

2020 REPORT

IMPLEMENTATION OF IHL IN WEST AFRICA

PARTICIPATION OF WEST AFRICAN COUNTRIES
IN INTERNATIONAL HUMANITARIAN LAW (IHL)
TREATIES AND THEIR IMPLEMENTATION AT THE
NATIONAL LEVEL



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REPORT OF THE 17TH ECOWAS-ICRC ANNUAL REVIEW MEETING ON THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW (IHL) IN WEST AFRICA

ABUJA, NIGERIA DECEMBER 1ST - 2ND 2020

LOCATION: VIRTUAL - ZOOM

CONTEXT, OBJECTIVES AND FORMAT OF THE MEETING

In situations of armed conflict, both international humanitarian law (IHL) treaties and customary IHL impose obligations on the conflicting parties (States and non-State armed groups) to protect persons who are not or are no longer participating in hostilities and to restrict the means and methods of warfare. Several ECOWAS States have already experienced or are currently experiencing situations of non-international armed conflict or other serious situations of generalised violence with humanitarian consequences.

This year, the COVID-19 pandemic has disrupted daily life in many parts of the world, including ECOWAS States, and has worsened the situation of victims of armed conflicts and other situations of violence.

For those already living in this dire situation, the spread of the virus further exacerbates the threat to their lives, livelihoods, dignity and access to humanitarian assistance.

Hence the importance and urgency for ECOWAS Member States to determine how the pandemic affects the humanitarian response in the context of armed conflict and other situations of violence, and how best to ensure that the needs of those affected by armed conflict and related types of violence are met.

It is in such a context that the 17th Annual Review Meeting on the implementation of International Humanitarian Law in West Africa, organised by the ECOWAS Commission in collaboration with the ICRC, was held on the 1st and 2nd of December 2020.

This 17th Meeting, which for the first time was held in a virtual format due to the COVID 19 pandemic, had the following objectives:

- Review the progress made by Member States in implementing the ECOWAS IHL Plan of Action and the related ECOWAS commitment at the 33rd International Conference;
- Strengthen the technical capacity of Member States (MS), facilitate and support dialogue among MS counterparts on the implementation of IHL in general and select topics relevant to the ECOWAS region;

- Facilitate dialogue among Member States on their response to the pandemic in relation to COVID-19, particularly in situations of armed conflict;
- Strengthen collaboration between ECOWAS and the ICRC and, consequently, ICRC support to ECOWAS Member States in the implementation of IHL.

All ECOWAS Member States, except Senegal, were represented at this meeting (see list of participants in annex). In addition, for the first time, ECOWAS resident representatives in Member States were invited to the meeting.

For the first time, ECOWAS was involving its resident representatives in supporting state authorities in achieving their priorities for implementing IHL at the national level.

OPENING SESSION

The opening ceremony was marked by the welcome remarks of the Commissioner for Social and Gender Affairs of the ECOWAS Commission, Dr. Siga Fatima Jagne, and an address by the head of the ICRC delegation, Mr. Eloi Fillion, who is also the accredited representative to ECOWAS. An introductory speech by the Director of the Law and Policy Department at the ICRC, Ms. Helen Durham, was then delivered before the adoption of the agenda and the start of the proceedings.

Welcome remarks by the Commissioner for Social and Gender Affairs, ECOWAS Commission, Dr. Siga Fatima Jagne

In her remarks, Dr. Siga Fatima Jagne stressed the importance of collaboration between ECOWAS and the ICRC in the promotion and implementation of IHL and indicated that the focus on IHL will contribute to the achievement of peace and stability in the region. She also spoke on the effects of COVID-19 on humanitarian access in the region. She thanked the ICRC for the partnership and informed that the implementation of the joint Plan of Action between ECOWAS and the ICRC will contribute to the protection of the most vulnerable in conflict situations.

She also stressed the need for effective coordination in the implementation of actions between the ECOWAS Commission, the ICRC and Member States, both at national and regional levels. She expressed the commitment of the Commission, in collaboration with the ICRC, to follow up with Member States on the implementation of their priorities and the IHL Plan of Action 2019-2023, to provide guidance to Member States for the effective implementation of the Plan of Action and to support its monitoring and evaluation.

Address by the ICRC Head of delegation and accredited representative to ECOWAS, Mr. Eloi Fillion

Taking the floor, Mr. Eloi Fillion began by welcoming the participants and indicating that the collaboration in promoting IHL between the ICRC and the ECOWAS Commission goes back almost 20 years. He commended the commitment of several Member States to strengthen compliance with IHL, particularly during the COVID-19 pandemic, and indicated that their rich experience will be useful in addressing the issues highlighted in this year's theme. He expressed the need for the meeting participants to recognise the impact of the pandemic and its contribution to the vulnerability of victims of armed conflict and other situations of violence.

He stressed that the Member States must show a regional spirit to recognise the combined impact of the pandemic and violations of IHL in this difficult time and the necessity of establishing a safeguard mechanism to ensure that these victims are adequately protected in accordance with IHL.

He also stated that the meeting was an opportunity to follow up on the commitment made by the Member States at the 33rd International Conference of the Red Cross and Red Crescent on the implementation of IHL in the Member States and the region, as an important step to achieve this objective. He concluded by reiterating ICRC's commitment to promoting IHL and the ECOWAS Plan of Action in West Africa through its collaboration with the ECOWAS Commission and Member States.

Introductory speech by the ICRC Director of Law and Policy, Helen Durham

Helen Durham began her speech by welcoming participants and thanking ECOWAS Member States for inviting her to participate for the first time in the annual ECOWAS-ICRC meeting on IHL, which she has followed for many years. She commended the ECOWAS Commission for its collaboration with the ICRC spanning almost 20 years in the field of the IHL implementation.

She congratulated the ECOWAS Commission, the ICRC and the Member States for the successful adoption of the ECOWAS Member States' commitment and the participation of the sub-regional organisation in the 33rd International Conference of the Red Cross and Red Crescent. As she pointed out, this was an unprecedented event as it was the first time that African states submitted a joint pledge at the international conference. She also commended ECOWAS, for their willingness to participate in the international conference as an observer, and Burkina Faso, for submitting its own pledge on IHL.

She considered that pandemics such as COVID-19 constitute an additional challenge for victims of armed conflicts and other situations of violence. She indicated that these victims are also affected by climate change, which further exacerbates their situation, especially during the pandemic, as social estrangement, sanitary measures and border closures further worsen the plight of these victims who are in IDP camps, host communities or trying to flee violence. She recognised the sovereignty of Member States and the need to put in place certain measures to combat the pandemic, but insisted that these measures must be consistent with international humanitarian law, as this provides crucial safeguards to protect victims of armed conflict, communities, vulnerable populations, health personnel and facilities. She concluded by reaffirming the ICRC's commitment to promoting IHL and the ECOWAS Plan of Action in West Africa through its collaboration with the ECOWAS Commission and Member States, as well as the need to continue implementing the Plan of Action in the region.

At the end of these speeches and addresses, the representative of Ghana was recognized as the chair of the 17th annual ECOWAS-ICRC meeting, Ghana holding the Presidency of the ECOWAS Conference of Heads of State and Government. The agenda attached to this report was then adopted before the proceedings began.

REPORTS BY STATE REPRESENTATIVES ON IHL IMPLEMENTATION

Following the opening session, each Member State was invited to conduct its annual review of its IHL implementation measures, outlining any successes achieved in this area between 2019 and 2020, and to identify its IHL priorities for 2021. With regards to setting national IHL priorities for 2021, Member States were reminded to strive to align their priorities with the ECOWAS Plan of Action on IHL (2019-2023).

Of the 14 Member States represented at this 17th meeting, 12 reported on the implementation of their defined IHL priorities for 2020 and the ECOWAS IHL Plan of Action, before presenting their priorities for 2021. These countries are Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria and Togo.

In general, it appears from the presentations by Member States that the achievement of the 2020 priorities was hampered by the COVID 19 pandemic, which forced the suspension of a number of actions in the area of the IHL implementation.

Thus, for the 12 States that had formulated priorities for the year 2020 during the 2019 meeting, these had to be renewed for the year 2021.

For Benin, Cape Verde and Ghana, which were not represented at the 2019 annual meeting, the IHL priorities defined at the 2018 meeting for 2019 were renewed for in 2021 (see Annual Report 2018).

COMPARATIVE TABLE 1: NATIONAL IHL PRIORITIES FOR 2021

	BENIN	BURKINA FASO	CABO VERDE	CÔTE D'IVOIRE	GAMBIA	GHANA	GUINEA
National IHL Priorities for 2021	<ol style="list-style-type: none"> 1. Reactivate the national IHL committee, and train its members 2. Set out a three year national plan of action for IHL implementation 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. 4. Publish a compilation of all IHL related treaties and conventions. 	<ol style="list-style-type: none"> 1. Implementation of the ECOWAS IHL Plan of Action 2019-2023 2. Capacity building in IHL for national security and defense forces, particularly on the protection of children in armed conflict and sexual violence 3. Dissemination of IHL to the civilian population 4. Implementation of the Plan of Action for the identification of cultural property 	<ol style="list-style-type: none"> 1. Advocacy to assure effective national implementation of IHL 2. Ratification of the Convention for the Protection of Cultural Property and its protocols, 1954 and 199 3. Setting up of an IHL Committee as part a consultative body on national IHL implementation 4. Training of the members of the IHL Committee 5. Delivering courses on IHL to the armed forces, as set forth in the Plan of Action 	<ol style="list-style-type: none"> 1. Adoption of an Act on the protection of the emblem 2. Ratification of Additional Protocol III to the Geneva Conventions 3. Development by the IHL Commission of a national Plan of Action for the implementation of IHL. 	<ol style="list-style-type: none"> 1. Implementation of the Arms Trade Treaty (ATT) 	<ol style="list-style-type: none"> 1. Continue enabling the operation of the National IHL Committee (The new government has not fully set out its IHL priorities) 	<ol style="list-style-type: none"> 1. Establishment of a National IHL Commission 2. IHL awareness sessions for the armed forces 3. Strengthen prison medical care. 4. Ratification of the Kampala Convention

LIBERIA	MALI	NIGER	NIGERIA	SENEGAL	SIERRA LEONE	TOGO	
<p>GUINEA-BISSAU</p> <ol style="list-style-type: none"> 1. Ratification of the Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict 2. Adoption of an Act to implement the Rome Statute, to be incorporated into the new penal code once it is adopted. 3. Conduct a study on the status of implementation of IHL in Guinea Bissau 4. Adoption of an Act on the emblem by the National Assembly 5. Establishment of an internal coordination mechanism between actors working in the field of IHL 	<p>LIBERIA</p> <ol style="list-style-type: none"> 1. Amendment of the Penal Code to include the repression of violations of the Geneva Conventions 2. Dissemination of IHL within the armed and security forces 3. Implementation of the Kampala Convention. 4. Implementation of the ATT 	<p>MALI</p> <ol style="list-style-type: none"> 1. Continuation and intensification of training of armed and security forces, as well as judicial actors, to update them on IHL (carried over from 2018) 2. Continuing the operationalization of the working group on IHL housed within the Human Rights Commission 3. Further work on the review of the Codes (Penal Code and Code of Criminal Procedure) 4. Ratification of IHL instruments not yet ratified 5. Adoption of the Act implementing the Kampala Convention 	<p>NIGER</p> <ol style="list-style-type: none"> 1. Adoption of an Act on weapons (postponed from 2018) 2. Adoption of an implementing decree for the IDP Act 3. Promotion of IHL rules in the armed forces through the appointment of legal advisors 4. Capacity building of the newly created IHL Commission for the implementation of the ECOWAS PoA 5. Development of a strategy and Plan of Action for the implementation of IHL 	<p>NIGERIA</p> <ol style="list-style-type: none"> 1. Ratification of the Convention on Cluster Munitions 2. Training of members of the National IHL Commission 3. Strategic visit of the National IHL Commission to the National Assembly 4. Adoption of the bill (2005) on the implementation of the Additional Protocols to the Geneva Conventions 	<p>SENEGAL</p> <ol style="list-style-type: none"> 1. Creation of a National IHL Commission 	<p>SIERRA LEONE</p> <ol style="list-style-type: none"> 1. Restructuring of the national IHL committee 2. Development of a national plan of action in line with the ECOWAS Plan of Action 3. Disseminate IHL 4. Implementation of already ratified IHL treaties. 	<p>TOGO</p> <ol style="list-style-type: none"> 1. Reactivation of the national IHL commission (deferred from 2018) 2. Completion of the adoption of the Code of Criminal Procedure in accordance with the new Penal Code (Act No. 2015-10 of 24 November 2015) (postponed from 2018) 3. Adoption of a act on weapons 4. Status of unratified IHL conventions
<p>National IHL Priorities for 2021</p>							

TECHNICAL SESSIONS

On the second day, an introductory speech on the topics to be discussed was given by the ICRC Director of Law and Policy, Helen Durham.

The following technical sessions were followed by presentations and discussions:

1. Humanitarian access during pandemics.
2. Protection of inmates during pandemics.
3. Use of force in law enforcement during pandemics.
4. Follow-up to the 33rd International Conference of the Red Cross and Red Crescent: Conclusions and Recommendations.

FINAL CONCLUSIONS AND RECOMMENDATIONS

The 17th annual ECOWAS-ICRC meeting on the implementation of IHL in West Africa ended with the adoption of recommendations related to each of the themes discussed, as follows:

1. Member States and the ECOWAS Commission agreed on the need for closer cooperation with ECOWAS country representatives in order to accelerate action on the implementation of IHL.
2. Member States and the ECOWAS Commission agreed on the need to develop a comprehensive and systemic approach to ensure the implementation of IHL during the COVID 19 pandemic, through:
 - The designation of focal points within law enforcement, national security and military institutions to ensure compliance with IHL at the unit or operational level;
 - The establishment of national IHL and international human rights law (IHRL) monitoring teams in Member States, composed of national IHL and/or human rights commissions and other civil society organisations;
 - The use of technology to ensure effective monitoring of the use of force, e.g., the use of cell phone cameras, etc.;
 - The establishment of national pandemic preparedness plans and planning during a pandemic.
 - Appropriate representation of humanitarian actors, including independent humanitarian organisations, in pandemic preparedness;
 - Training of security forces in international humanitarian law, including topics such as humanitarian access, use of force, and protection of inmates during a pandemic;
 - The establishment of health facilities as part of the humanitarian response during pandemics, including for people held in detention centers.
3. Effective follow-up to the ECOWAS commitment on the implementation, domestication and dissemination of IHL in West Africa at the International Conference of the Red Cross and Red Crescent (IC).
4. The submission of the completed IHL questionnaire and voluntary reports on the implementation of IHL by ECOWAS Member States to the ECOWAS Commission and ICRC, in line with the commitment made at the 33rd International Conference and the ECOWAS Plan of Action on IHL 2019-2023.

CLOSING CEREMONY

This 17th annual ECOWAS-ICRC meeting on the implementation of IHL was closed by the Head of the Human Security and Civil Society Division of the ECOWAS Commission, Mme Raheemat Momodu, speaking on behalf of the Director of Humanitarian and Social Affairs, Dr. Sintiki T. Ugbe. The ICRC Head of Delegation, and the Chairman of the meeting, the representative of the Government of Ghana also delivered remarks.

In their various concluding remarks, the importance of IHL for West Africa was emphasized, given the region's experience with conflicts, insurgency and terrorism, which have resulted in a large number of refugees and displaced persons, especially during this pandemic.

Delegates from Member States were commended for their contributions to the meeting and their commitment to promoting IHL and the rule of law in West Africa. The close collaboration between the ECOWAS Commission and the ICRC was also highlighted as important for advancing IHL work in the region.

The pledge made by Member States at the 33rd International Conference of the Red Cross and Red Crescent was seen as an important statement of commitment and a basis for continued mobilization for respect for IHL.

Participants were urged to encourage and ensure the immediate implementation of the meeting's conclusions and recommendations in their respective capitals.

ANNEX I: CONCEPT NOTE

ECOWAS-ICRC ANNUAL REVIEW MEETING ON THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW TREATIES IN WEST AFRICA, VIRTUAL CONFERENCE, 1 – 2 DECEMBER 2020

A. BACKGROUND

Many Member States (MS) of the Economic Community of West Africa (ECOWAS) region (including Mali, Niger, Burkina Faso or Nigeria) are experiencing the dire humanitarian consequences resulting from armed conflicts and other situations of violence. These include internal displacement, increased instances of sexual violence, lack of healthcare access, and a fragile food situation.

In situations of armed conflict, International Humanitarian Law (IHL) treaties, as well as customary IHL, impose obligations on parties to the conflict (both States 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 member states (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 effectively, including domestication of the treaties into the national legal frameworks, procedures, practices and trainings.

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.¹

This 20-year fruitful collaborative relationship has established an impactful on-going cooperation with the Directorate of Humanitarian and Social Affairs (DHSA) in the promotion of IHL domestication in MS, policy discussions and interactions, and the Directorate of Political Affairs, Peace and Security (PAPS), by conducting IHL training for the ECOWAS Standby Force, provision of support for policies on the proliferation of nuclear weapons and efforts to ensure that counter-terrorism measures are in line with IHL and human rights.

A key activity implemented within this collaboration is the Annual Review Meeting on the Implementation of IHL in West Africa. The cooperation between ECOWAS and the ICRC led to the adoption of the first ECOWAS Plan of Action on Implementation of International Humanitarian Law (IHL, 2012 – 2017, extended to 2018). It was at this point that the Annual IHL Seminars held from 2001 till 2008, took on the programmatic and target oriented outlook of annual review meetings. The IHL Plan of Action 2009 – 2014 established programmatic parameters, including targets for the Region and Member States to reach in progressively improving respect for and observance of IHL. Subsequently, at the request of Member States in 2013 Results Indicators relative to the specific Strategic Objectives in the Plan of Action were developed as guidance for implementation of the Plan of Action.

¹ The MOU between the ECOWAS Commission and ICRC was signed in February 2001 which defined operational axes including: convening conferences and other meetings; undertaking joint activities to achieve common goals; and providing technical cooperation on topics of mutual concern. 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 present in the plenary since 2011. This relationship has grown since then as the ICRC gave an IHL presentation to the plenary in 2018 and is also conducting a joint survey on the Protection Access to Healthcare for Internally Displaced Persons (IDPs) in the ECOWAS Region which would be presented to the Plenary in 2021.

Measurement of implementation from 2012 has been carried out annually through application of the IHL Questionnaire to Member States and the production of an Annual Synthesis Report on the overall IHL implementation in the Region. This culminated in 2016 in the publication of the first Regional IHL Report for West Africa and its presentation at the Global IHL Conference in the same year. The Annual Reviews Meetings doubling as Training Seminars have been central to capacity building, determination of gaps, challenges and good practices and identifying follow up actions for support by ECOWAS and the ICRC at the national level in the Member States. 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.

Following the successful collaborations between ECOWAS and ICRC, the 16th Annual Review Meeting which held in 2019 was an unprecedented opportunity for ECOWAS MS to validate a pledge to the 33rd International Conference of Red Cross and Red Crescent. In submitting this pledge, MS committed to fully implement the ECOWAS IHL Plan of Action (2019-2023) (POA)² nationally and across the region. The ECOWAS IHL POA was discussed and validated by all MS during the previous Annual Review Meeting in 2018.

C. JUSTIFICATION

In light of ongoing travel restrictions due to the Covid-19 pandemic, the 17th Annual Review Meeting will be held virtually.

The current COVID-19 pandemic affecting all nations of the world including the ECOWAS MS has led to MS taking extraordinary measures in a bid to limit the spread of the pandemic. The COVID-19 pandemic has disrupted daily life in many parts of the world and has aggravated the situation of victims of armed conflict and other situations of violence also in the ECOWAS region.

For those already facing armed conflict and other situations of violence, the spread of the virus further exacerbates the threat to their lives, livelihood, dignity and access to humanitarian assistance. Therefore, there is an urgent need to determine, amongst ECOWAS MS, how the pandemic impacts on humanitarian response in the context of armed conflicts and analogous situations and determine how best to ensure the needs of people affected by armed conflict and related types of violence are met.

Hence, the 17th Annual Review Meeting provides a platform for MS to discuss how IHL and related legal frameworks provide crucial safeguards during pandemics such as Covid-19. The meeting will provide MS with specific technical guidance on selected IHL thematic in relation to upholding IHL guarantees during pandemics, as well as on facilitating peer-to-peer discussions on how IHL safeguards should shape the response to the pandemic; sharing of technical expertise and best practices on challenges in combating the pandemic in relation to IHL and IHRL.

Additionally, prior to holding the Annual Review Meeting, a virtual Meeting of ECOWAS Special and Permanent Representatives in the 15 Member States will be held to sensitize the Representatives about the IHL Program, inform them about the Annual Review Meeting and seek their commitment in promoting IHL in the respective Member States.

D. PROPOSED ECOWAS-ICRC ACTIVITIES 2020

1. IHL Capacity Building Workshop with ECOWAS MS Permanent and Special Reps
2. 17th Annual IHL Review Meeting

2 ECOWAS Specific Pledge to the 33rd International Conference of the Red Cross and Red Crescent, Implementation, domestication, dissemination of international humanitarian law (IHL) in West Africa: <https://rcrcconference.org/pledge/mise-en-oeuvre-transposition-dans-les-lois-nationales-et-diffusion-du-droit-international-humanitaire-dih-en-afrique-de-louest/>.

E. ECOWAS-ICRC INTRODUCTORY IHL WORKSHOP FOR ECOWAS MEMBER STATE PERMANENT AND SPECIAL REPRESENTATIVES

I. OBJECTIVES

The objectives of this meeting are to:

- Introduce the collaboration between the ECOWAS and ICRC to the Special and Permanent Representatives brief them on the upcoming Annual Review Session and seek their participation.
- Brief the Representatives on the ECOWAS IHL Plan of Action and build their capacities in promoting IHL in MS;
- Explore and determine ways in which the Special and Permanent Representatives can further the work on IHL implementation, including signing, ratification and domestication of relevant Treaties by ECOWAS Member States.

II. METHODOLOGY

The introductory meeting will be held virtually through ECOWAS teleconferencing tools (Microsoft Teams) due to the Covid-19 travel and movement restrictions within the ECOWAS region. The meeting will be held for one (1) day – 3 hours, prior to the 17th virtual Annual IHL Review Meeting and will involve the participation of ECOWAS and ICRC thematic experts and focal points, as well as the ECOWAS Special and Permanent representatives.

III. AGENDA ITEMS

The meeting will feature the following:

- E-Arrival of participants and Introduction;
- Opening Remarks by ECOWAS Director, Humanitarian and Social Affairs;
- Briefing on ECOWAS-ICRC Collaboration;
- Briefing on the 16th Annual IHL Review Meeting, the Plan of Action (2019–2023) and the MS pledge to the 33rd International Conference of the Red Cross and Red Crescent
- Facilitated discussions on the roles of ECOWAS Special and Permanent Representatives in promoting IHL and implementing the ECOWAS IHL Plan of Action.
- Issuance of a Communique by the Meeting.
- Closing remarks

IV. MEETING DETAILS

Dates: XX December 2020

Location: Abuja (Virtual – Microsoft Teams)

F. 17TH ANNUAL IHL REVIEW MEETING

I. OBJECTIVES

The objectives of this meeting are to:

- Take stock of progress towards the implementation of ECOWAS IHL POA and the related ECOWAS Pledge to the 33rd International Conference by Member States;
- Build Member States technical capacities and facilitate and support peer-to-peer exchanges between MS on IHL implementation in general and select thematics relevant to the ECOWAS region;
- Facilitate peer-to-peer exchanges between MS on their response to pandemics in relation to covid-19, particularly in situations of armed conflicts;
- Strengthen the collaboration between ECOWAS and ICRC in the implementation of IHL in MS and serve as an opportunity for ICRC to continue to support ECOWAS missions in MS on IHL implementation.

II. 17TH ANNUAL IHL REVIEW MEETING - METHODOLOGY

The 2020 Annual Review Meeting will be held virtually through teleconferencing tools (Microsoft Teams) due to the Covid-19 travel and movement restrictions within the ECOWAS region. The Meeting will be spread over four days (3 hours each day), and will involve participation by MS experts, ECOWAS and ICRC thematic experts, and representatives from relevant Civil Society and International Organizations, MS participants will include Government Officials and Parliamentarians who are involved in the technical implementation of IHL treaties in their countries, as well as members of National IHL Committees.

In preparation for the annual meeting, MS reports on key IHL developments since the last ECOWAS-ICRC Annual IHL Review Meeting will be collated via an IHL questionnaire developed to assist the countries in preparation for the 2020 ECOWAS-ICRC Annual Review Meeting.

The IHL Annual Review Meeting will feature reports by MS on the progress and challenges associated with the implementation of their 2020 IHL Priorities, measures taken to implement the ECOWAS IHL POA, and stating of their 2021 national IHL Priorities. The collated reports of the MS will serve as an avenue for the update of the relevant section of the 2020 Report on “*Implementing IHL in West Africa*”.

Furthermore, the IHL Review Meeting will also feature lead presentations by MS with technical inputs provided by ECOWAS, ICRC and other experts on the implementation of IHL in a pandemic situation, particularly during Covid-19. Expanding on this issue of IHL and pandemic, MS will be look at humanitarian access during pandemics, protection of detainees during pandemics as well as the use of force in law enforcement during pandemics. MS will look at the guidelines slated in IHL, the ECOWAS IHL POA and requirements for the protection of humanitarian actors and population during the pandemic.

In conclusion, the meeting will expand further on the outcomes and follow-up of the 33rd International Conference of Red Cross and Red Crescent including: the resolution *Bringing IHL home: A road map for better national implementation of IHL*³, the resolution *Time to act: epidemics and pandemics together*⁴, the ECOWAS pledge⁵ and pledges made by MS⁶

3 https://rcrcconference.org/app/uploads/2019/10/33IC-DR-Bringing-IHL-home_EN.pdf.

4 https://rcrcconference.org/app/uploads/2019/12/33IC_R3-Epidemic_Pandemic-resolution-adopted-ENing-CLEAN-EN.pdf

5 ECOWAS Specific Pledge to the 33rd International Conference of the Red Cross and Red Crescent, Implementation, domestication, dissemination of international humanitarian law (IHL) in West Africa: <https://rcrcconference.org/pledge/mise-en-oeuvre-transposition-dans-les-lois-nationales-et-diffusion-du-droit-international-humanitaire-dih-en-afrique-de-louest/>.

6 All 33rd International Conference of the Red Cross and Red Crescent Pledges are available online: <https://rcrcconference.org/about/pledges/search/>.

The 2020 Annual Review Meeting will be an opportunity for the MS to review their regulations to adapt to pandemic situations and implement their IHL priorities to protect the vulnerable population in armed conflict. By the end of the meeting, participants will be well prepared to work with the delegates of their countries to improve on their legislation, regulations, policies and practices to encompass accurate responses to the protection of vulnerable population in armed conflict during a pandemic. This will also set an example for other regional hubs to emulate the efforts of the ECOWAS MS in their determination to combat the pandemic and adhere to their IHL priorities.

III. 17th ANNUAL IHL REVIEW MEETING - AGENDA ITEMS

The meeting will address the following issues:

- Opening session and keynote on IHL during pandemics
- Reporting on the implementation of the ECOWAS IHL POA and 2020 IHL Priorities, and setting out 2021 IHL Priorities;
- Thematic sessions on IHL during pandemic, humanitarian access during pandemics, protection of detainees during pandemics as well as the use of force in law enforcement during pandemics;
- Sessions on the outcomes and follow-up of the 33rd International Conference of Red Cross and Red Crescent;
- Closing session

IV. MEETING DETAILS

Dates: 1 – 2 December 2020

Location: Abuja (Virtual – Microsoft Teams)

Participants: Thirty (30) Government Experts from the 15 ECOWAS Member States, ECOWAS Staff, ICRC, and other Partners;

Modalities of meeting: The meeting will be held virtually for approx. 3-4 hours each day for 4 days. There will be an opening session and key note speaker, participants from MS will make presentations on the progress and challenges related to implementing the ECOWAS IHL POA, and their 2020 IHL Priorities, as well as set out their 2021 IHL Priorities. Question and Answer sessions will follow the group presentations. Different MS representatives will moderate the sessions. ECOWAS, the ICRC or other invited partners will serve as Technical Experts for each session, providing additional tools and information to augment the presentations.

Budget: The meeting will be held virtually. Therefore, the budget costs are minimal. However, responsibilities will be shared between the partners. The organisation of the meeting using Microsoft teams (ECOWAS and ICRC), Interpretation (ECOWAS) provision of venue (ICRC if ICRC offices will be used and ECOWAS if ECOWAS offices or a neutral venue will be used), Transportation of MS participants to venue (ECOWAS), Photo Session (ICRC).

ANNEX II: AGENDA/ MEETING ORDER

ECOWAS-ICRC ANNUAL REVIEW MEETING ON IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW (IHL) IN WEST AFRICA 1-2 DECEMBER 2020 (VIRTUAL CONFERENCE)

2020 THEME: IHL DURING PANDEMICS

DAY 1: 1 DECEMBER, 2020	
9:45 – 10:00	Digital arrival and housekeeping
OPENING SESSION	
Chair of Meeting: The Republic of Ghana, Chairman of ECOWAS Authority	
Moderator: Director, Humanitarian and Social Affairs Directorate, Dr. Sintiki Tarfa Ugbe	
10:00 – 10:05	Welcome Address by Commissioner, Social Affairs and Gender Dr. Siga Fatima Jagne
10:05 – 10:10	Remarks by Nigeria Permanent Representative to ECOWAS Amb. Babatunde Nurudeen
10:10 – 10:15	Remarks by ICRC Accredited Representative to ECOWAS Mr. Eloi Fillion
10:15 – 10:20	Opening Statement by Ambassador of Ghana to Nigeria and Permanent Representative to ECOWAS, Chairman of ECOWAS Authority Amb. ...
10:20 – 10:30	Election of the bureau and adoption of the agenda
10:30 – 11:00	KEYNOTE – Introduction to the Annual Meeting's Main Thematic: IHL and Pandemics – ECOWAS President/Vice President (TBC) – ICRC Director of Law and Policy
REPORTING SESSION:	
Implementation of ECOWAS IHL Plan of Action (2019-2021) and 2020 National IHL Priorities; Outlook on 2021 IHL Priorities	
Moderator: ECOWAS	
11:00 – 11:15	Reporting by Representatives of Member States: Benin, Burkina Faso, Côte d'Ivoire
11:15 – 11:30	Question and Answers

DAY 1: 1 DECEMBER, 2020	
11:30 - 11:45	Reporting by Representatives of Member States: Cape Verde, The Gambia, Ghana
11:45 - 12:00	Question and Answers
12:00 - 12:15	Reporting by Representatives of Member States Guinea, Guinea Bissau, Liberia
12:15 - 12:30	Question and Answers
12:30 - 12:45	Reporting by Representatives of Member States Mali, Niger, Nigeria
12:45 - 13:00	Question and Answers
13:00 - 13:15	Reporting by Representatives of Member States Senegal, Sierra Leone, Togo
13:15 - 13:30	Question and Answers
13:30 - 13:45	Wrap up and Concluding Remarks ECOWAS Commission

DAY 2: 2 DECEMBER, 2020	
09:45 - 10:00	Digital arrival and housekeeping
THEMATIC SESSIONS:	
Moderator: ECOWAS	
	Thematic Session 1: Humanitarian Access during pandemics
	Member State Lead Presenter: Burkina Faso, Nigeria
10:00 - 10:30	Technical Experts: – ECOWAS – Legal Coordinator, ICRC Abuja (TBC)
10:30 - 11:00	Plenary Discussion
	Thematic Session 2: Protection of detainees during pandemics
	Member State Lead Presenter: Côte d'Ivoire, Mali
11:00 - 11:30	Technical Experts: – ECOWAS – Protection Coordinator, ICRC Abuja (TBC)
11:30 - 12:00	Plenary Discussion
	Thematic Session 3: Use of Force in Law Enforcement during pandemics
	Member State Lead Presenter: Togo, Guinea
12:00 - 12:30	Technical Experts: – ECOWAS – Relations with Armed Forces Coordinator, ICRC Abuja

DAY 2: 2 DECEMBER, 2020	
12:30 – 13:00	Plenary Discussion
SESSION on the 33rd International Conference of the Red Cross and Red Crescent: Outcomes and follow-up	
13:00 – 13:30	Moderator: Niger Facilitators: ECOWAS, ICRC
13:30 – 14:00	Plenary Discussion
	Adoptions of the Recommendations and Resolutions in the Meeting
CLOSING SESSION	
Moderator: ECOWAS	
14:00 – 14:05	Remarks by Dr. Siga Fatima Jagne Commissioner Social Affairs and Gender, ECOWAS Commission
14:05 – 14:10	Remarks by Amb. Babatunde Nurudeen Nigeria Permanent Representative to ECOWAS
14:10 – 14:15	Remarks by Mr. Eloi Fillion Head of Delegation, ICRC Abuja
14:15 – 14:20	Closing Statement by Ambassador of Ghana to Nigeria and Permanent Representative to ECOWAS, Chairman of ECOWAS Authority

ANNEX III: ECOWAS SPECIFIC PLEDGE TO THE 33RD INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT



Power of humanity

33rd International Conference
of the Red Cross and Red Crescent
9-12 December 2019, Geneva



ECOWAS Specific Pledge to the 33rd International Conference of the Red Cross and Red Crescent

Pledge Title:

IMPLEMENTATION, DOMESTICATION, DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW (IHL) IN WEST AFRICA

Type of Pledge: SPECIFIC (JOINT)

State(s) / National Society(ies) / other Humanitarian Partner(s):

Please indicate who is a signatory party to this pledge.

Pledge for the Period 2019–2023:

A) Preamble

Deeply concerned by the dire humanitarian situation facing populations affected by armed conflicts in West Africa.

Recognizing the importance of working towards effective implementation and dissemination of IHL.

We, the undersigned Member States of ECOWAS, pledge to work to fully implement, the ECOWAS Plan of Action on Implementation of IHL in West Africa (2019-2023) (hereinafter the ECOWAS IHL Plan of Action) validated in 2018, nationally and across the region.

We, the undersigned ECOWAS Member States, commit to implementing the ECOWAS IHL Plan of Action; with ongoing dialogue and regular exchange of information between our National IHL Committees/similar entities responsible for IHL and the ECOWAS Commission and ICRC delegations in West Africa. The ECOWAS IHL Plan of Action covers Ratification of IHL Treaties, Requirements for strong National Committees and similar entities on IHL, and the Thematic areas of: Sexual Violence in Armed Conflict, Protection of Children, Protection of Health Care and of the Red Cross and Red Crescent Emblem, Repression of IHL Violations, Migrants and IDPs, Arms Control, Counter-Terrorism, the Use of Force in Law Enforcement, the Penal Repression of IHL Violations and the Dissemination of IHL.

B) Action Plan

We, the undersigned Member States of ECOWAS, having validated the ECOWAS IHL Plan of Action, pledge for the years 2019-2023:

- 1) To establish National Committees and similar entities on IHL where they do not exist (after the model suggested by the ICRC Guidelines for NCIHL), and to reinforce existing National Committees and similar entities on IHL, by:

- (a) ensuring they have adequate resources to fulfil their mandate effectively; and

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- (b) strengthening the cooperation between National IHL Committees and similar entities responsible for IHL, through the attendance and active participation in the ECOWAS-ICRC Review Meetings and other activities on Implementation of IHL in West Africa, as well as the next universal meeting of NCIHLs.
- 2) To carry out an analysis of the areas requiring further domestic implementation, in particular through comparing the compatibility between our international and regional obligations and the state of domestic legislation and policies, and to make concrete recommendations to fill the gaps.
 - 3) On the basis of this analysis, to continue the implementation of the ECOWAS IHL Plan of Action and ensure National IHL Plans of Action are operational or enacted by 2020, towards the adoption of all necessary Legislative, Administrative and Practical measures at the domestic level.
 - 4) To continue to consult the ECOWAS Commission and ICRC Delegations in West Africa for technical guidance on the implementation of the ECOWAS IHL Plan of Action, and on domestic implementation measures needed to meet IHL obligations and increase the level of implementation.
 - 5) To ensure regular reporting of achievements and challenges in implementing the ECOWAS IHL Plan of Action to the ECOWAS Commission, for effective monitoring and evaluation.

Done at Abuja, this 26th Day of September, 2019.



Mme Assétou Traoré Rabiou

Chairman

For the Meeting

ANNEX IV: RESOLUTION AT THE 33RD INTERNATIONAL CONFERENCE OF THE RED CROSS AND RED CRESCENT, GENEVA, SWITZERLAND, 9–12 DECEMBER 2019

RESOLUTION (ENG 33IC/19/R1)

BRINGING IHL HOME: A ROAD MAP FOR BETTER NATIONAL IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW

The 33rd International Conference of the Red Cross and Red Crescent,

reaffirming that international humanitarian law (IHL) remains as relevant today as ever before in international and non-international armed conflicts, even as contemporary warfare presents new developments and challenges,

recalling that IHL, as applicable, must be fully applied in all circumstances, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the parties to the conflict,

recognizing that the efforts carried out by States and the components of the International Red Cross and Red Crescent Movement (Movement) to eliminate or minimize dire humanitarian consequences of armed conflicts could also contribute to addressing the root causes of conflict and its various consequences,

recalling that persons taking no active part in the hostilities shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria,

recognizing that women, men, girls and boys of different ages, disabilities and backgrounds can be affected differently by armed conflict, and that these differences need to be considered when implementing and applying IHL, in order to safeguard adequate protection for all,

stressing that the best interests of the child as well as the specific needs and vulnerabilities of girls and boys should be duly considered when planning and carrying out military training and humanitarian actions, as appropriate,

highlighting that 2019 marks the 70th anniversary of the adoption of the 1949 Geneva Conventions, welcoming their universal ratification, and expressing the hope that other IHL treaties will also achieve universal acceptance,

stressing that parties to armed conflicts have taken measures in many instances to ensure during their military operations that IHL is respected, such as when cancelling or suspending attacks on military objectives because the expected incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination

thereof, would be excessive in relation to the concrete and direct military advantage anticipated; when enabling civilians to exchange personal news with family members, wherever they may be; or when treating detainees humanely,

deeply concerned nevertheless that there continue to be violations of IHL, which can cause dire humanitarian consequences, and **stressing** that better respect for IHL is an indispensable prerequisite for minimizing negative humanitarian consequences and thereby improving the situation of victims of armed conflict,

recalling that domestic implementation of international obligations plays a central role in fulfilling the obligation to respect IHL, and **recognizing** the primary role of States in this regard,

noting the significant role and mandates of the components of the Movement in promoting the application of IHL and in accordance with the Statutes of the Movement, in particular the unique role of National Red Cross and Red Crescent Societies (National Societies) as auxiliaries to the public authorities in the humanitarian field, based on which they disseminate and assist their governments in disseminating IHL and take initiatives in this respect, and cooperate with their governments to ensure respect for IHL and to protect the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols,

recognizing the positive impact that the integration of IHL into military practice can have on battlefield behaviour, for example, through issuance of doctrine, procedures that incorporate IHL principles and concepts, legal advisers advising commanders on IHL during military operations, and training on IHL commensurate with individuals' military duties and responsibilities,

stressing the basic value of respect for human dignity in times of armed conflict, which is not only enshrined in IHL but also in the rules and principles of different faiths and traditions, as well as military ethics, and **recognizing** the importance of dialogue among relevant actors and ongoing efforts in this respect,

emphasizing the vital importance of building on existing efforts to achieve more effective implementation and dissemination of IHL and of demonstrating the benefits of IHL for all parties to armed conflict and for the protection of all victims of armed conflict,

convinced that the measures recommended below provide a useful road map for effective implementation of IHL at the national level,

1. **urges** all parties to armed conflicts to fully comply with their obligations under IHL;
2. **calls** upon States to adopt necessary legislative, administrative and practical measures at the domestic level to implement IHL, and **invites** States to carry out, with the support of the National Society where possible, an analysis of the areas requiring further domestic implementation;
3. **acknowledges with appreciation** States' efforts and initiatives taken to disseminate IHL knowledge and promote respect for IHL, by raising awareness among civilians and military personnel, and to put in place implementation measures, and **strongly encourages** the intensification of such measures and initiatives;
4. **encourages** all States that have not already done so to consider ratifying or acceding to IHL treaties to which they are not yet party, including the Protocols additional to the Geneva Conventions, and recalls that States may declare that they recognize the competence of the International Fact-Finding Commission as established under Article 90 of Protocol I additional to the Geneva Conventions and that this may contribute to an attitude of respect for IHL;
5. **acknowledges** the effective role and increasing number of national committees and similar entities on IHL involved in advising and assisting national authorities in implementing, developing and spreading knowledge of IHL, and **encourages** States that have not yet done so to consider establishing such an entity;
6. **recalls** the outcomes of the fourth universal meeting of national committees and similar entities on IHL held in 2016, and **calls** for the strengthening of cooperation between such entities on the international, regional and cross-regional levels, in particular by attending and actively participating in the universal, regional and other regular meetings of such entities, as well as through the new digital community for

national committees and similar entities on IHL, created on the basis of the recommendations made by the participants in the 2016 universal meeting;

7. **strongly encourages** States to make every effort to further integrate IHL into military doctrine, education and training, and into all levels of military planning and decision-making, thereby ensuring that IHL is fully integrated into military practice and reflected in military ethos, and recalls the importance of the availability within States' armed forces of legal advisers to advise commanders, at the appropriate level, on the application of IHL;
8. **encourages** States and the components of the Movement, in particular National Societies, to take concrete, and where appropriate, coordinated activities, including through partnerships with academics and practitioners where suitable, to disseminate IHL effectively, paying particular attention to those called upon to implement or apply IHL, such as military personnel, civil servants, parliamentarians, prosecutors and judges, while continuing to disseminate IHL at the domestic level as widely as possible to the general public, including to youth;
9. **calls upon** States to protect the most vulnerable people affected by armed conflicts, in particular women, children and persons with disabilities, and to provide that they receive timely, effective humanitarian assistance;
10. **encourages** States and the components of the Movement, while continuing to rely on proven effective methods of dissemination of IHL, to explore new innovative and appropriate methods to promote respect for IHL, including using digital and other means, such as video games, and where possible to consider therein the voices of people affected by armed conflict and their perception of IHL;
11. **recalls** the obligations of High Contracting Parties to the Geneva Conventions and Additional Protocol I to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any grave breaches of the Geneva Conventions and Additional Protocol I, as applicable, and to take measures necessary for the suppression of all other acts contrary to those Conventions or to other applicable IHL obligations, and further *recalls* obligations with respect to the repression of serious violations of IHL;
12. **also recalls** the obligations of the High Contracting Parties of the Geneva Conventions and Additional Protocol I to search for persons alleged to have committed, or have ordered to be committed, such grave breaches, and to bring such persons, regardless of their nationality, before its own courts or, in accordance with provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case;
13. **invites** States to share examples of and exchange good practices of national implementation measures taken in accordance with IHL obligations as well as other measures that may go beyond States' IHL obligations, including by making use of existing tools and of national committees and similar entities on IHL, where they exist, consistent with International Conference resolutions, including this road map.

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 1 – 2 DECEMBER 2020




PAYS	MINISTÈRE OU ORGANISME	NOM/PRÉNOM	TITRE	COORDONNÉES/CONTACTS DES PARTICIPANTS
Benin	Ministère de la Justice et de la Législation	Inès Laurenda Hadonou Toffoun	Directrice de l'Education Surveillée et des Droits Humains	ineslaurenda@yahoo.fr
	Ministère des Affaires Etrangères et de la Coopération	Randal Oguidan	Chef Service des Droits Humains à la Direction des Affaires Juridiques	elrandofr@yahoo.fr
Burkina Faso	Conseiller des Affaires Etrangères a la Direction Générale des Affaires Juridiques et Consulaires	Bernard Tago	Conseiller des Affaires Etrangères a la Direction Générale des Affaires Juridiques et Consulaires	tagob@yahoo.fr +22670766599
	Comité interministériel des droits humains et du droit international humanitaire	Julie Francine Yonli-Yameogo	Secrétaire Permanente	Julieyonli2@gmail.com +226 71 43 53 48
Cape Verde	CNDHC	Arlindo Sanches	CNDHC	
Cote d'Ivoire	Ministère de la Justice.	Botty Jerome Trabi	Magistrat	trabibotty@gmail.com +225 07298441
Ghana	Office of the Attorney-General and Ministry of Justice	Adadevoh Cecil	Principal State Attorney	adadevohcecil@gmail.com
Guinea	Ministere des Affaires Etrangères et des Guineens	Gaoussou Soumah	Directeur adjoint des affaires juridiques et consulaires	soumahgaoussou08@gmail.com +224622009250
Guinea Bissau	Ministério dos Negócios Estrangeiros e Comunidades	Evaristo Vieira	Jurista da Direccao Geral da Poitica Externa. Primeiro Conseiros de Embaixada	evaristo.vieira@gmail.com

PAYS	MINISTÈRE OU ORGANISME	NOM/PRÉNOM	TITRE	COORDONNÉES/CONTACTS DES PARTICIPANTS
Liberia	Liberia National Commission on Small Arms	Teklo Maxwell Grigsby,	II- Chairperson	
		Vivian D. Dogbey	Director of Program	
Mali	Ministère des Affaires Etrangères	Diambéré Sylla		djasylla@yahoo.fr +223 76 37 14 89
	Ministère de la justice	Sacko Modibo	Conseiller	
Niger	Ministère de l'Action Humanitaire et de la Gestion des Catastrophes	Zabeirou Alfa Zazi	Directeur de la Législation	alfazazibeirou@gmail.com +227 89 80 87 78
Nigeria	Federal Ministry of Justice. International and Comparative Law Department	Awanen Janet	Deputy Director	jsawanen@yahoo.com +2347069395799
		Gomo Esther	IHL Desk officer	esthergomo2@gmail.com +2348187307112
Sierra Leone	Office of the Attorney-General and Minister of Justice	Mr Allieu Vandi Koroma	State Counsel	allieuvandi@gmail.com +23276335579
The Gambia	Ministry of Justice.	Kumba Jow	Principal State Counsel	kumbajow@gmail.com +2207288745
Togo	Ministère de la Justice et de la Législation	Komlan Midotepe	Charge de mission	komlan.midotepe@yahoo.com +228 90996830
	Ministère des Affaires Etrangères, de l'intégration régionale et des togolais de l'extérieur	Noundja Nakpergou	Chef de la division des affaires juridiques	nakthierry@gmail.com +228 90178055

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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