that might come up in the field. Mr. Adadevoh mentioned there were civilian and military lawyers in the legal divisions of the Ghanaian military forces. The section was then validated by the MS participants.

**COMPARATIVE TABLE 11: NATIONAL MEASURES ON IHL INTEGRATION IN ARMED FORCES AND DISSEMINATION AND INTEGRATION OF IHL AND HUMANITARIAN PRINCIPLES IN MILITARY FORCES IN WEST AFRICA**

Burkina Faso	Côte d'Ivoire	Ghana	Guinea
Draft legislation pending: The Code of Military Justice is under review. Subject to verification in the final draft, the military court in Burkina Faso has jurisdiction to try offenses committed by prisoners of war and violations of the law on weapons and ammunition.	Legislation adopted: Instruction n° 476/MEMDP/DIRDEF/SD-RI by Defence Minister in March 2002 inviting the Chief of Army Staff to proceed with integration of IHL into the training program. This instruction was followed by the Chief of Staff that same year.	Programs: IHL is part of the curriculum for the training of the Ghana Armed Forces. IHL is an integral part of the Operational Orders of the Ghana Armed Forces. Armed Forces' personnel undergo routine training based on IHL. IHL workshops and seminars are organized for the personnel of the Ghana Armed Forces before they are sent on Peacekeeping Missions.	Legislation adopted: Decree n° D/94/173/PRG/SGG appoints the Director for the IHL Office and Art. 5 states that the Office shall be responsible for coordination of activities contributing to preserving the physical, moral, social and cultural integrity of civilians and military in accordance with the Geneva Conventions and the Hague Conventions. The Office is also responsible for promoting teaching and training of citizens in order to safeguard property and people in natural disasters and armed conflict. Order n° 007/PRG/MDN/CAB applying Decree n° D/94/172/PRG/SGG of 5 November 1994. This Order establishes, among others, the mandate of the Office for the coordination of IHL and the laws of war. Memorandum n° 0365/PRG/MDN/EMGA/99 of 24 March 1999 providing instruction on the laws of war in military schools and instruction centres. Decree n° D 293/PRG/SGG/ 2012 on Military Discipline Regulation provides, among others, that military personnel are obliged to respect human dignity, as well as basic IHL principles such as the principle of distinction between civilians and combatants, the treatment of wounded and sick, the protection of hospital as well as of prisoners of war (Art. 12). The Code of Military Justice n° 002/CTRN/2011 provides for jurisdiction by military courts during armed conflict to prosecute offences committed by prisoners of war, violations of laws regulating arms and ammunition, as well as related offenses. Art. 100 lists the offenses relating to violations of laws and customs of war and international conventions. Arts. 148, 149 and 158 suppress stripping the sick, wounded, shipwrecked or dead in military operation areas and looting committed by the military during the conduct of hostilities. The Code also provides for use of the distinctive signs and emblems to ensure respect for people, property and places protected by the Geneva Conventions. Decree n° D/2011/289/PRG/SGG of 28 November 2011 on Code of Conduct of Defence Forces provides for the obligation for the forces to receive training in IHL (Art.5), the obligation to respect IHL within their operational fields (Art. 6) and individual criminal responsibility in case of IHL violations (Art. 7). Defence General Disciplinary Regulation (2012 edition), subject to Decree n° D/293/PRG/SGG/2012 provides for the duties and responsibilities of military combatants and treatment of prisoners of war, including the obligation to respect the dignity of the defeated enemy, to distinguish between combatants and non-combatants, to protect persons who are hors de combat, to care for the sick and injured survivors, to respect civilian objects and humanitarian personnel (Arts. 12-14). The Regulation also prohibits involvement of military personnel in the conduct of hostilities which are in violation of the principles of IHL, and authorises military personnel to take prisoners of war. Others: Memorandum n° 072 of 13 June 2005 on resuming instructions on IHL for the Armed Forces.

Liberia	Mali	Niger	Nigeria	Senegal	Togo
<p>Legislation adopted: National Defence Act of 2008 amends the National Defence Law of 1956, the Coast Guard Act of 1959 and Liberia Navy Act of 1986. It incorporates the law of armed conflict and respect for human rights law.</p> <p>Draft legislation pending: The Draft Uniform Code of Military Justice for the Armed forces of Liberia has been submitted to the National Legislature for approval. It prohibits, among other, looting and pillaging (Art. 103); waste, spoilage, or destruction of civilian property, (Art. 109); murder (Art. 118); rape and sexual assault/violence (Art. 120); arson, maiming, assault (Arts. 124, 126, 128).</p> <p>Others: Armed Forces of Liberia Law of Armed Conflict Training Manual, n° AFL-FM-15-5 (published in 2015) covers application of IHL in military operations and internal security operations.</p>	<p>Legislation adopted: Code of Military Justice, Act n° 95-042/AN-RM of 20 April 1995 criminalises acts of looting (Arts. 133 and 134), unlawful use of the emblem and other distinctive signs (Art. 145).</p> <p>Directive n° 653/CEMGA/S-CEM/OPS/D-OMP-DIH of 24 August 2010 on integrating IHL into military training and operational procedures. This Directive makes the teaching of IHL mandatory for training programmes of the defence and security forces.</p> <p>The Code of Conduct of Defence and Security Forces provides that defence and security forces are bound by a number of important IHL and IHRL rules, including the obligation to respect, protect and aid the civilian population (Art. 7), not provoking or participating in acts of looting (Art. 13), non-recourse to the use of force and firearms to disperse illegal but non-violent gatherings (Art. 22), no right to harm the life and physical integrity of persons (Art. 25), respect for basic judicial guarantees (Art. 26), prohibition of murder, inhumane and degrading treatments (Art. 30), protection of surrendered persons (Art. 31), and prohibition of acts of perfidy (Art. 32).</p> <p>Programs</p> <p>In 2016, the Defence and Veterans Ministry issued a Manual of military instruction on the laws of armed conflict for the Armed forces and Security Forces of Mali that was produced with the support of ICRC. This manual is a tool for teaching IHL in training centers and schools of the armed and security forces of Mali.</p> <p>Creation of an IHL and peacekeeping operation division and an IHL section within the Defence General Chief of Staff.</p> <p>Dissemination and training sessions at instruction centres and military schools are regularly co-organized by the ICRC and the Defence General Chief for ranking officers, noncommissioned and commissioned officers.</p> <p>A dissemination and training programme on IHL and the protection of women and children is financed by UN-Women and executed by the IHL section of Defence General Chief.</p>	<p>Legislation adopted: Joint Order n° 76/MNDN/MI/SP/D/AR of 27 July 2012 on integrating IHL or armed conflict law in the curricula of Defence and Security Forces.</p> <p>Programs: Handbook of IHL for Defence and Security Forces of Niger was validated by the Ministry of Defence on 28 October 2014 and officially launched on 24 March 2015. Through this manual, instructors in the training centers have adequate educational support to teach IHL.</p> <p>IHL is taught and subject to evaluation during the initial and continuous trainings at the Military School of Nigerian Armed Forces officers in Niamey (EFOFAN), at Agadez School of under-officers (ENSOA) and at the School of National Gendarmerie. ICRC is invited to provide IHL dissemination session to operational units of the Niger Armed Forces in Tillabery, Agadez and Diffa.</p> <p>IHL dissemination session are also provided by the United Nations to the Nigerian armed and security forces contingents to be deployed abroad as part of peacekeeping mission.</p>	<p>Programs: The Defence Headquarters, in collaboration with the ICRC, regularly organises dissemination sessions for members of the armed forces on IHL and humanitarian principles.</p> <p>The Defence Headquarters annually invites the ICRC to conduct a Training of Trainers on IHL for instructors drawn from various military institutions.</p> <p>The Defence and Services Headquarters regularly organize workshops and seminars on IHL to which the ICRC participates.</p> <p>The Armed Forces Unit and Formations, in collaboration with the ICRC, train selected officers and soldiers on IHL and humanitarian principles, who in turn train other troops as part of the unit formation training programmes</p>	<p>Legislation adopted: Military Code of Justice Law n° 94-44, 27 May 1994, establishes jurisdiction of military courts and provides for sanctions for crimes committed by military and paramilitary personnel before and during armed conflict. In addition to specific military infractions established by the Military Code, such as misuse of the emblem and pillage, military personnel are subject to the Penal Code.</p> <p>Decree n° 90-1159 PR/MFA of 12 October 1990, amended by Decree n° 2003-696/PR/MFA of 23 September 2003 and by n° Decree 2013-1367/PR/MFA of 21 October 2013 on the General Disciplinary Regulation of the Armed Forces which focuses on the need to protect the lives and dignity of persons affected by armed conflict (Art. 34).</p>	<p>Legislation adopted: The Code of Military Justice, adopted by the Parliament on 7 April 2016, criminalises serious violations of IHL and Human Rights Law committed by military personnel in the line of duty.</p>

## DISSEMINATION TO CIVILIAN POPULATION

The section on dissemination to the civilian population set out the following strategies/activities: 1) disseminate IHL knowledge and encourage its respect as widely as possible to parliamentarians, civil society, and the population as a whole including in local languages; 2) dissemination in Academics: [a] integrate IHL into relevant university programs, particularly faculties of law, medicine, and journalism/communications, [b] promote IHL related academic research and publication; 3) translate IHL treaties in the local languages of Member States

See Section I of the ECOWAS IHL POA: Dissemination of IHL knowledge, above.

The lead reviewer was Mr. Rombiré Bakieka, Head of the Outreach and Information Department at the Permanent Secretariat of the Interministerial Committee on Human Rights and International Humanitarian Law of Burkina Faso (IMCHR<sup>34</sup>); the technical expert was Mamadou Saliou Souaré, ICRC-Conakry Adviser to the Head of Mission.

Mr. BAKIEKA addressed two essential points, namely, a brief presentation of the National Commission of IHL of Burkina Faso, and the dissemination activities aimed at the civilian population. Regarding the first point, Mr. BAKIEKA indicated that the IMCHR serves as the National Commission for IHL in Burkina Faso. Time was spent allowing participants to discuss the composition, organization, and remit of the IMCHR, but also on ways of securing funding. He illustrated the last point by setting out the support from partners such as the ICRC and Scandinavian embassies, and contributions from the state budget which are often dependent on national priorities and political will.

With regard to the dissemination of IHL by the IMCHR, the activities carried out included the organization of dissemination activities for parliamentarians, judicial actors (judges, lawyers), professional social groups (human rights advisers and human rights attachés), and civil society organizations. In addition to these outreach activities, the IMCHR has also undertaken advocacy activities for the integration of IHL into universities, schools of administration and at the primary and secondary levels. With regard to digital communication, the national IMCHR has a Facebook page and plans to create a website.

The moderator, Mr. Olayemi, reminded all MS that the dissemination of IHL was a conventional obligation. He emphasized the importance of dissemination and training on IHL to all socio-professional sectors, from academic circles, authorities, law faculties, medical faculties, community leaders, media, etc. He also discussed the tools put in place by the ICRC to facilitate these disseminations, which would help students and other professionals looking to specialize in IHL.

The ICRC Conakry adviser, Mr. Souaré, recalled that the obligation of States to ensure the dissemination and promotion of IHL derives from Common Article 1 to 4 Geneva Conventions. It states that “the High Contracting Parties undertake to respect and to ensure respect for this Convention in all circumstances”. The obligation to disseminate IHL is based on the idea that good knowledge of its rules is an essential factor of its effective application, and the protection of the victims of armed conflicts. Hence the need to ensure that IHL is known to all: academia, parliament, civil society, NGOs, media, opinion leaders, and communities, etc.

Mr. Souaré said that there were multiple reasons for this dissemination of IHL, depending on the target audience. For example, concerning the academic environment, the individuals who animate this sector are often influential actors in civil society, or occupying certain positions within the executive, legislative, judicial, or even military apparatus. These actors could play a key role in promoting, raising awareness, and prioritizing certain IHL thematics and humanitarian actions. In these roles, the academic community

34 The Interministerial Committee for Human Rights and International Humanitarian Law was established by Decree No. 2005-100 / PRES / PM / MPDH of 23 February 2005, amended and finalized by Decree No. 2008-740 / PRES / PM / MPDH of 17 November 2008 and then by Decree No. 2013-1335 / PRES / PM / MDHPC / MEF of 31 December 2013 on the organization and functioning of the CIMHR; It is supported by a Permanent Secretariat organized by Decree No. 2014-160 / PRES / PM / MDHPC / MEF. The Committee is currently governed by Decree No. 2017-1053 / PRES / PM / MJDHPC / MINEFID on Organization and Responsibilities of the ICMHR.

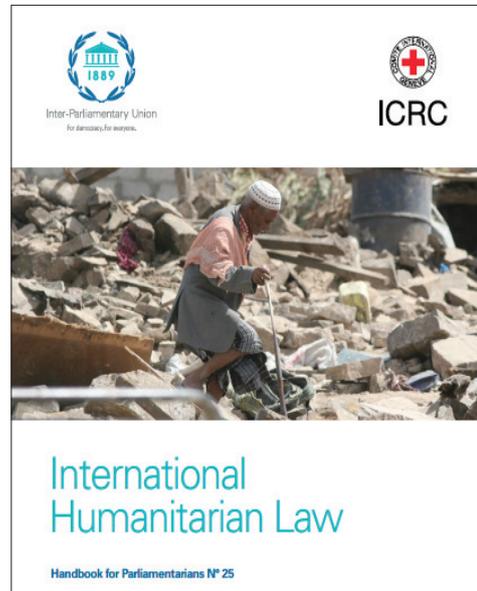
can have a significant influence on the state sector – even interstate – by contributing to the promotion and respect of IHL in state bodies or civil society. Also, it goes without saying that the academic sector, particularly the faculty, is able to exert considerable influence on tomorrow’s influential players, students and political youth. At this level too, a commitment by the academic sector to the teaching of IHL could ultimately have a significant impact on respect for IHL.

At the level of parliamentarians, they can effectively contribute to the adaptation of national legislation to ensure that their state complies with its international obligations under IHL. By exercising their powers and carrying out advocacy activities, they can also raise awareness of IHL in the public. As politicians and people’s representatives, parliamentarians must be at the forefront of efforts to ensure that IHL is applied scrupulously.<sup>35</sup> Moreover, the guide on IHL for use by members of the Inter-Parliamentary Union (IPU) and the ICRC is a valuable tool in this context.<sup>36</sup>

As for the media, they are vectors of information, especially during crises and during armed conflicts. The information they convey during these situations is decisive in the behavior of civilians. It is then recommended to train them on humanitarian reporting techniques.

The MS then generally stated that ICRC support for basic IHL education was very important, and it would need to continue through IHL textbooks for children and primary school teachers. When looking at promoting respect for IHL, it was encouraged that trainers look beyond the repression aspect, and present the moral face on protection of those not directly participating in hostilities. Organizing debates/talks on IHL themes through the radio, or in public fora, such as theaters, would work well to get the messaging across. ECOWAS was called on to support the development of IHL modules for all social classes. The importance of conducting dissemination sessions in the local languages was agreed on by the participants.

Following this discussion, the Section K of the ECOWAS IHL POA was validated.



35 ICRC, The Role of Parliamentarians in the Implementation of IHL, Fact Sheet, May 2018, available online: <https://www.icrc.org/en/document/role-parliamentarians-implementing-international-humanitarian-law> .

36 IPU and ICRC, International Humanitarian Law: A Handbook for Parliamentarians N. 25, 2016, available online: <https://shop.icrc.org/respect-for-international-humanitarian-law-2830.html> .

COMPARATIVE TABLE 12: IHL INTEGRATION IN ACADEMICS IN WEST AFRICA

Burkina Faso	The Gambia	Ghana	Guinea	Liberia	Mali	Niger	Nigeria	Senegal
Public Administration and Judiciary School Curricula is being revised to integrate, among others, human rights and (possibly) IHL as part of integrating human rights into public education system program.	IHL is taught at the Banjul Law Faculty	IHL is studied as an elective course in the School of Law of the University of Ghana, Legon-Accra	IHL is taught in all Law Faculties of the Universities of Conakry and the country's interior, in line with the training programme developed by the Ministry for Higher Education as part of the Licence, Masters and Doctorate system in force.	IHL is taught at the Cuttington University The Ministry of National Defense in collaboration with the Ministry of Education is planning to draft a Reserved Officer training Course (ROTC) to be used at Universities and high schools. It will contain the sections on the Red Cross and basic information on IHL	The integration of IHL in Mali's University of Legal and Economic Sciences (public university), as a minor course unit, dates back to the 1996-1997 academic year. Today, IHL is part of the program at Licence level at the Public Law Faculty. IHL is also taught in private institutes of legal studies such as the Institute of Political Sciences and International Relations (ISPRIC), Ahmed Baba University at Licence or Masters level. Total IHL hours across universities ranges from 20 and 25 hours	IHL is part of the curriculum of the Law Faculties at Niamey and Tahou Universities. In Niamey, IHL is also taught to Licence students studying Public Law option. IHL and penal repression of IHL violations is taught at the Public Administration and Judiciary School, with support from the ICRC. IHL is taught in some private professional schools in Niamey, such as the Complexe ELITE	IHL is taught at undergraduate, masters and doctorate levels in the following Nigerian universities, with support from the ICRC : Obafemi Awolowo University, Ahmadu Bello University, Abia State University, Usmanu Danfodio University, Bayero University, University of Uyo, Rivers State University of Science & Technology, University of Ibadan, University of Maiduguri, Lagos State University, University of Lagos, University of Jos, University of Abuja, Benson Idahosa University, University of Benin, Nasarawa State University, University of Nigeria, Afe Babalola University, Ambrose Alli University, University of Calabar, Niger-Delta University, Delta State University, and Babcock University	IHL is taught at master degree level in 3 public academic establishments (Université Cheikh Anta Diop of Dakar (40 hours), Université Gaston Berger of Saint Louis, and Institut des Droits de l'Homme et de la Paix) and in private universities (Université du Sahel and Université Amadou Hampâté Ba

## PRESENTATION OF STUDY: THE ROOTS OF RESTRAINT IN WAR

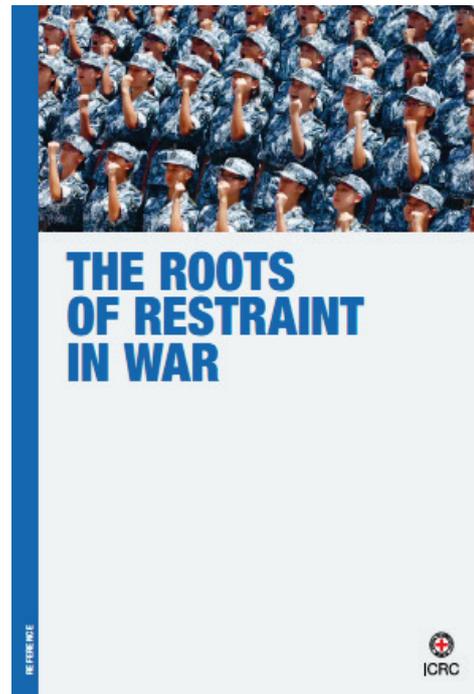
Mr. Leven Vezir, the ICRC–Geneva Armed and Security Forces Adviser, presented a new ICRC study titled “The Roots of Restraint in War”<sup>37</sup>. As the title suggests, this new study aimed to better identify the factors that influence the behavior of all weapon bearers, whoever they may be, urging them to respect certain limits when using armed violence, and to maintain a minimum of humanity even in the heart of the fighting. Mr Vézir said that the study constituted the update of a study on the origins of behavior in war carried out by the ICRC in 2004.<sup>38</sup> Written just over a decade later, this new study revisits some of the findings of the original study, in light of changes in the nature of conflict and armed groups over time.

Before presenting the methodology and conclusions of this study, Mr. Vezir highlighted the important new trends that had emerged over the past decade and the serious challenges these trends posed to humanitarian organizations. In particular, he emphasized that the number of ongoing armed conflicts around the world has increased dramatically in the last 15 years, and the number of parties involved in these conflicts has increased exponentially. He then contextualized the issue of the behavior of armed groups in the current global political environment, noting a number of serious emerging issues that affect the security of civilians in armed conflict, such as armed conflicts in urban areas that cause massive displacement, and destroy critical infrastructure.

On the methodology, Mr. Vezir said the study was based on empirical research conducted in five countries, including Mali, analyzing in eight case studies the sources of influence that have led to the development of restraint standards for members of state armed forces or state armed groups. In these case studies, the researchers studied the culture and practices of these arms carriers and identified various political, ethical and socio-economic reasons for the behavior of the various parties to a conflict.

Socialization, the process through which norms and rules are gradually accepted in society, and then respected on the battlefield, emerged as a key element of this research. Mr. Vezir explained why the organizational structure of the parties to armed conflict was relevant to the analysis of the process of socialization of norms; illustrating it with the various types of armed organizations under study: integrated state armed forces, armed groups centralized non-state actors, decentralized non-state armed groups and community-based armed groups.

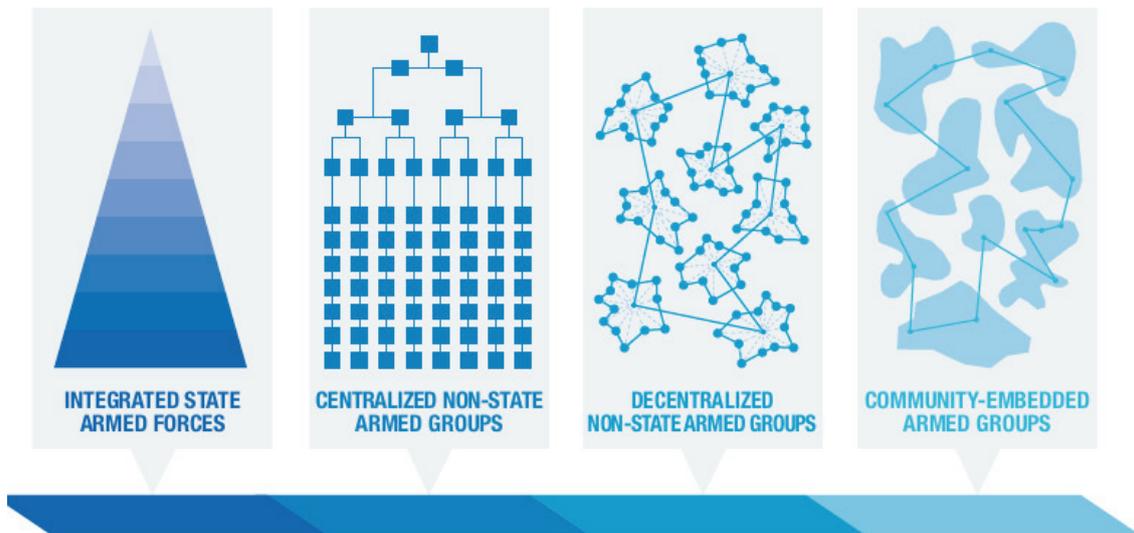
Finally, Mr. Vezir emphasized that linking law to local norms and values gives the law more strength. The law plays a vital role in establishing standards. Encouraging each individual to embrace – through socialization – the values that the law represents helps promote standards of restraint in a more sustainable way.



37 “The Roots of Restraint in War”, ICRC, 2018, available online: <https://www.icrc.org/en/publication/roots-restraint-war>.

38 Daniel Muñoz-Rojas and Jean-Jacques Frésard, “The Roots of Behaviour in War”, ICRC, Geneva, 2004.

**Figure 2: The spectrum of armed-group organization**



## FINAL VALIDATION OF THE PLAN OF ACTION AND CLOSING REMARKS

The ICRC Abuja Deputy Head of Delegation, Dr. Jean-François Quéguiner, opened the final session with an overview of the topics covered by the MS, and the key points which were raised for each topic. Following this overview, the Nigerian representative, Mrs. Oche-Obe, who acted as the chair of the meeting, called on MS participants to vote on validation of the POA. The MS unanimously voted for validation, and the validation report was signed by Mrs. Oche-Obe, certifying the MS experts' approval for the meeting.

The following recommendations were set forth in a bid to further enhance the implementation of the ECOWAS POA:

1. That Member States implement the ECOWAS IHL Plan of Action at the national level by integrating it in their national IHL Plans of Action, as it is designed to facilitate the IHL implementation goals of the ECOWAS Commission and Member States;
2. That Member States adopt good reporting practices based on the indicators in the Plan of Action, with timely requests to ECOWAS for national IHL implementation reports;
3. That Member States make timely requests to ECOWAS and ICRC in areas where technical assistance is necessary to facilitate the implementation of the Plan of Action;
4. That ECOWAS politically supports efforts led by Member States to ensure the establishment and functioning of the National IHL Committee; and
5. That ECOWAS and ICRC should continue to support capacity building for effective IHL implementation.

Following these recommendations, Amb. Babatunde Nurudeen, the Ambassador of Nigeria to ECOWAS, joined Eloi Fillion, ICRC Abuja Head of Delegation, the representative of the Nigerian Minister of Foreign Affairs, Mr. Udo Oyi, and the representative of the ECOWAS Commissioner of Social Affairs and Gender, to congratulate the MS experts on the completion of the difficult task set before them. The validated POA was lauded as a strong document, which would guide the IHL implementation efforts of all MS. The MS participants were urged to return to their countries and begin promoting the implementation of the POA immediately. They were assured of the continued support of ECOWAS and the ICRC, but reminded that most of the effort would need to come from them at the national level. With these messages of support, the meeting was closed.

# ANNEX I: ECOWAS IHL PLAN OF ACTION 2019-2023

ECOWAS PLAN OF ACTION (POA) ON IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW IN WEST AFRICA (2019-2023)					
Strategies / Activities	Success Indicators	Responsible Institution	Sources of Verification	Timeframe	
<b>ECOWAS Member States</b>					
A	<p><b>Signature and ratification or accession to IHL treaties:</b></p> <p>1. Sign, ratify or access the most relevant IHL treaties *list of treaties annexed</p>	<p>a. Number of outstanding IHL treaties signed and ratified or acceded to.</p>	<ul style="list-style-type: none"> <li>- Legislative and executive branches of the government</li> <li>- Ministries, or organs charged with treaty ratification</li> <li>- National IHL Committees<sup>39</sup></li> </ul>	<ul style="list-style-type: none"> <li>- Signature and deposition of instrument of ratification/ accession with the appropriate depository</li> </ul>	2019- 2023
B	<p><b>National IHL Committees:</b></p> <p>1. Establish or reactivate National IHL Committees – or corresponding inter-ministerial organs responsible for IHL – effectively advising and assisting governments in implementing and spreading knowledge of IHL</p> <p>2. Develop national IHL POAs with participation from government and civil society</p>	<p>a. Number of meetings per year held by committee or organ responsible for IHL</p> <p>b. Number of reports produced</p> <p>c. Adoption of committee recommendations by the relevant branches of government</p> <p>d. Publication of national IHL POA</p>	<ul style="list-style-type: none"> <li>- National IHL Committees</li> <li>- Ministries charged with establishing and mandating a National IHL Committee</li> <li>- Relevant ministries that should sit on National IHL Committees including Ministries of Justice, Defense, Interior and Foreign Affairs</li> </ul>	<ul style="list-style-type: none"> <li>- Establishment instruments (e.g. decree or inter-ministerial order),</li> <li>- Annual budget</li> <li>- Draft of National IHL plan of action</li> <li>- Annual report on IHL implementation activities</li> <li>- Recommendations and reports sent to relevant branches of government</li> </ul>	2019-2020

39 References to National IHL Committee in this POA refer to National IHL Committees or corresponding inter-ministerial organs responsible for IHL.

C	<p><b>Migrants<sup>40</sup> and Internally Displaced Persons (IDPs):</b></p> <ol style="list-style-type: none"> <li>1. Ensure legislation, procedures and policies relating to the protection, safety, and dignity of all migrants, and IDPs, provide adequate safeguards in line with IHRL, IHL, and Refugee Law.</li> <li>2. Implement specific legislation and policies for IDPs, which fully incorporate the requirements and protections of the Kampala Convention</li> <li>3. Designate and mandate a competent national authority or body responsible for protection and assistance, assigning responsibilities to appropriate organs, and cooperating with relevant international agencies and civil society organizations</li> <li>4. Ensure border security agencies and other bodies dealing with migrants receive special training on the rights of migrants, and the special classes of migrants such as refugees and other asylum seekers.</li> <li>5. Initiate information campaigns for the civilian population, migrants, and IDPs, detailing the rights and protections due to these vulnerable groups, and encouraging community level respect and acceptance</li> </ol>	<p>a. Legislation, procedures and policies protecting the safety and dignity of migrants in line with IHRL, IHL and Refugee Law;</p> <p>b. Legislation and policies integrating the Kampala Convention;</p> <p>c. Designation of a competent national authority for the protection and assistance of migrants and IDPs</p> <p>d. Number of border security units given special training on the rights, protection, and differing status of migrants</p> <p>e. Diversity, quality, and geographic scope of information campaigns</p>	<ul style="list-style-type: none"> <li>- Legislative, executive, and judicial branches of government;</li> <li>- Relevant ministries</li> <li>- National IHL Committee</li> <li>- National authority for the protection and assistance of migrants and IDPs</li> <li>- Media</li> <li>- Border security agencies</li> </ul>	<ul style="list-style-type: none"> <li>- Gazetted legislations;</li> <li>- National policies;</li> <li>- Establishment instruments (e.g. decree, inter-ministerial order, terms of references) of a national authority or body for migrant and IDPs protection and assistance;</li> <li>- Reports on status of migrants and IDPs from national agencies, civil society, and international organizations monitoring migration and IDPs related issues</li> <li>- Training manuals and reports and assessment results following border security officer trainings</li> <li>- Dissemination campaigns through radio, television, newspaper, and in-person presentations</li> </ul>	2019-2021
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40 “Migrants” refers here to its broad definition which includes refugees, asylum seekers and irregular migrants to capture the full extent of humanitarian concerns related to migration, and to provide sufficient flexibility to address people’s often complex and changing situation, regardless of their reasons for migrating.

D	<p><b>Children:</b></p> <ol style="list-style-type: none"> <li>Integrate, and ensure respect for, the rules of treaties relating to the rights of children in armed conflicts, including the Geneva Conventions and its Protocols and the 1989 Convention on the rights of the Child and its 2000 Optional Protocol, into domestic legal frameworks</li> <li>Incorporate specific training on the protection of children, and treatment of child combatants, into the training of all ranks of soldiers and security forces</li> <li>Designate specially trained senior security and military officers in charge of working with active units, relevant ministries, and civil society groups to protect the access of children to education</li> <li>Ensure children are protected and left untouched by all participants during armed conflicts and other situations of violence</li> <li>Ensure schools are protected and left untouched by all participants during armed conflicts and other situations of violence</li> </ol>	<p>a. Legislation and measures protecting the rights of children in armed conflicts and criminalizing related IHL violations</p> <p>b. Number of judicial proceedings in cases of IHL violations against children</p> <p>c. A module on child protection is required for all soldiers and members of security forces in training</p> <p>d. Number of coordination and dissemination meetings facilitated by designated senior security and military officers</p> <p>e. Children have continuous access to education in secure environments throughout any period of armed conflict or other situations of violence</p> <p>f. Schools remain unoccupied and undamaged by combatants during armed conflicts or other situations of violence</p>	<ul style="list-style-type: none"> <li>Legislative, executive, and judicial branches of government</li> <li>Relevant ministries</li> <li>National IHL committees</li> <li>Military and paramilitary training centers</li> <li>Civil society groups</li> </ul>	<ul style="list-style-type: none"> <li>Gazetted legislations</li> <li>National policies</li> <li>Judicial decisions</li> <li>Reports from national agencies, civil society, and international organizations monitoring child protection</li> <li>Updated training manuals</li> <li>Special designation/orders issued to selected senior officers</li> <li>Surveys and reports of students and other members of the community during and after armed conflicts and other situations of violence</li> </ul>	2019-2021
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E	<p><b>Sexual violence:</b></p> <ol style="list-style-type: none"> <li>1. Integrate measures to prevent and criminalize rape and other forms of sexual violence during armed conflict in domestic legislation, with special protections for the most vulnerable groups, e.g. women and children</li> <li>2. Create dissemination programs on the prevention of sexual violence to the general public and to armed forces</li> <li>3. Establish specialized trainings for the judicial sector on the prosecution of IHL violations relating to sexual violence</li> <li>4. Ensure military and security authorities establish strong and sensitive internal systems for monitoring and responding to sexual violence, taking into account the differing needs of each survivor</li> <li>5. Provide specialized training for personnel in all institutions who may respond to sexual violence in armed conflict, stressing the importance of sensitivity to the needs of survivors</li> </ol>	<p>a. Legislation and measures preventing and criminalizing rape and other forms of sexual violence during armed conflicts;</p> <p>b. Number of judicial procedures and decisions on IHL violations relating to sexual violence</p> <p>c. Number of dissemination programs, with the civilian component receiving equal priority</p> <p>d. Participation by civil society groups and community leaders in the dissemination programs</p> <p>e. Number of judges going through the specialized judicial training</p> <p>f. Number of survivors assisted as a result of the authorities' monitoring and response system</p> <p>g. All personnel responding to survivors of sexual violence in armed conflict benefit from specialized training for treatment of survivors</p> <p>h. Percentage of survivors who receive ongoing assistance in all areas of need</p> <p>i. Number and quality of joint initiatives by the government with the National Societies</p>	<ul style="list-style-type: none"> <li>- Legislative, executive, and judicial branches of government</li> <li>- Relevant ministries including the Ministries of Justice, Health, and Defense;</li> <li>- Armed and security forces commanders and military courts;</li> <li>- State prosecutors and the judiciary</li> <li>- Relevant governmental and private institutional personnel</li> <li>- National Societies of the Movement</li> </ul>	<ul style="list-style-type: none"> <li>- Gazetted legislation;</li> <li>- National policies and statistics;</li> <li>- Reports on dissemination initiatives;</li> <li>- Literature/manuals and other materials used in the disseminations and specialized trainings;</li> <li>- Reports on specialization trainings for the judicial sector</li> <li>- Reports from national agencies, civil society, and international organizations monitoring sexual violence</li> <li>- Judicial decisions</li> <li>- Annual reports of results from military and security authorities on the work monitoring and response system related to sexual violence</li> <li>- Training manuals and assessment results of specialized trainings</li> <li>- Surveys of survivors</li> <li>- Reports from National Societies</li> </ul>	2019-2022
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<p>6. Work with National Red Cross and Red Crescent Societies and civil society organizations to ensure survivors of sexual violence have ongoing access to any non-discriminatory assistance they require (health care services, rehabilitation, psychological, socio-economic, and/or spiritual). All while ensuring the privacy, dignity, and safety of the survivors, and working to combat social stigma that may exist</p>				
<p>F <b>Protection of Health Care and the Red Cross and Red Crescent Emblem:</b> 1. Integrate and enforce measures set out in IHL and IHRL instruments on the respect and protection of health care in domestic legal frameworks 2. Enact specific legislative and regulatory measures to prevent and criminalize misuse of the Movement's emblems as set out in the Geneva Conventions and their Additional Protocols</p>	<p>a. Legislation and measures ensure the respect and protection of health care in armed conflicts and in other situations of violence; b. Legislation and measures prevent the misuse of the emblems; c. Number of judicial procedures relating to violations of laws protecting healthcare and/or the emblems d. Operating procedures protecting access and delivery of health care during security operations are included in templates for all security operations e. Number of disciplinary proceedings by medical boards for discrimination in health care delivery</p>	<ul style="list-style-type: none"> <li>- Legislative, executive, and judicial branches of the government</li> <li>- National IHL Committees</li> <li>- Relevant ministries including Ministries of Justice, Health, and Defense</li> <li>- Security forces and their strategic planning units</li> <li>- Medical ethics boards and other similar bodies monitoring the practices of health care workers</li> <li>- Health care personnel, recipients, and community stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>- Gazetted legislation</li> <li>- National policies</li> <li>- Judicial decisions</li> <li>- Reports from healthcare providers and organizations working in the field</li> <li>- Copies of operating procedures and military doctrines approved for specific operations</li> <li>- Reports of meetings of medical ethics bodies, and copies of disciplinary decisions</li> <li>- Dissemination materials and follow up surveys in local communities</li> <li>- Reports of attacks, abuse, or discrimination against health care personnel, recipients, facilities, or transport</li> </ul>	<p>2019-2022</p>

	<p>3. Scrutinize the doctrines, standard operational procedures, trainings, and practices of security operations to ensure access and delivery of health care is protected in all instances</p> <p>4. Governmental organs work with medical ethics bodies to investigate and discipline erring medical professionals and sensitizing the public on medical ethics and respect of the right of all to access health care, without discrimination, at all times</p> <p>5. Establish national data collection mechanisms/ frameworks for documenting incidents of violence against the sick and wounded, healthcare personnel, facilities and transport. Also, promote research and reporting on the public health impact of such occurrences.</p>	<p>f. Number of public disseminations on respect for health care access for all</p> <p>g. Data collection mechanisms of all violent or discriminatory acts against health care recipients, personnel, facilities, or transportation</p>			
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G	<p><b>Counter-Terrorism:</b></p> <ol style="list-style-type: none"> <li>1. Ensure domestic legal frameworks related to counter-terrorism do not overlap or contradict IHL by prohibiting conduct which is lawful under IHL, creating legal confusion, and adversely affecting the underlying principles of IHL</li> <li>2. Ensure humanitarian actors are able to conduct their non-discriminatory protection and assistance activities without the threat of prosecution or harassment by the government, security forces, or general population</li> </ol>	<ol style="list-style-type: none"> <li>a. Legislation on counter-terrorism that do not overlap or contradict IHL</li> <li>b. Judicial decisions correctly interpreting counter-terrorism laws and IHL not creating legal confusion, and adversely affecting the underlying principles of IHL</li> <li>c. Humanitarian workers carry out activities without adverse reactions from the State</li> <li>d. The civilian population and security forces understand the importance of nondiscriminatory provision of assistance to vulnerable populations.</li> </ol>	<ul style="list-style-type: none"> <li>- Legislative, executive, and judicial branches of the government</li> <li>- Relevant Ministries including Ministries of Justice, Defense and Interior</li> <li>- National IHL Committees</li> <li>- Specialized military and paramilitary forces</li> </ul>	<ul style="list-style-type: none"> <li>- Gazetted legislation and regulations;</li> <li>- Judicial decisions</li> <li>- Reports from humanitarian organizations following protection or assistance activities</li> <li>- Reports from discussions with community groups and security forces</li> </ul>	2019-2023
H	<p><b>Use of Force in Law Enforcement:</b></p> <ol style="list-style-type: none"> <li>1. Ensure legislation, procedures and policies regulating use of force provide adequate safeguards in line with IHL, IHL and Domestic Law</li> <li>2. Initiate training and capacity-building of security officials in accordance with international rules and standards, including teaching of police ethics, human rights and correct use of force considering legality, necessity and proportionality.</li> <li>3. Provide security officials with non-lethal weapons highlighting adverse effects on health to ensure a differentiated use of force, and penalize all excessive use of force</li> </ol>	<ol style="list-style-type: none"> <li>a. Legislation is passed enshrining the limits on the use of force in law enforcement, and implemented at the relevant levels of law enforcement</li> <li>b. Number of officials trained in police ethics, human rights and alternatives to the use of force</li> <li>c. Reduction in the amount of firearm use by law enforcement, and complaints of excessive force.</li> <li>d. All illegal use of force is penalized by the appropriate law enforcement mechanisms, and the judiciary</li> </ol>	<ul style="list-style-type: none"> <li>- Legislative, executive, and judicial branches of the government</li> <li>- Relevant Ministries including Ministries of Justice, Defense and Interior</li> <li>- Law enforcement agencies</li> <li>- National IHL Committees</li> </ul>	<ul style="list-style-type: none"> <li>- Gazetted legislation</li> <li>- Training reports, list of participants, and evaluations</li> <li>- Training manuals or modules for specialization training</li> <li>- Judicial and law enforcement agency decisions on use of force cases</li> <li>- Statistics on firearm use, and excessive force complaints</li> </ul>	2019-2022

I	<p><b>Arms Control.</b></p> <ol style="list-style-type: none"> <li>1. Harmonize domestic legal frameworks with IHL instruments regulating weapons, including the ATT and ECOWAS Convention on Small Arms and Light Weapons (SALW)</li> <li>2. Designate and mandate competent national authorities and focal points – such as National Arms Control Committees and/or National Commission for the fight against the illicit proliferation and circulation of Small Arms and Light Weapon – to foster, coordinate and report on the implementation of IHL instruments regulating weapons</li> <li>3. Establish and maintain national records of export authorization or actual export of conventional arms</li> <li>4. Establish national control systems regulating export, import, transit, transshipment of, and brokering activities related to, conventional arms, and to regulate the exports of related ammunition and parts and components</li> </ol>	<ol style="list-style-type: none"> <li>a. Legislation and measures regulating the use, transfer and brokering of weapons, their ammunition and other related materials in conformity with IHL and relevant treaties;</li> <li>b. Active and efficient national authorities or focal point foster, coordinate and report on the implementation of IHL instruments regulating weapons</li> <li>c. Effective national records of export authorization or actual export of conventional arms</li> <li>d. Effective national control systems regulating export, import, transit, transshipment of, and brokering activities related to, conventional arms, and to regulate the exports of related ammunition and parts and components</li> </ol>	<ul style="list-style-type: none"> <li>- Legislative and executive branches of government;</li> <li>- National IHL Committees;</li> <li>- SALW Committees;</li> <li>- Relevant ministries including Ministries of Justice, Defense, and Interior</li> <li>- National agencies of control and regulation of import and actual export of conventional weapons</li> </ul>	<ul style="list-style-type: none"> <li>- Legislation, regulations and practice;</li> <li>- Implementation reports submitted to the relevant treaty organs,</li> <li>- Establishment instruments (e.g. decree or inter-ministerial order) of arms control national authorities and focal points</li> <li>- Arms control national authorities and focal points' activity reports and recommendations</li> </ul>	2019-2023
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J	<p><b>Penal repression of IHL violations:</b></p> <ol style="list-style-type: none"> <li>1. Harmonize domestic legislation with IHL instruments for effective prevention, prosecution and punishment of IHL violations</li> <li>2. Ensure judicial guarantees reflected in IHL and IHRL are integrated in domestic legislation</li> <li>3. Integrate IHL in initial and periodic specialization trainings for judges, prosecutors, and other judicial actors</li> <li>4. Take all measure to facilitate judicial cooperation between the competent authorities of Member States</li> </ol>	<ol style="list-style-type: none"> <li>a. Criminal legislation harmonizing domestic law with IHL</li> <li>b. Number of judges, prosecutors and other judicial actors trained on IHL</li> <li>c. Number of judges, prosecutors and other judicial actors specialized in IHL</li> <li>d. Number of IHL related prosecutions and judicial decisions upheld and respected</li> </ol>	<ul style="list-style-type: none"> <li>- Legislative, executive, and judicial branches of government</li> <li>- Relevant ministries including Ministries of Justice and Defense</li> <li>- National IHL committees</li> <li>- High Magistracy Council</li> <li>- National School of Administration and Magistracy</li> <li>- Bar association</li> <li>- Military and paramilitary Schools</li> </ul>	<ul style="list-style-type: none"> <li>- Gazetted legislation</li> <li>- Training manuals or modules for initial and specialization trainings</li> <li>- IHL related judicial decisions</li> </ul>	2019-2023
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K	<p><b>Dissemination of IHL knowledge</b></p> <ol style="list-style-type: none"> <li>1. Disseminate IHL knowledge and encourage its respect as widely as possible to parliamentarians, civil society, and the population as a whole including in local languages;</li> <li>2. Dissemination in Academics:       <ol style="list-style-type: none"> <li>a. Integrate IHL into relevant university programs, particularly faculties of law, medicine, and journalism/communications</li> <li>b. Promote IHL related academic research and publication</li> </ol> </li> <li>3. Dissemination to Military/Paramilitary Forces       <ol style="list-style-type: none"> <li>a. Designate competent legal authorities to advise commanders on the application of IHL and IHR, and on appropriate instructions to give military and security forces</li> <li>b. Ensure IHL/IHR rules are integrated in trainings and rules of engagement of military and security forces during internal security and peacekeeping missions, with particular focus on protection of women and children and to translate them in the local languages of Member States</li> <li>c. Ensure the judicial bodies of military and security forces are trained in the application of IHL, and can punish IHL violations by their troops</li> </ol> </li> <li>4. Translate IHL treaties in the local languages of Member States</li> </ol>	<ol style="list-style-type: none"> <li>a. Number of IHL related prosecutions and judicial decisions upheld and respected</li> <li>b. Amount of legislation passed implementing IHL related treaties</li> <li>c. Number of meetings, trainings and activities with civil society actors, the media, medical organizations, and special interest groups</li> <li>d. Amount and quality of IHL dissemination material</li> <li>e. Number of active civil society and academic networks on IHL;</li> <li>f. Number and quality of universities integrating IHL course and specialization programs</li> <li>g. Number and quality of IHR and IHL legal advisors for military and security forces;</li> <li>h. Amount and quality of advice to military commanders on the application of IHL and IHR</li> <li>i. Mainstreaming of IHL into training programs of military and security forces;</li> <li>j. Establishment of protection units sensitized to special protection needs of women and children</li> <li>k. Successful court martial of all proven cases of IHL violations, with appropriate punishments meted out</li> </ol>	<ul style="list-style-type: none"> <li>- National IHL Committees;</li> <li>- Relevant ministries including Ministries of Education, Defense, and Justice;</li> <li>- Parliamentarians</li> <li>- Universities including Law Faculties, Medical Schools and Communication Departments</li> <li>- Military and paramilitary forces legal advisors</li> <li>- Military courts and tribunals</li> <li>- Military and paramilitary Schools</li> </ul>	<p>Dissemination activity reports, list of participants and evaluations</p> <ul style="list-style-type: none"> <li>- Media coverage of IHL related news</li> <li>- University programs and curriculum integrating IHL</li> <li>- IHL related academic research and publication</li> <li>- Establishment acts creating military and security forces</li> <li>- legal advisors positions, with designations made by commanders</li> <li>- Military and paramilitary forces training manuals and curricula;</li> <li>- Specialized training manuals and courses on the protection of particularly vulnerable groups in armed conflicts or other situations of violence</li> <li>- Participation of military and security forces legal advisors in trainings and deployments;</li> <li>- Recommendations and reports of military and security forces legal advisors</li> <li>- Decisions of military courts/tribunals</li> </ul>	2019-2023
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<b>ECOWAS COMMISSION</b>			
<b>L</b>	<p><b>ECOWAS-ICRC IHL Review Meeting on the Implementation of IHL in West Africa:</b>                      With the support of ICRC:                      1. Organize an IHL Review Meeting on the Implementation of IHL in West Africa                      2. Prior to the meeting, engage with Member States (MS) on their reporting on IHL implementation                      3. After the meeting, engage with MS and ECOWAS representations in MS for technical and diplomatic support towards the implementation the national IHL priorities set during the meeting</p>	<p>a. Level of attendance and participation to the IHL Review Meeting                      b. Quality and number of the national report submitted by MS on national IHL implementation                      c. Number and quality of meetings, correspondence and initiatives with MS and ECOWAS representations MS</p>	<ul style="list-style-type: none"> <li>- ECOWAS Commission</li> <li>- ICRC Delegations in Member States' capitals</li> <li>- Member States</li> </ul>
<b>M</b>	<p><b>ECOWAS Parliament:</b>                      1. Disseminate IHL to ECOWAS Parliament to ensure it is prioritized</p>	<p>a. Number of Parliamentarians participating in information sessions on IHL and number of sessions;                      b. Independent Parliamentary discussions on IHL and its application in the region</p>	<ul style="list-style-type: none"> <li>- ECOWAS Commission,</li> <li>- ECOWAS Representation in Member States' capitals,</li> <li>- ICRC's Delegation in Abuja</li> </ul>
<b>N</b>	<p><b>IHL trainings for MS officials:</b>                      1. Organize/support IHL trainings for National IHL Committees – or corresponding inter-ministerial organs responsible for IHL – and members of the executive, legislative, and judicial branches in MS</p>	<p>a. Number of training sessions, workshops and events;                      b. Evolution of policies and laws reflecting acceptance and respect for IHL</p>	<ul style="list-style-type: none"> <li>- ECOWAS Commission,</li> <li>- ICRC Delegations in MS,</li> <li>- ECOWAS Representation in MS</li> </ul>
			<ul style="list-style-type: none"> <li>- Report of the meeting, list of participants and evaluation;</li> <li>- MS Reports on national IHL implementation</li> <li>- Official correspondence between ECOWAS and MS</li> </ul>
			<ul style="list-style-type: none"> <li>- Reports of sessions held;</li> <li>- Public statements or resolutions reflecting the goals and application of IHL accurately</li> </ul>
			<ul style="list-style-type: none"> <li>- Activity reports, lists of participants and evaluations;</li> <li>- public statements, or gazette legislation, reflecting respect for IHL</li> </ul>
			2019-2021
			2019-2021
			2019-2023

0	<p><b>ECOWAS Standby Force (ESF) IHL training:</b></p> <p>1. Follow up and contribute to the integration of IHL in ECOWAS Standby Force's (ESF) operational and pre-deployment trainings and manuals</p>	<p>a. Integration of IHL in Field Training Exercises (FTX) and Command Post Exercises (CPX) held periodically;</p> <p>b. Number of pre-deployment trainings;</p> <p>c. Annual ICRC IHL workshop for military and police commanders from the EOCWAS MS</p>	<ul style="list-style-type: none"> <li>- ICRC's Delegation in Abuja</li> <li>- ESF</li> <li>- Ecole de Maintien de la Paix Alioune Blondin Beye, Bamako</li> <li>- Koffi Annan Centre, Accra</li> <li>- National defense college</li> <li>- Martin Luther Adwai International Leadership and Peacekeeping Center</li> </ul>	<ul style="list-style-type: none"> <li>- Training Manuals;</li> <li>- Activity reports, list of participants and evaluations;</li> <li>- FTX and CPX evaluations</li> </ul>	2019-2023
P	<p><b>Technical support to Peacekeeping Institutions:</b></p> <p>1. Provide technical support to peacekeeping training institutions in MS</p>	<p>a. Number of trainings;</p> <p>b. Quality of support provided in trainings</p>	<ul style="list-style-type: none"> <li>- ICRC's Delegation in Abuja</li> <li>- ESF</li> </ul>	<ul style="list-style-type: none"> <li>- Activity reports, list of participants, evaluations</li> </ul>	2019-2023

## IMPLEMENTATION MECHANISM

ECOWAS and the ICRC will establish a Joint Technical Working Group in charge of implementation of the Plan of Action. The Humanitarian Affairs Division of the Department of Humanitarian and Social Affairs shall be the focal point for ECOWAS in the implementation of the Plan of Action.

### MONITORING AND EVALUATION

- There shall be quarterly meetings of the Joint Technical Working Group to assess the progress recorded within the sub region in implementing the Plan of Action.
- Member States of ECOWAS will be required to submit annual reports on measures taken in implementing the Plan of Action; these reports must be submitted to the ICRC Mission or Delegation in your country latest by 30th of June each year.
- The agenda for the ECOWAS-ICRC Annual Seminar on the Implementation of International Humanitarian Law Treaties in West Africa, traditionally held in the middle of each year, will biennially focus on the status of implementation of the Plan of Action and implementation of IHL priorities by Member States.

### INTERNATIONAL HUMANITARIAN LAW INSTRUMENTS:

- Rome Statute of the International Criminal Court,
- Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. 12 August 1949;
- Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces. 12 August 1949;
- Convention (III) relative to the Treatment of Prisoners of War, 12 August 1949;
- Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949;
- AP (I) to the Geneva Conventions 12 August 1949, relating to the Protection of Victims of Armed Conflicts, 8th June 1977;
- AP (I) Declaration Art. 90 Acceptance of the Competence of the International Fact- Finding Commission according to article 90 of AP (I);
- AP (II) to the Geneva Conventions 1949, relating to the Protection of Victims of Non-International Armed Conflicts, 8th June 1977;
- AP (III) to the Geneva Conventions 1949, relating to the Adoption of an Additional Distinctive Emblem Protocol III, 8 December 2005;
- Convention on the Rights of the Child, New York, 20 November 1989;
- Opt. Prot. To the Convention on the Rights of the Child on the involvement of children in Armed Conflict, New York, 25 May 2000;
- Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954;
- First Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14th May 1954;
- Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 26 March 1999;
- Convention on the prohibition of the military or any other hostile use of environmental modification techniques, New York, 10 December 1976;
- Protocol for the prohibition of Asphyxiating, Poisonous or other Gases, and Warfare, Geneva, 17 June 1925;
- Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. Opened for Signature at London, Moscow and Washington, 10 April 1972;
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects. Geneva, 10 October 1980;
- Protocol on non-detectable fragments (I);
- Protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices (II);
- Protocol on prohibitions or restrictions on the use of incendiary weapons (III);

- Protocol on Blinding Laser Weapons (Protocol IV to the 1980 Convention), 13 October 1995;
- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 Convention);
- Amendment to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III), Geneva 21 December 2001;
- Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III). Geneva, 28 November 2003;
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Paris 13 January 1993;
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, Oslo, 18 September 1997;
- Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005
- Convention on Cluster Munitions (2008)
- The Arms Trade Treaty (2014)

## REGIONAL INSTRUMENTS

- African Charter on the Rights and Welfare of the Child 1990
- African Union Convention on Internally Displaced Persons
- ECOWAS Convention on Small Arms and Light Weapons

# ANNEX II: IHL TREATY RATIFICATIONS

Country	CPED 2006	ICC Statute 1998	Hague Conv. 1954	Hague Prot. 1954	Hague Prot. 1999	ENMOD Conv. 1976	Kampala Convention 2009
Benin	-	22.01.2002	17.04.2012	17.04.2012	17.04.2012	30.06.1986	28.02.2012
Burkina Faso	03.12.2009	16.04.2004	18.12.1969	04.02.1987	05.02.18	-	09.08.2012
Cabo Verde	-	10.10.2011	-	-	-	03.10.1979	-
Cote d'Ivoire	20.02.2013	15.02.2013	24.01.1980	-	-	-	22.01.2014
Rep. of the Gambia	-	28.06.2002	-	-	-	-	17.08.2011
Ghana	-	20.12.1999	25.07.1960	25.07.1960	17.05.1999	22.06.1978	-
Guinea	-	14.07.2003	20.09.1960	11.12.1961	-	-	-
Guinea Bissau	-	-	-	-	-	-	04.01.2012
Liberia	22.09.2004	-	-	-	-	-	-
Mali	01.07.2009	16.08.2000	18.05.1961	18.05.1961	15.11.2012	-	07.11.2012
Niger	24.07.2015	11.04.2002	06.12.1976	06.12.1976	16.06.2006	17.02.1993	10.05.2012
Nigeria	27.07.2009	27.09.2001	05.06.1961	05.06.1961	21.10.2005	-	17.04.2012
Senegal	11.12.2008	02.02.1999	17.06.1987	17.06.1987	-	-	-
Sierra Leone	-	15.09.2000	-	-	-	-	15.07.2010
Togo	21.07.2014	-	24.01.17	24.01.17	24.01.17	-	09.08.2011

Country	GC - IV 1949	AP I 1977	AP I Declaration art. 90	AP II 1977 AP III 2005	Opt Prot. CRC 2000
Benin	14.12.1961	28.05.1986	-	28.05.1986 -	21.01.2005
Burkina Faso	07.11.1961	20.10.1987	24.05.2004	20.10.1987 07.10.16	06.07.2007
Cabo Verde	11.05.1984	16.03.1995	16.03.1995	16.03.1995 -	10.05.2002
Cote d'Ivoire	28.12.1961	20.09.1989	-	20.09.1989 -	12.03.2012
Rep. of the Gambia	20.10.1966	12.01.1989	-	12.01.1989 -	-
Ghana	02.08.1958	28.02.1978	-	28.02.1978 -	09.12.2014
Guinea	11.07.1984	11.07.1984	20.12.1993	11.07.1984 -	08.04.2010
Guinea Bissau	21.02.1974	21.10.1986	-	21.10.1986 -	24.09.2014
Liberia	29.03.1954	30.06.1988	-	30.06.1988 -	-
Mali	24.05.1965	08.02.1989	09.05.2003	08.02.1989 -	16.05.2002
Niger	21.04.1964	08.06.1979	-	08.06.1979 -	13.03.2012
Nigeria	20.06.1961	10.10.1988	-	10.10.1988 -	25.09.2012
Senegal	18.05.1963	07.05.1985	-	07.05.1985 -	03.03.2004
Sierra Leone	10.06.1965	21.10.1986	-	21.10.1986 -	15.05.2002
Togo	06.01.1962	21.06.1984	21.11.1991	21.06.1984 -	28.11.2005

Country	CCW Prot. II a 1996	CCW a. 2001	CCW Prot. V 2003	CWC 1993	APIMBC 1997	ECOWAS Conv. SALLW 2006	CCM 2008	ATT 2013
Benin	-	-	-	14.05.1998	25.09.1998	-	10.07.2017	07.11.2016
Burkina Faso	26.11.2003	26.11.2003	-	08.07.1997	16.09.1998	28.11.2007	16.02.2010	03.06.2014
Cabo Verde	16.09.1997	-	-	10.10.2003	14.05.2001	28.05.2008	19.10.2010	23.09.2016
Cote d'Ivoire	-	-	25.05.2016	18.12.1995	30.06.2000	20.02.2014	12.03.2012	26.02.2015
Rep. of the Gambia	-	-	-	19.05.1998	23.09.2002	-	12.12.2018	-
Ghana	-	-	-	09.07.1997	30.06.2000	5.03.2010	03.02.2011	22.12.2015
Guinea	-	-	-	09.06.1997	08.10.1998	24.02.2012	21.10.2014	21.10.2014
Guinea Bissau	06.08.2008	06.08.2008	06.08.2008	20.05.2008	22.05.2001	-	29.11.2010	22.10.2018
Liberia	16.09.2005	16.09.2005	16.09.2005	23.02.2006	23.12.1999	13.08.2009	-	21.04.2015
Mali	24.10.2001	-	24.10.2001	28.04.1997	02.06.1998	27.12.2007	30.06.2010	03.12.2013
Niger	18.09.2007	18.09.2007	-	09.04.1997	23.03.1999	19.02.2007	02.06.2009	24.07.2015
Nigeria	-	-	-	20.05.1999	27.09.2001	27.10.2008	-	12.08.2013
Senegal	29.11.1999	-	06.11.2008	20.07.1998	24.09.1998	22.05.2008	03.08.2011	25.09.2014
Sierra Leone	30.09.2004	30.09.2004	30.09.2004	30.09.2004	25.04.2001	29.06.2007	03.12.2008	12.08.2014
Togo	-	-	-	23.04.1997	09.03.2000	03.10.2008	22.06.2012	08.10.2015

Country	Geneva Gas Prof. 1925	BWC 1972	CCW 1980	CCW Prot. I 1980	CCW Prot. II 1980	CCW Prot. III 1980	CCW Prot. IV 1995
Benin	09.12.1986	25.04.1975	27.03.1989	27.03.1989	-	27.03.1989	-
Burkina Faso	03.03.1971	17.04.1991	26.11.2003	26.11.2003	26.11.2003	26.11.2003	26.11.2003
Cabo Verde	15.10.1991	20.10.1977	16.09.1997	16.09.1997	16.09.1997	16.09.1997	16.09.1997
Cote d'Ivoire	27.07.1970	-	25.05.2016	-	25.05.2016	-	-
Rep. of the Gambia	05.11.1966	21.11.1991	-	-	-	-	-
Ghana	03.05.1967	06.06.1975	-	-	-	-	-
Guinea	-	-	-	-	-	-	-
Guinea Bissau	20.05.1989	20.08.1976	06.08.2008	06.08.2008	06.08.2008	06.08.2008	06.08.2008
Liberia	17.06.1927	-	16.09.2005	16.09.2005	16.09.2005	16.09.2005	16.09.2005
Mali	-	25.11.2002	24.10.2001	24.10.2001	24.10.2001	24.10.2001	24.10.2001
Niger	05.04.1967	23.06.1972	10.11.1992	10.11.1992	10.11.1992	10.11.1992	18.09.2007
Nigeria	15.10.1968	09.07.1973	-	-	-	-	-
Senegal	15.06.1977	26.03.1975	29.11.1999	29.11.1999	-	-	29.11.1999
Sierra Leone	20.03.1967	29.06.1976	30.09.2004	30.09.2004	-	30.09.2004	30.09.2004
Togo	05.04.1971	10.11.1976	04.12.1995	04.12.1995	04.12.1995	04.12.1995	04.12.1995

# ANNEX III: REVIEW MEETING CONCEPT NOTE

## ECOWAS-ICRC ANNUAL REVIEW MEETING ON THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW TREATIES IN WEST AFRICA, ABUJA, 30 OCTOBER- 2 NOVEMBER, 2018

### A. BACKGROUND

In recent years, the Economic Community of West Africa States (ECOWAS) region has faced a number of armed conflicts (e.g. in Mali or in the Lake Chad Basin) and other situations of violence falling below the threshold of armed conflict. Many Member States (MS) in the region are experiencing the dire humanitarian consequences resulting from such situations of violence – including internal displacement, migration, lack of healthcare access, and a fragile food situation in some MS.

In situations of armed conflict, International Humanitarian Law (IHL) treaties, as well as customary IHL, impose obligations on parties to the conflict (both State and non-State armed groups) to protect those who are not, or no longer, participating in hostilities and to restrict the means and method of warfare. ECOWAS MS have been increasingly active in ratifying or acceding to IHL-related treaties, but ratification is only the first step. Treaty ratification must be followed by additional measures to implement those treaties, including domestication of the treaties into the national legal frameworks.

### B. ECOWAS-ICRC COLLABORATION ON IHL IMPLEMENTATION

Since 2001, the ECOWAS Commission and the International Committee of the Red Cross (ICRC) have been collaborating to promote respect for IHL, including through domestication of IHL treaties into national legal frameworks. One of the key pillars of this collaboration is the Annual Review Meeting on the Implementation of IHL in West Africa, which was held for the fourteenth time in 2017.

The main objective of the Annual Review Meetings is to examine the progress of ECOWAS MS in implementing key IHL treaties, and to provide technical support for their domestication at the national level. During the Meeting, MS are invited to report on progress made, and identify IHL treaty priorities which they commit to work on in the coming years. The Meeting also provides a platform for MS to exchange information on challenges and best practices in their implementation efforts. This combination of technical assistance and peer review contributes to ensuring respect for, and integration of, IHL into the legislation and practical measures adopted by MS. In 2017, information shared by MS during the meeting was compiled into a joint ECOWAS-ICRC report titled “*Implementing IHL in West Africa*”.

In addition, the Annual Review Meetings serve as a platform for participants and experts from ECOWAS MS, the ECOWAS Commission, ECOWAS donor countries, various international organisations, civil society, and the ICRC to network and exchange views and experiences on contemporary IHL issues of concern and humanitarian challenges in the region.

### C. 2018 MEETING

The 2018 Annual Review Meeting on the Implementation of IHL in West Africa will focus on the review and validation of the ECOWAS IHL Plan of Action (2019–2023). The 2017 Annual Review Meeting concluded with MS calling on ECOWAS and the ICRC to facilitate the development of a new IHL Plan of Action (POA), which would be validated at the 2018 Meeting, and adopted by the ECOWAS Authorities of Heads of State and

Government. The MS review of the POA was started in advance of the meeting, with MS receiving a draft in July 2018. The joint review of the POA during the Meeting will be spread over three days, with MS analysing and approving the sections of the POA, and providing any additional comments. ECOWAS and the ICRC will facilitate each session, and will provide relevant experts to guide the MS through the sections under review. MS participants in the meeting will include government officials and parliamentarians who are involved with the technical implementation of IHL treaties in their country, as well as members of national IHL committees. Ambassadors and permanent representatives to ECOWAS in Abuja will be invited to attend the fourth day of the meeting, which will focus on the final validation of the Plan of Action, and the signing of the meeting report by participants from Togo, who will officially chair the meeting.

Alongside the validation exercise, MS will be given a short session to report on progress and challenges around their 2018 IHL priorities, as well as other measures taken since 2017 to implement IHL treaties. The reporting sessions by MS will serve as an avenue for the update of the 2017 report on “*Implementing IHL in West Africa*”.

## D. OBJECTIVES

The objectives of this meeting are to:

1. Review and validate the POA by consensus;
2. Build capacity for the implementation of the IHL POA at the national level;
3. Encourage discussions on best practices and avenues for bilateral support between MS;
4. Update participant’s knowledge and access to available assistance from ECOWAS, the ICRC, and other organizations;
5. Take stock of progress towards the implementation of IHL-related treaties by ECOWAS MS in the past year, based on IHL Country Priorities identified for 2018;

## E. AGENDA ITEMS

The meeting will address the following issues:

- MS progress and challenges related to their 2018 IHL priorities
- Review and validation of the new ECOWAS IHL POA (2019-2023)
- Experts and Member States introducing each section of the POA

## F. MEETING DETAILS

**Dates:** 30 October–2 November, 2018

**Venue:** ECOWAS Parliament, Garki, Abuja

**Participants:** Government experts from each of the 15 ECOWAS Member States:

- One senior official from the National IHL Committee or relevant ministry/agency responsible for the implementation of international treaties;
- One Member of Parliament involved in technical implementation of IHL treaties.

**Modalities of meeting:** ECOWAS Commission experts, ICRC advisers, as well as guest speakers and MS participants will present comments on the sections of the POA. Participants from Member States will make 5 minute presentations on the progress and challenges around their 2018 IHL priorities.

**Budget:** The ICRC will cover additional accommodation, meal allowance and catering costs for the representative(s) from each country. Travel costs of participants are to be covered by their respective countries or sponsored by the respective ICRC delegations (economy class) covering the country. ECOWAS will provide four days of per diem, the meeting hall, protocol & interpretation services as well as secretariat services.

# ANNEX IV: IHL MEETING AGENDA

INTERNATIONAL COMMITTEE OF THE RED CROSS – ECONOMIC COMMUNITY OF WEST AFRICAN STATES  
ANNUAL REVIEW MEETING ON IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW (IHL) IN WEST AFRICA  
30 OCTOBER – 2 NOVEMBER, 2018 AT THE ECOWAS PARLIAMENT, ABUJA

TUESDAY 30 OCTOBER, 2018	
09:00 - 09:30	<b>Registration of Participants</b>
09:30 - 10:40	<b>OPENING SESSION</b> Moderator: ECOWAS
09:30 - 09:40	<b>Welcome Statement by H.E. Ambassador Babatunde A. Nurudeen</b> Representative of Chair, ECOWAS Authority of Heads of State and Government
09:40 - 09:50	<b>Statement by Dr. Siga Jagne</b> Commissioner, Social Affairs and Gender Department, ECOWAS Commission
09:50 - 10:00	<b>Address by Mr. Eloi Fillion</b> Head of Delegation of the ICRC, Abuja
10.00 - 10:10	<b>Opening Remarks by Mr. Abubakar Malami, SAN</b> Attorney-General of the Federation and Minister of Justice, Nigeria
10:10 – 10:30	<b>Coffee – Tea break (Group Photo Session)</b>
10:30 – 13:10	<b>SESSION 1: Update and Status of Ratification and Domestication of IHL treaties</b> Moderator: ECOWAS Commission
10:30 – 10:40	<b>Moderator’s introduction of the process and overview of the level participation by Member States on the IHL Questionnaire</b>
10:40 – 13:10	<b>Reporting by representatives of the States</b> (based on identified 2018 IHL Country Priorities ) (Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo)
13:15 - 14:15	<b>Lunch</b>
14:15 - 14:45	<b>SESSION 2: Introduction of the Plan of Action</b> ECOWAS (Olatunde Olayemi, Programme Officer) ICRC (Sven David Udekwa, ICRC-Abuja Multilateral Liaison Officer)
14:45 - 15:45	<b>SESSION 3: Migrants and IDPs</b> Moderator: ICRC (Precious Eriamiatoe, ICRC-Abuja Legal Adviser)
14:45 - 14:55	<b>Section on Migrants and Internally Displaced Persons</b> Comments on the section: Lead Reviewer (M. Etienne Ibrahim, Deputy Secretary General, Ministry of Justice, Niger)
14:55 - 15:45	<b>Section on Migrants and Internally Displaced Persons</b> Plenary discussion and validation vote on the section Technical Expert: (Charles Sanches, ICRC-Dakar Legal Adviser)
15:45 – 17:45	<b>SESSION 4: Children, Sexual Violence</b> Moderator: ECOWAS Commission
15:45 – 15:55	<b>Section on Children</b> Comments on the section: Lead Reviewer (Hon. Joe Fayia Nyuma, PhD, Deputy Director General, Ministry of Foreign Affairs, Sierra Leone)
15:55 - 16:45	<b>Section on Children</b> Plenary discussion and validation vote on the section Technical Expert: (ECOWAS Commission)

16:45-16:55	<b>Section on Sexual Violence</b> Comments on the section: Lead Reviewer (Mrs. Kumba Jow, Senior State Counsel, Ministry of Justice, The Gambia)
16:55 - 17:45	<b>Section on Sexual Violence</b> Plenary discussion and validation vote on the section Technical Expert: (Angélique Gabrielle Tening Sarr, ICRC Advisor on Community-Based Protection, Gender & Sexual Violence)
<b>WEDNESDAY 31 OCTOBER, 2018</b>	
09:00 - 09:30	<b>Arrival and Housekeeping</b>
09:30 - 12:00	<b>SESSION 5: Counter-Terrorism, Use of Force in Law Enforcement</b> Moderator: Peace Keeping and Regional Security Directorate, ECOWAS Commission
09:30 - 9:40	<b>Section on Counter-Terrorism</b> Comments on the section: Lead Reviewer (M. Modibo Sacko, Technical Advisor, Ministry of Justice, Mali)
09:40 - 10:30	<b>Section on Counter-Terrorism</b> Plenary discussion and validation vote on the section Technical Expert: (Rochus Peyer, ICRC-Abuja Legal Adviser)
10:30 - 11:00	<b>Coffee – Tea Break</b>
11:00 - 11:10	<b>Section on Use of Force in Law Enforcement</b> Comments on the section: Lead Reviewer (M. Mamadouba Kéita, Executive Director, Justice Reform and Cooperation Program, Ministry of Justice, Guinée)
11:10 - 12:00	<b>Section on Use of Force in Law Enforcement</b> Plenary discussion and validation vote on the section Technical Expert: ICRC (Pietro Tilli, ICRC-Abuja Regional Police and Security Forces Delegate)
12:15 - 13:15	<b>Lunch</b>
13:15 - 15:15	<b>SESSION 6: Protection of Health Care and the Emblem</b> Moderator: ICRC (Jean-François Queguiner, ICRC-Abuja Deputy-Head of Delegation)
13:15 – 13:25	<b>Section on Protection of Health Care and the Movement’s Emblems</b> Comments on the section: Lead Reviewer (Mrs. Antoinette Oche-Obe, Deputy-Director International and Comparative Law Dept., Ministry of Justice, Nigeria)
13:25 - 14:15	<b>Section on Protection of Health Care and the Movement’s Emblems</b> Plenary discussion and validation vote on the section Technical Expert: (Precious Eriamiatoe, ICRC-Abuja Legal Adviser)
14:15 – 15:15	<b>SESSION 7: Penal Repression of IHL Violations</b> Moderator: ICRC (Myriam Raymond-Jetté, ICRC-Abidjan Regional Legal Adviser)
14:15 – 14:25	<b>Section on Penal Repression of IHL Violations</b> Comments on the section: Lead Reviewer (M. Ngane Ndour, Deputy Director of Human Rights, Ministry of Justice, Senegal)
14:25 – 15:15	<b>Section on Penal Repression of IHL Violations</b> Plenary discussion and validation vote on the section Technical Expert: (Kany Elizabeth Sogoba, ICRC-Bamako, Legal Adviser)
15:15 - 15:40	<b>Coffee –Tea Break</b>
15:40 - 16:40	<b>SESSION 8: Arms Control</b> Moderator: Peace Keeping and Regional Security Directorate, ECOWAS Commission
15:40 - 15:50	<b>Section on Arms Control</b> Comments on the section: Lead Reviewer (Hon. Benoni Knuckles, Commissioner, Liberia National Commission on Small Arms (LiNCSA) Liberia)

15:50- 16:40	<b>Section on Arms Control</b> Plenary discussion and validation vote on the section Technical Expert: (ECOWAS TBC)
16:45 - 17:00	<b>Wrap up and Concluding Remarks</b> ECOWAS Commission
<b>THURSDAY 1 NOVEMBER, 2018</b>	
09:00 - 09:30	<b>Arrival and Housekeeping</b>
09:30 - 10:30	<b>SESSION 9: National IHL Commissions</b> Moderator: ICRC
09:30 - 09:40	<b>Section on National IHL Commissions</b> Comments on the section: Lead Reviewer (M. Jerome Trabi Boty Tah, Magistrate, Ministry of Justice, Cote d'Ivoire)
09:40 - 10:30	<b>Section on National IHL Commissions</b> Plenary discussion and validation vote on the section Technical Expert: (Charles Garmodeh Kpan Sr, ICRC-Monrovia Head of Bureau)
10:30 - 10:50	<b>Coffee –Tea Break</b>
11:00-13:00	<b>SESSION 10: Dissemination of IHL Knowledge</b> Moderator: ECOWAS Humanitarian and Social Affairs Directorate
11:00-11:10	<b>Section on Dissemination of IHL Knowledge to Military/Security Forces</b> Comments on the section: Lead Reviewer (Mr. Cecil Kwashie Adadevoh, Principal State Attorney, Office of the Attorney-General and Ministry of Justice, Ghana)
11:10 - 12:00	<b>Section on Dissemination of IHL Knowledge to Military/Security Forces</b> Plenary discussion and validation vote on the section Technical Expert: (ECOWAS and Emeline Oboulbiga Yameogo, ICRC-Ouagadougou Communication Officer)
12:00 - 12:10	<b>Section on Dissemination of IHL Knowledge to civilian population</b> Comments on the section: Lead Reviewer (M. Rombiré Bakieka, Head of the Dissemination and Information Department, Inter-Ministerial Human Rights and IHL Committee (CIMDH), Burkina Faso)
12:10 – 13:00	<b>Section on Dissemination of IHL Knowledge to civilian population</b> Plenary discussion and validation vote on the section Technical Experts: (Sybil Tonne Sagay, ICRC-Abuja Communication Officer & Mamadou Saliou Souare, ICRC-Conakry Advisor to the Head of Mission)
13:00 - 14:00	<b>Lunch</b>
14:00 - 16:00	<b>Meeting Report Drafting</b> Moderator: ICRC and ECOWAS
14:00 - 14:30	<b>Vote on the entire POA and any additional questions</b>
14:30 - 15:45	<b>Review and analysis of meeting report</b> Plenary
15:45 - 16:00	<b>Wrap up and Concluding Remarks</b> ECOWAS Commission
<b>FRIDAY 2 NOVEMBER, 2018</b>	
09:00 - 09:30	<b>Registration and Housekeeping</b>
09:30 – 10:30	<b>Presentation of the report: The Roots of Restraint in War</b> Moderator: ICRC
09:30 – 10:15	<b>Presenter: Levent Vezir, ICRC-Geneva Armed and Security Forces Adviser</b>

10:15 – 10:45	<b>Question and Answer</b>
10:45 – 11:45	<b>Final Validation of IHL Plan of Action, and Signing of Report by Nigeria Representative</b>
11:45 - 12:25	<b>CLOSING SESSION</b> Moderator: Director, Humanitarian and Social Affairs Directorate, ECOWAS
11:45 - 11:55	<b>Remarks by H.E. Ambassador Babatunde A. Nurudeen</b> Representative of Chair, ECOWAS Authority of Heads of State and Government
11:55 - 12:05	<b>Remarks by Mr. Eloi Fillion</b> Head of Delegation, ICRC Abuja
12:05 - 12:15	<b>Remarks by Dr. Siga Jagne</b> Commissioner Social Affairs and Gender Department, ECOWAS Commission
12:15 - 12:25	<b>Closing Statement by Mr. Geoffrey Onyeama</b> The Honourable Minister of Foreign Affairs, Ministry of Foreign Affairs, Nigeria
12:30 – 13:30	<b>Lunch</b>

# ANNEX V: LIST OF MEMBER STATE PARTICIPANTS

**LIST OF PARTICIPANTS/LISTE DES PARTICIPANTES**  
**ECOWAS – ICRC ANNUAL REVIEW MEETING ON THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW**  
**IN WEST AFRICA**  
**31 OCTOBER TO 3 NOVEMBER 2017**  
**LIST OF PARTICIPANTS**  
**(ECOWAS MEMBER STATES)**

Country/ Pays	Ministry Or Agency / Ministère Ou Organisme	Nom/Prenom	Function / Titre	Participants' Contact Details/ Coordonnées Des Participants De Contact
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# ANNEX VI INVITEES AND PARTICIPANTS

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Alozie Amaechi	ECOWAS Commission
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Osondu Ekeh	ECOWAS Commission
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Michael Saraka Kouame	ECOWAS Commission
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Sven David Udekwa	ICRC
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H.E. Emmanuel Mpfayokurera	Embassy of Burundi
Shady Hesham, Third Secretary	Embassy of Egypt
Sylvain Naulin	Embassy of France
H.E. Alejandro Garcia Moreno Elizondo	Embassy of Mexico
Ingri Skjolaas, Deputy Head of Mission	Embassy of Norway
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Brona Mushaba	Namibian High Commission
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Roberta Falciola, Senior Protection Adviser	WFP
Yvonne Akpasom, Head of Peace and Security Unit	GIZ





The ICRC helps people around the world affected by armed conflict and other violence, doing everything it can to protect their dignity and relieve their suffering, often with its Red Cross and Red Crescent partners. The organization also seeks to prevent hardship by promoting and strengthening humanitarian law and championing universal humanitarian principles. People know they can count on the ICRC to carry out a range of life-saving activities in conflict zones and to work closely with the communities there to understand and meet their needs. The organization's experience and expertise enables it to respond quickly, effectively and without taking sides.



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