This report is jointly prepared by ICRC and ECOWAS Commission from resources available on-line and information shared during the 2016 Annual Review Meeting on the Implementation of IHL in West Africa. The information is to up to date as at June 2016. However, it may not be exhaustive.
2016 REPORT
IMPLEMENTING IHL IN WEST AFRICA
Participation of West African Countries in International Humanitarian Law Treaties and their National Implementation
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INTRODUCTION
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 over a decade, and have seen significant progress during this time.

At the centre of this engagement is the ICRC-ECOWAS Annual Review Meeting on the Promotion of IHL Implementation, which took place for the thirteenth time in June 2016. 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. This report builds on the exchange of information and ideas at the 2016 Annual Review Meeting, including in relation to the domestication and integration of IHL treaties, as well as other measures taken by Member States to promote and disseminate IHL.

Over the years, ECOWAS Member States have seen their own share of humanitarian consequences resulting from armed conflict and other situations of violence in the region and 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.

ECOWAS Member States have made significant progress in ratifying or acceding to IHL-related treaties, including for example in the area of arms transfers. In addition to the ECOWAS Convention on Small Arms and Light Weapons (ECOWAS Convention on SALW), ECOWAS Member States played an important role in the international negotiations leading to the adoption of the Arms Trade Treaty (ATT); with 11 ratifications from the sub-region, ECOWAS Member States continue to play an important role in universalisation of this treaty. Additionally, ECOWAS Member States represent one third of the current States Parties to the African Union Convention on Assistance and Protection of Internally Displaced Persons (the Kampala Convention) which further codifies a number of core IHL obligations.

However, ratification of IHL treaties is only the first step and must be followed by additional measures aimed at ensuring full implementation and compliance with these treaty obligations. Indeed, 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 its work with the ECOWAS Commission, the ICRC also works with ECOWAS Member States at the national level, to provide technical support in domesticating, integrating and disseminating IHL. This stream of work is complemented by the ICRC’s operational activities, including in the area of assistance and protection. In 2015, the ICRC spent over 155 million Swiss Francs on the sub-region and for the first half of 2016, the budget has seen a remarkable increase.
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.

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 ever since 2011.

Over the years, the ICRC and the ECOWAS Commission have been working predominantly in the area of promotion of IHL treaties and their implementation, most notably through the Annual ICRC-ECOWAS Review Meeting on implementation of IHL Treaties in West Africa. Since 2001, thirteen meetings have been organised.

In 2009, the ECOWAS Commission supported by the ICRC developed the ECOWAS Plan of Action on Implementation of IHL in West Africa (2009-2014). The ECOWAS IHL Plan of Action set out targets for ECOWAS Member States in relation to ratification and accession to international treaties and translation into national legislative frameworks. It also set out targets to ensure adequate capacity building, the establishment of operational structures including human rights and IHL focal points for security forces, implementation of national action plans on IHL, and ensuring designation of an appropriate department responsible for IHL observance in the military. The ECOWAS IHL Plan of Action also set out goals in the area of dissemination of IHL, and specified ECOWAS responsibilities.

The targets within the ECOWAS IHL Plan of Action were further distilled into an Annual Reporting Questionnaire as a tool to measure Member States progress in the implementation of obligations with respect to IHL; also as a basis for a Synthesis Report on Regional Implementation of IHL in 2013. In pursuing the articulation of a more programmatic and systematic approach to IHL Implementation by the ECOWAS Commission, ICRC and the ECOWAS Commission in 2014, developed an Indicators Document to guide implementation by Member States of the IHL Plan of Action.

It is important to note that the ECOWAS Humanitarian Policy and Plan of Action (HPPOA) adopted by ECOWAS Ministers of Foreign Affairs in 2012 (the main ECOWAS Humanitarian instruments) include a specific Strategic Objective on "ensuring Member States and Citizens Compliance with International Humanitarian Law as a means of preventing or mitigating conflict related impacts on the civilian populace". It explicitly recognises the ECOWAS IHL Plan of Action as a priority measure in addition to establishment of National Committees on IHL and designation of National Focal Points for reporting progress to ensure compliance with IHL amongst other measures.

While the ECOWAS IHL Plan of Action has elapsed, it still provides basic guidance for IHL programming by the ECOWAS Commission. The process of review and development of a new IHL Plan of Action is underway.

Other concrete examples of collaboration between the ICRC and the ECOWAS Commission have been ATT Workshops, which aimed to foster a regional common position on the ATT and the ECOWAS Convention on SALW. For instance, following the adoption of the ATT in April 2013, the ICRC
and ECOWAS Commission Small Arms Division (SAD) jointly organised a seminar titled, “Towards the implementation of the ATT” addressing the coming into force of the Treaty as well as challenges that might arise from the joint implementation of the ATT and the ECOWAS Convention on SALW.

The ICRC and the ECOWAS Commission have also worked jointly in the area of integrating IHL into military doctrine and training. In particular, the ICRC has provided technical support in developing the Doctrine of the ECOWAS Standby Force (ESF). The ICRC and the ESF have also jointly organised two workshops: the first in 2009 and the second in 2016.

In sum, the following activities have been undertaken since 2001 pursuant to the existing MoU:

- **Conference on Weapons and International Humanitarian Law**
  - 10-11 October 2001

- **Seminar on the Rome Statute of the International Criminal Court**
  - 29-31 January 2002

- **Workshop on Anti-personnel Mines for ECOWAS Member States (organised by ICRC in Burkina Faso with Canadian financial support)**
  - 28-29 January 2004

- **Workshop on the Law of Armed Conflict for the ESF**
  - 7-11 December 2009

- **Workshops on the Arms Trade Treaty**
  - 20 May 2009
  - 12 May 2010
  - 25-26 April 2012
  - 26-27 May 2014

- **Workshop on the Implementation of the ECOWAS Convention on SALW**
  - May 2010

- **ICRC-ECOWAS Annual Review Meeting on implementation of IHL Treaties in West Africa**
  - Annually since 2001, with the exception of 2011 and 2014
IMPLEMENTING IHL IN WEST AFRICA

COLLABORATION BETWEEN ICRC AND ECOWAS ON IHL

PART II
PARTICIPATION OF WEST AFRICAN STATES IN IHL TREATIES

1. IHL Treaties

The key IHL treaties providing for the protection of civilians and civilian objects from the effects of armed conflict are the following:

Protection of the victims of armed conflict

- Geneva Conventions of August 12 1949 (GC I-IV 1949)
  - 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 Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 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

- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem, 8 December 2005 (AP III 2005)


Protection of cultural property in the event of armed conflict


Environment

- Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques, 10 December 1976 (ENMOD Conv. 1976)
International criminal law

- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, 26 November 1968 (CSL 1968)


- Amendment to Article 8(2)(e) of the Rome Statute (ICC a 2010)

Weapons

- Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, 17 June 1925 (Geneva Gas Prot. 1925)

- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 10 April 1972 (BWC 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, 10 October 1980 (CCW 1980) and its Protocols:
  - Protocol on Non-Detectable Fragments, 10 October 1980 (CCW Prot. I 1980)
  - Amendment of 21 December 2001 to article 1 of the CCW of 10 October 1980 (CCW a. 2001)
• Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997 (APMBC 1997)

• Convention on Cluster Munitions, 30 May 2008 (CCM 2008)

• Arms Trade Treaty, 2 April 2013 (ATT 2013)

Regional Treaties

• ECOWAS Convention on Small Arms and Light Weapons, 14 June 2006 (ECOWAS Conv. SALW 2006)

• African Union Convention for the Protection and Assistance of Internally Displaced Persons, 23 October 2009 (Kampala Convention 2009)

2. Ratification of IHL treaties in ECOWAS Member States (2014-2016)

Between 2014 and 2016, the ECOWAS Member States have been active in the ratification of IHL treaties.

• The Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict (2000) was ratified by three countries (Ghana, Guinea Bissau and Guinea).

• The International Convention for the Protection of All Persons from Enforced Disappearance, (2006) was ratified by two countries (Niger and Togo).

• The Convention on Cluster Munitions (2008) was ratified by one country (Guinea).

• The active support of States from the region towards the ATT deserves to be highlighted. Eleven States have ratified that treaty since its adoption by the United Nations General Assembly in April 2013, among which, ten ratified the treaty between 2014 and 2016 (Burkina Faso, Cabo Verde, Cote d’Ivoire, Ghana, Guinea, Liberia, Niger, Senegal, Sierra Leone and Togo).
### 3. Table: Main IHL treaty ratifications per country

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PART III
Treaty ratification, although important, is only the first step in the implementation process of IHL treaties. Following ratification, States Parties are obliged to take measures that are necessary to make the provisions of IHL treaties effective. It is essential to ensure that their provisions are not only known, but are also implemented nationally as soon as possible. In this regard, States are required to take a variety of measures, ranging from legislative and regulatory action, to administrative, practical and educational measures.

Where they exist, National Committees on IHL, or the relevant national bodies responsible for IHL implementation, have a key role to play in ensuring that the State fulfils its obligation of implementing IHL treaties.

Although the Geneva Conventions do not require the creation of National Committees on IHL, the ICRC encourages States to set up a permanent committee as this represents a commitment by government to ensure comprehensive implementation of IHL. The decision to create a National Committee on IHL is solely the prerogative of the government concerned. As there is no standard format or structure for such committees, National Committees vary in composition, and in the way they work from country to country.

The ICRC works with National IHL Committees in many countries in West Africa and can provide additional technical support where requested.

1. Legislative, regulatory, practical and public policy measures

Penal Repression

Benin

Legislation adopted

Burkina Faso

Legislation adopted

Draft legislation pending
- 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).
IMPLEMENTING IHL IN WEST AFRICA    PART III

• Amendment to the Code of Penal Procedure is pending at the Ministry of Justice.

• Amendment to the Code of Military Justice is pending at the Directorate of Military Justice.

Cabo Verde

Legislation adopted
• 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 conduct, 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.

Cote d’Ivoire

Legislation adopted
• 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

• 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).

Draft legislation pending
• A Bill to amend the Criminal Code was adopted by the National Assembly in July 2016 and is awaiting promulgation by the Head of State. The Bill criminalises violations of the 1949 Geneva Conventions and their Additional Protocols committed during international and non-international armed conflict (Arts. 192-199, 787-795) and all violations of war regulations and customs. It also provides sanctions for genocide and crimes against humanity, as well as for superior responsibility, imprescriptibility of these crimes and absence of immunity of Heads of State. This bill equally contains offences relating to violations of the following treaties:
  • Convention on the Prohibition of the Production, Stockpiling and Use of Chemical Weapons and on their Destruction 1993 (Arts. 846 and 847);
  • Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-personal mines and on their Destruction 1998 (Arts. 850 and 851);
  • Convention on Cluster Munitions 2008 (Arts. 852, 853, 854 and 855) ; and
  • ECOWAS Convention on Small Arms and Light Weapons and related material 2006 (Arts. 848 and 849).

Ghana

Legislation adopted
• 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.

Draft legislation pending
• A Bill for the implementation of the Rome Statute of the International Criminal Court is pending at the Cabinet level.

Guinea

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.

• 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.

• The Penal Code n° 98/036/98 criminalises abuses of emblems protected by international conventions (Art. 579) and provides for the sanctions that can be decided by military tribunals (Art. 578).

Draft legislation pending
• A Bill to amend the Penal Code was adopted by the National Assembly in July 2016 and is awaiting promulgation by the Head of State. The Bill criminalises violations of the 1949 Geneva Conventions and their Additional Protocols committed during international and non-international armed conflict (Arts. 192-199, 787-795) and all violations of war regulations and customs. It also provides sanctions for genocide and crimes against humanity, as well as for superior responsibility, imprescriptibility of these crimes and absence of immunity of Heads of State. This bill equally contains offences relating to violations of the following treaties:
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  • Convention on Cluster Munitions 2008 (Arts. 852, 853, 854 and 855) ; and
  • ECOWAS Convention on Small Arms and Light Weapons and related material 2006 (Arts. 848 and 849).
• The draft Code of Military Justice grants jurisdiction to the Military Tribunal to prosecute international crimes (war crimes, crimes against humanity and genocide) committed by military personnel, as well as other infractions in respect of the use of certain weapons (Arts. 22, 29, 30, 173, 223, 224 and 225).

Liberia

Draft legislation pending
• 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.

Mali

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).

• 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.

• 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).

Nigeria

Legislation adopted
• 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.

Draft legislation pending
• 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).

Senegal

Legislation adopted

• On 31 January 2007, the National Assembly of Senegal adopted the Law n°6/2007 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).
Draft Legislation pending
- Reform Bill for the Code of Military Justice to criminalise pillage and abusive use of red cross and red crescent emblem as war crimes.

Sierra Leone

Legislation adopted
- 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.

Togo

Legislation adopted
- 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.

Draft legislation pending
- Bill amending the Code of Penal Procedure.

Weapons

Benin

Legislation adopted
- 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.

Draft legislation pending
- A Bill authorising the ratification of the Convention on Cluster Munitions is under review at the Bills Commission of the National Assembly.

Burkina Faso

Legislation adopted
- Ordinance n° 81-0001/PRES/CMRPN on Importation and Fabrication of gunpowder, cartridge hunting weapons and war ammunitions in Haute Volta Republic.
- 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).
- 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.
- Decree n° 2000-147 of 20 April 2000 establishes a National Authority for the implementation of the Convention on Chemical Weapons.
- 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.
- Decree n° 2008-219 of 22 May 2008 appointing Permanent Secretary of the CNLPAL.
- Decree n° 2001-168 of 25 April 2001 appoints the Chairman of the CNLPAL.
- Decree n° 2006-174 of 20 April 2006 on the constitution, attributes, organisation and operations of the CNLPAL.
- Decree n° 2008-219 of 22 May 2008 appointing Permanent Secretary of the CNLPAL.
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- Decree n° 2002-008/PRES/PM of 30 May 2002 on the organisation and operation of the HACIAU.

- 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.

- Decree n° 2013-528/PRES/PM of 5 July 2013 on nomination of the Permanent Secretary of HACIAU.

- Decree n° 2015-809/PRES-TRANS/PM modifying Decree n° 2002-556/PRES of 27 November 2002 on delegation of Signatures.


Draft legislation
- 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.

- Pre-draft bill on arms regime to replace Decree undertaken by a multi-sectorial Committee.

- Protocol V to the CCW is in the process of being ratified after authorization by Transition National Council of June 2015.

- Draft decree on arms, ammunitions, optical and other related material of Defence and security forces reform initiated by HACIAU.

- Draft decree on civil arms regime in application of the Legislation on arms and ammunitions.

Cote d’Ivoire

Legislation adopted
- Act n° 2002-545 of 31 December 2002 authorizes the President of the Republic to ratify the amended Protocol II of Convention on Prohibitions or Restrictions on the Use of the Certain Conventional Weapons. However, this step did not result in Côte d’Ivoire becoming a State Party to the treaty as the process laid out in the treaty requires the ratification of the treaty, along with at least 2 of its five currently listed Protocols.


- Decree n° 2009-154 of 30 April 2009 on the creation, organisation, attributes and operations of the National Commission for the Control of Illicit Trade in Small Arms and Light Weapons (COMNAT-ALPC).

Draft legislation pending
- Draft Bill on the regulation of weapons, intended to jointly implement the ECOWAS Convention on SALW and the ATT, is still pending before the National Commission on SALW.

Ghana

Draft legislation pending
- Draft Bill for the implementation of the 1993 Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.

- Draft Bill for the implementation of the Convention on Cluster Munitions.

Others
- There is no specific legislation creating the National Commission on Small Arms but the Commission exists.

Guinea

Legislation adopted
- Act n° L/96/008 of 22 July 1996 on weapons, ammunition, powder and explosives. The Act distinguishes between weapons considered war material and weapons that are not considered as war material. It sets the conditions for the acquisition and possession of certain weapons and ammunition and prohibits the development, manufacture, possession, stockpiling, acquisition and transfer of biological agents and toxins whatever their origin and the mode of production, types and quantities not intended for prophylactic, production and other peaceful purposes. The production, possession and sale of explosives intended for military purposes are subject to authorisation.

- Decree n° D/066/PRG/SGG of 18 August 2000, establishing the National Commission for the Control of Illicit Trade in and Proliferation of Small Arms and Light Weapons (National Commission on SALW).

- Decree n° D/2014/287/PRG/SGG of 21 August 2014 on the restructure of the National Commission on SALW.

Draft Legislation pending

**Guinea Bissau**

**Legislation adopted**

**Others**
- There is a proposal for a Bill amending the SALW Act to regulate their transfer in situation of armed conflict and prevent illegal trade and reduce their humanitarian effects on civilians.

**Liberia**

**Legislation adopted**
- The Firearms and Ammunition Control Act of Liberia (2014) was approved by the National Legislature in May 2016 and sent to the President to be signed into law (handbill).

**Draft legislation pending**
- The House of Representative of the National legislation has approved ratification of the Cluster Munitions Convention and awaits concurrence of the Senate.

**Mali**

**Legislation adopted**
- Ordinance n° 07-021/P-RM of 18 July 2007 on the implementation of the Chemical Weapons Convention.
- 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.
- Decree n° 96-304/PRM of 14 November 1996 establishing the National Commission for the control of light weapons proliferation (CNLPAL).
- 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.
- Decree n° 09-543/P-RM of 8 October 2009 establishing the composition of the CNLPAL.

**Draft legislation pending**
- 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.

**Niger**

**Legislation adopted**
- 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.

**Draft legislation pending**
- A draft bill amending the Weapons Act is currently being discussed at the National Commission on SALW.

**Others**
- 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.

**Nigeria**

**Draft legislation pending**
- The Firearms Bill 2014 amends the Firearms Act of 1959 in order to jointly domesticate the ECOWAS Convention on SALW and the ATT.

**Senegal**

**Legislation adopted**
- 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).
- Act n° 2006-36 of 16 October 2006 prohibiting the Production, Stockpiling, and Use of Chemical Weapons and on their Destruction.
- 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.
• Act n° 2005-12 of 3 August 2005 relating to the Prohibition of Anti-personnel Mines.

• Decree n° 2006-784 of 18 August 2006 establishing the National Mine Action Centre in Senegal (CNAMS).

• 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).

Draft legislation pending
• Draft bill on the Weapons and Ammunition Act (2014).

• Draft decree for the application of the Weapons and Ammunition Act (2014).

• Draft decree on the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

• Draft bill for the implementation of the Arms Trade Treaty, March 2016.

Sierra Leone

Draft legislation pending
• 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.

• 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.

Togo

Legislation adopted
• 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.

• 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).

• 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, stock- ing, 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 SALW of 2006, by criminalising the illicit manufacture of and trafficking in firearms, their parts, components and ammunition.

• 1 June 2009 Act provides for the establishment of a Commission to monitor the application of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1997.

Draft legislation pending
• 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.

Protection of Emblems

Benin

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.

Burkina Faso

Legislation adopted
• Law n° 059-2003/AN of 23 October 2003 concerning the use and protection of the Red Cross emblem and 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

Cabo Verde

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.
Cote d’Ivoire

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 perfidy.

Ghana

Legislation adopted
- Red Cross Emblem (Control) Act, 1973, NRCD 216 regulates the use of the Red Cross emblem and provides penalty for its misuse.
- Ghana Red Cross Society Act 1958 makes provision for the status and constitution of the Ghana Red Cross Society.

Guinea

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 with the objective of preventing, mitigating and alleviating the suffering of people in all neutrality and impartiality, without discrimination as to nationality, race, sex, class, religion or political opinion. It 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.

Guinea Bissau

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.

Liberia

Legislation adopted
- Liberia National Red Cross Society (LNRC) 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.

Mali

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.

Niger

Legislation adopted
- Decree n° 415/MI/DAPA of 7 September 1965, amended by the Decree n° 25/MI/AT/DAPJ/SA of 2 February 2000, authorises the Nigerien Red Cross to act as auxiliary to the public authorities in the humanitarian field and to carry out its operations in the territory of Niger.
- Act n° 2006-19 of 21 June 2006 on the conditions of use of the emblem of the Red Cross and Red Crescent provides for sanctions for misuse of the emblem and perfidy.

Nigeria

Legislation adopted
- 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.

Senegal

Legislation adopted
- Decree n° 63.055 of 29 January 1963 and Decree n° 63.597 of 11 September 1963, on the recognition of the National
Society recognising the Senegalese national society and its auxiliary role to government.

- Law relating to the use and protection of the Red Cross and Red Crescent emblem, 20 July 2005. Art. 2 provides for regulations on both the protective and indicative use of these emblems. According to art 8, the Senegalese State is in charge of monitoring and supervising the lawful use of the emblems. Penalties for their misuse are provided by Arts. 8 to 12.

- Law n° 2005-19 of 5 August 2005 on the protection of the Red Cross and Red Crescent emblem which limits its legal use to the components of the Movement, military health service and, in times of armed conflict, to civilian hospitals. It also provides for sanctions in case of abuse of the emblem and perfidy.

**Sierra Leone**

**Legislation adopted**

- Sierra Leone Red Cross Society Act of 3 December 2012 replaces the Sierra Leone Red Cross Society Act of 14 May 1962. The Act provides a description of the Society’s role and activities and further protects the Red Cross emblem against misuse. It enhances the Sierra Leone Red Cross Society’s financial independence through exempting it from taxes and obliging the Government to support the National Society through subventions.

**Togo**

**Legislation adopted**

- Law n° 99-010 on the protection and use of the Red Cross and Red Crescent emblems in Togo, 28 December 1999. The law identifies and defines the emblems recognized and protected by the Geneva Conventions, establishes the national authority to regulate the use of the emblems, stipulates which entities are allowed to employ the emblems and specifies the uses for which permission may be given. It also provides for the punishment of any misuse of the emblems, in wartime as in peacetime, and expressly refers to and sanctions perfidy.

**Protection of Cultural Property**

**Niger**

**Legislation adopted**


**Senegal**

**Legislation adopted**


**Togo**

**Draft Legislation pending**


**Participation of children in armed conflict**

**Burkina Faso**

**Legislation adopted**

- Act n° 052.2009 of 31 December 2009 determining the Burkina 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 armed groups, or the act of making them participate actively in hostilities.

**Guinea**

**Legislation adopted**

- The Children’s Code of Guinea (Bill n° L2008/011/AN) 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). The Act 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. Arts. 429-439 provide for general protection of children in armed conflict, protection of displaced children, refugees and separated children. Under the law, children benefit from all of the protections provided under international humanitarian law.

**Mali**

**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).
• 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).

Niger

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.

Nigeria

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.

Togo

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).

Senegal

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.

Sierra Leone

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.

Regional Treaties

Liberia

Draft legislation pending
• 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.

Mali

Draft legislation pending
• 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:
  • Elaborate, adopt and implement a plan of action for domestication of the Convention;
  • Propose measures to harmonise the national legislation with the Convention.

Nigeria

Draft legislation pending
• 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.
2. Integrating IHL into the Armed Forces

**Burkina Faso**

**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.

**Cote d’Ivoire**

**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.

**Ghana**

**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 seminar are organized for the personnel of the Ghana Armed Forces before they are sent on Peacekeeping Missions.

**Guinea**

**Legislation adopted**
- 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.

**Draft Legislation pending**
- Draft Revised Military Code of Justice, adopted by Council of Minister on 7 April 2016 and to be submitted to the National Assembly. This Revised Military Code further develops competencies of military tribunals and creates, among other, a special military chamber at the Conakry Court of Appeals.

**Others**
- Memorandum n° 072 of 13 June 2005 on resuming instructions on IHL for the Armed Forces.
Liberia

Legislation adopted

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).

Others

Mali

Legislation adopted

- 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.

- 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).

Programs
- 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.

- Creation of an IHL and peacekeeping operation division and an IHL section within the Defence General Chief of Staff.

- 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, non-commissioned and commissioned officers.

- 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.

Niger

Legislation adopted
- Joint Order n° 76/MDN/MI/SP/D/AR of 27 July 2012 on integrating IHL or armed conflict law in the curricula of Defence and Security Forces.

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.

- IHL is taught and subject to evaluation during the initial and continuous trainings at the Military School of Nigerien 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.

- IHL dissemination session are also provided by the United Nations to the Nigerien armed and security forces contingents to be deployed abroad as part of peacekeeping mission.

Nigeria

Programs
- The Defence Headquarters, in collaboration with the ICRC, regularly organises dissemination sessions for members of the armed forces on IHL and humanitarian principles.

- The Defence Headquarters annually invites the ICRC to conduct a Training of Trainers on IHL for instructors drawn from various military institutions.
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Senegal

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.


Draft legislation pending

- Draft Code of Military Justice 2013, which provides for the creation of new and decentralised military courts.

Togo

Legislation adopted


- 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.

Draft Legislation pending

- Draft revised National Police Code of Ethics which relates to respect for human rights by the police.

3. Integration and Dissemination of International Human Rights Law and Relevant Humanitarian Principles in Police and Security Forces

Ghana

Programs

- IHL training courses for Police personnel are organised on an ad hoc basis.

Guinea

Legislation adopted


- Order n° 11863/MIS/DNSP/DPFP/93 of 15 December 1993, appointing a Director of IHL education within the Security Services.

- 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.

- 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.

- 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.

Draft Legislation pending

- Draft revised National Police Code of Ethics which relates to respect for human rights by the police.

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.

**Mali**

**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).

**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.
- Dissemination and training programme on IHL and the protection of women and children is financed by UN-Women and executed by the IHL division of General Chief of Defence.

**Niger**

**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.

**Nigeria**

**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.
- 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.
• 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.

• The Nigeria Police Force organises periodic training seminars on Human Rights for Police Instructors.

Senegal

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.

4. Integrating IHL into Academic Teaching

Burkina Faso

• 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.

Ghana

• IHL is studied as an elective course in the School of Law of the University of Ghana, Legon-Accra.

Gambia

• IHL is taught at the Banjul Law Faculty.

Guinea

• 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.

Liberia

• 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.

Mali

• 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.

Niger

• IHL is part of the curriculum of the Law Faculties at Niamey and Tahoua 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.

Nigeria

• 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 Ali University, University of Calabar, Niger-Delta University, Delta State University and Babcock University.

Senegal

• 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).
1. Existing National Committees on IHL and dates of creation

<table>
<thead>
<tr>
<th>Country</th>
<th>Full Name of Committee</th>
<th>Date of creation</th>
<th>Enabling law</th>
</tr>
</thead>
</table>
### 1. Implementing IHL in West Africa

<table>
<thead>
<tr>
<th>Country</th>
<th>Full Name of Committee</th>
<th>Date of creation</th>
<th>Enabling law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Togo</td>
<td>Interdepartmental Commission on implementation of International Humanitarian Law (Commission interministérielle de mise en œuvre du droit international humanitaire)</td>
<td>1997</td>
<td>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.</td>
</tr>
</tbody>
</table>

**Total**: 11

### 2. Other institutions/agencies responsible for the implementation of IHL

<table>
<thead>
<tr>
<th>Country</th>
<th>Full name of agency/institution</th>
<th>Date of creation</th>
<th>Enabling law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guinea</td>
<td>Unit on IHL domestication</td>
<td>2013</td>
<td>No official establishment, but the unit is functioning since 2013.</td>
</tr>
</tbody>
</table>

**Total**: 2
PART V
As the guardian of IHL, a core function of the ICRC’s mandate is to promote respect for IHL treaties and customary IHL, including actions aimed at encouraging familiarity with, understanding of and respect for IHL rules and their spirit.

In West Africa, this is carried out, among others, through providing technical support on national implementation of treaties, supporting the academic community to teach IHL in universities, working with the military to integrate IHL (and IHRL where relevant) into military doctrine, training and operations, and working with the police to integrate IHRL and humanitarian principles into police doctrine, training and operations.

Implementation of IHL, which is the obligation of States, consists, among others, of incorporating IHL into domestic law, for cases when international law is not directly applicable, and setting out criminal sanctions for IHL violations. The integration of IHL aims to create mechanisms and propose practical measures to ensure that it is included in the doctrine, training and operations of armed forces and security forces. Since awareness of the law does not automatically lead to a change in behaviour and attitudes, practical guidelines and training must be given in order to ensure that the law is respected in practice. Finally, dissemination of IHL to particular audiences aims to increase awareness of IHL and ensure that it is taught to certain components of civil society, such as youth and academic circles.

1. Promotion and Implementation of IHL Treaties

Although the promotion and implementation of IHL is the primary responsibility of States, the ICRC has always encouraged its effective implementation and provided support and assistance to States as needed. The ICRC assists States to fulfil their obligations and pursues active dialogue with national authorities to promote the ratification of and accession to IHL treaties, as well as their domestic implementation. The ICRC also encourages governments to establish an inter-ministerial committee (also known as a National IHL Committee) specifically entrusted with the national implementation of IHL.

ICRC’s implementation activities which aim at fostering compliance with IHL include promotion of IHL treaties among relevant authorities, by making representations to governments, provision of IHL training, organising expert seminars and contributing to capacity-building efforts. The ICRC is also involved in drafting technical documents and guidelines to support national implementation efforts. The ICRC also supports technical assessments on the compatibility of national legislation with IHL.

Additionally, in September 2016, the ICRC organised an expert consultation on the role of the judiciary in ensuring respect for IHL for French speaking African countries and to which members of the judiciary from several Member States took part (Benin, Burkina Faso, Cote d’Ivoire, Guinea, Mali, Niger, Senegal, and Togo). At the national level, the ICRC also convened a training and workshop for judges in Guinea, on new offenses in the Guinea Penal Code which relate to breaches of IHL.
In 2015-2016, the ICRC has also organised: IHL implementation awareness sessions for members of parliaments in Chad, Guinea and Mali; legal drafting workshops for Parliamentarians and relevant Government Ministries in Senegal and Nigeria; as well as a training on IHL implementation and functioning of IHL national committees for the National Commission on Human Rights and Citizenship in Cabo Verde.

Finally, the ICRC held in April 2016 an IHL course for professional humanitarians in Senegal. This course gathered around 20 professionals from various countries working in humanitarian field (NGO, UN and national societies).

2. Integrating IHL in the Armed Forces and Integration and Dissemination of International Human Rights Law and relevant Humanitarian Principles in Police and Security Forces

In addition to supporting efforts of the national authorities to ratify and implement IHL treaties, the ICRC engages with armed forces and law enforcement agencies to integrate IHL, IHRL and humanitarian principles into doctrine and training. In this regard, the ICRC provides technical support in developing doctrine and operational documents, as well as capacity building and training for armed forces, police and security forces, both in the field and within training institutions (academies, staff colleges etc.).

In 2016, the ICRC conducted trainings in several ECOWAS Member States. In Nigeria, trainings were conducted for policemen and the ICRC also participated in the review of the Police Force 237 Code of Conduct Manual. In Niger, in collaboration with the Niger Police Command, the ICRC conducted training for Heads of Units of Police and Gendarmerie from all over the country. Additionally, in Senegal, the ICRC was invited to contribute to IHL training for soldiers of various ranks. Most sessions were led by ICRC-trained military instructors. Also officers from various corps worked together during an ICRC supported-workshop as a step to elaborate IHL teaching manual for the Senegalese armed forces.

At regional level, the ICRC has supported the integration of IHL, IHRL and humanitarian principles into doctrine of the ESF including by providing input into the new ESF Doctrine expected to be adopted in 2016. The ICRC also sponsored the participation of military officers from the ECOWAS Commission to various courses, among others, the ICRC’s Workshop on International Rules Governing Military Operations (SWIRMO) and courses held at the San Remo International Institute of Humanitarian Law. In 2016, the ICRC convened an IHL and IHRL workshop for the ESF in Abuja, Nigeria, bringing together representatives from the Troop Contributing Countries, the ESF Task Force and the ECOWAS Commission Department of Peacekeeping and Regional Security.

3. Promotion of IHL in Academic Circles

The ICRC provides support for the teaching of IHL and related activities in universities within the region. It is committed to encouraging the integration of IHL into the curricula of universities. When that is not feasible, or when IHL is in fact already established in university curricula, the ICRC proposes a more ad hoc and event-focused type of collaboration to ensure that IHL remains high on relevant university agenda.

Annually, several university professors are sponsored to attend various IHL courses organised by the ICRC in Geneva, Switzerland and Pretoria, South Africa. Also, on a bi-annual basis, the ICRC holds an IHL seminar for university professors from French speaking African countries. The last one was organized in March, 2016 in Yaoundé, Cameroun. Among participants were professors and academics from Guinea, Côte d’Ivoire, Niger, Senegal, Mali, Benin, Burkina Faso and Togo.

The ICRC also organises IHL workshops aimed at university professors and lecturers at the national level. In May 2016, such a workshop was held in Bamako, Mali, for 15 professors, lecturers and researchers. In Nigeria, the ICRC has organised an Annual IHL Teachers Workshop since 1997, for university professors and academics from different regions of the country. In June 2016, the workshop was organised in collaboration with the Nigerian Institute of Advanced Legal Studies in Abuja.

By offering IHL training opportunities, the ICRC aims to stimulate IHL teaching and research. Such courses are designed to enable professors teaching related subjects – international law, human rights law, political science, international relations or journalism – to include IHL in their curriculum and encourage them to use different tools, in particular case studies.

The ICRC also organises national and regional IHL competitions for university students. In 2015-2016, the ICRC organised IHL competitions for law faculty students in Benin, Burkina Faso, Côte d’Ivoire, Guinea, Mali, Niger, Nigeria, Senegal, Chad, and Togo. These competitions have involved various universities, professors, IHL and military experts, journalists and well as various humanitarian professionals. In November 2015, in Niamey, Niger, the ICRC held a Regional IHL competition gathering finalist teams from 14 French speaking African countries, among which 10 were from ECOWAS Member States. The finalist team from the Nigerian national IHL competition also participated in the African English speaking IHL competition in Arusha, Tanzania.
The ICRC also provides regular lectures on IHL at the invitation of university professors. Between January 2015 and June 2016, it did so in Côte d’Ivoire, Ghana, Guinea, Senegal, Mali and Nigeria. In Nigeria, the ICRC has also participated in events during the law week of some universities and during the annual commemoration of the IHL Club in the University of Abuja.

Working with academic circles helps to consolidate a network of IHL experts and developing partnerships with institutes and research centres specialising in IHL.
PART VI
IMPLEMENTING IHL IN WEST AFRICA

1. Directorate of Humanitarian and Social Affairs

In 2011, the ECOWAS Commission organised a Ministerial Conference on Internal Displacement (specifically for the promotion of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons - Kampala Convention by ECOWAS Member States) in Abuja. This was carried out in collaboration with the United Nations High Commission for Refugees (UNHCR) with funding from the Government of Finland. The Conference resulted in a substantial increase in the number of ratifications of the Kampala Convention, which reiterates the IHL obligations of both governments and non-state actors, including those relevant to protection of civilians. Also a roadmap was adopted by Member States highlighting key targets and activities for both the ECOWAS Commission and its Member States in relation to realisation of the goals of the Kampala Convention.

In furtherance of the roadmap which came out of the Conference, the ECOWAS Commission Directorate of Humanitarian and Social Affairs (DHSA) and the UNHCR conducted a study on the legal, policy and operational context of the management of IDP issues in three Member States: Nigeria, Liberia and Cote d’Ivoire. The study methodology involved the application of and assessment of compliance with benchmarks derived from the provisions of the Kampala Convention in alignment with the ECOWAS Humanitarian Policy and the Guiding Principles on Internal Displacement. Outcomes of the study are under consideration for possible extrapolation to all 15 ECOWAS Member States.

In 2015, the DHSA conducted high level sensitisation visits to the three countries included in the Study, in order to follow up on the outcomes of the study. The outcomes of the visits include appropriate review of institutional arrangements and operational modalities in each country and in Liberia, the visit contributed to the conception and drafting of the Liberian draft law on IDPs currently before the Parliament. The DHSA also provided information on other ECOWAS Humanitarian Affairs instruments including the ECOWAS HPPoA, the Plan of Action on IHL, and the Model for National Disaster Management Agencies.

It should be emphasized that the ECOWAS HPPoA dedicates Strategic Objective 4 entirely to the promotion of IHL and prescribes that it has its own specific plan of action.

Additionally, the DHSA also facilitated capacity building for relevant functionaries and personnel including a training for the ECOWAS Emergency Response Team Members (EERT) in Bamako, Mali in 2011.

As mentioned above, a vital component of IHL programming has been the ICRC-ECOWAS Annual meetings on Implementation of IHL, held for 13 editions, with a conversion of the focus of the event from a Seminar to a programmatic and peer review meeting from the year 2011.
2. Directorate of Peacekeeping and Regional Security

The Directorate of Peacekeeping and Regional Security (DPKRS) is embedded in the ECOWAS Commission Department of Political Affairs, Peace and Security (DPAPS) and oversees the ECOWAS Standby Force (ESF), the Small Arms Division (SAD), the Regional Security Division (RSD) and the Peace Support Operations Division (PSOD). The DPKRS in its operations works on several areas relevant to the implementation of IHL in West Africa particularly promotion and implementation of the ECOWAS Convention on SALW and the ATT under the mandate of the SAD. Additionally, the DPKRS ensures the integration of IHL into military doctrine, Standard Operating Procedures and Rules of Engagements of the ESF.

One of the most important considerations in the ECOWAS Convention on SALW, is the identification of human rights and IHL in the transfer of weapons. Apart from its preamble, Arts. 6(2)(b) and 6(3)(b) of the Convention cite the universally acceptable principles of human rights and IHL as grounds to refuse transfers.

Additionally, the ECOWAS SAD has contributed to the implementation of IHL treaties especially through its strict compliance with UN Arms embargoes on Member States. This was in general compliance with international law but specifically to Art. 6(2)(c)(i) of ECOWAS Convention on SALW which refers to enforcement of embargoes as conditions to refuse transfers. The arms embargoes were invoked to protect the citizens from abuses of human rights and IHL. The ECOWAS Commission was able to ensure official compliance by ensuring that requests for arms were blocked and referred to the UN Security Council.

The SAD also coordinates the annual forum of National Commissions on Small Arms and Light Weapons – which exist in all 15 Member States – as a platform for exchange on the implementation of both the ECOWAS Convention on SALW and the ATT, as the case may be.

Finals of the 6th IHL Moot Court Competition - October 2016. Lagos, Nigeria.

Additionally, the SAD plans to undertake monitoring and evaluation in Member States to support the national process on implementation of the above-mentioned instruments.

In 2015, the SAD undertook training on the exemption procedure of the ECOWAS Convention on SALW in Nigeria and Niger and part of the focus was consideration for human rights and IHL.

SAD played a leading role in the negotiations of the ATT from 2010 with the adoption of the ECOWAS Common Position on the ATT. This led to two major results, namely:

- adoption of SALW as the eighth category of Conventional Weapons;
- ratification by 11 ECOWAS Member States out of a total of 15 in Africa, facilitating the entry into force of the ATT on 24 December 2014.

The current and emerging security threats in the ECOWAS region require new approaches, effective tools and robust actions by stakeholders at all levels. It is in the light of these that the ECOWAS Commission in 2009 initiated the process for a ECOWAS Policy Framework for Security Sector Reform and Governance (SSRG) which was adopted in June 2016 to establish within the region a robust and proactive institutional framework to assist Member States in efforts to improve efficiency, effectiveness, accountability and transparency in the security sector.

ECOWAS’ unique approach to Security Sector Reform, which emphasises Governance and Human Security, is a reflection of lessons learnt in the past: emphasis on subjecting security actors to effective civilian democratic control in the aftermath of military authoritarian rule; and preference for building capacity for oversight of the security sector beyond time-bound reform programmes or professionalisation of the security forces. One of the Core Principles of the ECOWAS Policy Framework for SSRG is “respect for human rights and IHL” (Art. 16(g), and the goal to create a secure environment for the armed forces and security services as well as civilian-led institutions to coordinate, implement, respect and enforce human rights and IHL. An Implementation Plan will outline how those security objectives will be met by systematically linking regional security objectives to expected outcomes.

The ECOWAS Code of Conduct for the Armed Forces and Security Services (Code of Conduct), 11 August 2011, seeks to promote the inculcation of democratic norms into the behaviour of the armed forces and security services. It emphasises universally acceptable standards of conduct and democratic principles, human rights and IHL. It also seeks to promote conditions that will prevent unconstitutional change of government, strengthen democratic civilian control and good governance.
of the security sector. It is a practical instrument which seeks to reinforce democracy, respect for the rule of law, human rights and IHL, as well as restructuring of civil-military relations.

Within the context of SSRG which entails a fundamental shift in the way security is perceived, provided, managed, controlled and overseen, contemplating a shift from negative to positive individual and institutional behavioural patterns is always a great challenge. In the toolbox of policy instruments for enabling and effecting such a shift, the Code of Conduct comes closest to operationalising norms for SSRG.

Implementation of the Code of Conduct will seek to build consensus on and sustain standards of democratic governance of the security sector across Member States to promote democratic culture, lasting peace and sustainable development. An Implementation Plan will outline positive steps on how the principles and standards of conduct contained in the Code of Conduct would be met, using specific Member States as pilot states. An important element of the Implementation Plan will be the development of derivative tools which will be used in sensitisation, information and training of armed forces, police and security officers of different cadres.

3. Instruments at the ECOWAS Regional Level

- ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, June 2006.
- ECOWAS Code of Conduct for the Armed Forces and Security Services, August 2011.
- ECOWAS Humanitarian Policy, March 2012.
- Model for National Disaster Management Agencies, October 2015.

<table>
<thead>
<tr>
<th>Sn</th>
<th>Country</th>
<th>2016-2017 IHL Priorities</th>
</tr>
</thead>
</table>
| 1  | Benin           | • Ratification of the Convention on Cluster Munitions 2008  
                    • Commence operation of the CNDIH following the adoption of the decree amending the one that created it                                                                                                          |
| 2  | Burkina Faso    | • Plan to include Health Focal Person in the activities of the IHL Committee in order to expand activities  
                    • Ensure a budget line for the Inter-ministerial Committee on Human Rights and IHL  
                    • Complete the ratification process initiated on the following treaties:  
                        • Second Protocol to the Hague Convention 1999  
                        • Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques 1976  
                        • Additional Protocol III to the Geneva Convention 2005 on the adoption of an additional distinctive emblem |
| 3  | Cabo Verde      | • IHL training for national authorities, armed forces and universities                                                                                                                                                                                                                                                                             |
| 4  | Cote d’Ivoire  | • Ratification of the Protocol to the 1954 Hague Convention  
                    • Criminalise offences related to attacks against health infrastructure  
                    • Re-activation of the National IHL Commission  
                    • Ratification of the following treaties:  
                        • Additional Protocol III to the Geneva Conventions 2005  
                        • Article 90 of Additional Protocol 1 to the Geneva Conventions (accepting the competence of the Fact-Finding Committee)  
                        • Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques 1976  
                        • Implementation of the following treaties:  
                            • Arms Trade Treaty 2013  
                            • Convention on Certain Conventional Weapons 1980 |
<table>
<thead>
<tr>
<th>Sn</th>
<th>Country</th>
<th>2016-2017 IHL Priorities</th>
</tr>
</thead>
</table>
| 5  | Gambia        | • Re-activate the National IHL Commission  
• Ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict 2000  
• Adoption and implementation of the 1977 Additional Protocols I and II to the Geneva Conventions of 1949  
• Domesticate the Cluster Munitions Convention, 2008  |
| 6  | Ghana         | • Enable the operation of the newly created National IHL Commission  
• Undertake 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  
• Training for members of the National IHL Committee on the outstanding treaties that require ratification, and in the preparation of cabinet memorandum thereon  
• Securing the buy-in or support of the Ministries responsible for sponsoring these treaties, for a successful ratification process  
• Sensitization programmes for members of the media, civil society, parliamentarians in order to secure their support and the support of the general population for the ratification process  |
| 7  | Guinea        | • Ratification of the Kampala Convention  
• Capacity building activities for the judiciary on IHL  |
| 8  | Guinea Bissau | • Ratification of the Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954 and its additional protocols  
• Ratification of the Arms Trade Treaty 2013  |
• Ratification of the Kampala Convention  
• Integration of IHL into more Liberian Universities  
• Integration of IHL into armed and security forces  
• Training of lawyers and judges in IHL  |
| 10 | Mali          | • Review of the Penal Code and of Penal Procedure Code  
• Adopt a National Strategy on Internally Displaced Persons and repatriation  
• Domestication of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa 2009  
• Adopt the Plan of Action for Technical Committee on African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa 2009  
• Continus training and sensitization for armed and security forces as well as former combatant or armed groups on violations of IHL  |
| 11 | Niger         | • Creation of an independent National IHL Commission  
• Validation of Bill to adopt the ECDWAS Convention on SALW  
• Harmonization of ratified treaties with national laws  |
| 12 | Nigeria       | • Domesticate the Geneva Conventions 1949  
• Domesticate the Additional Protocols I and II of 1977 and Additional Protocol III of 2005 to the Geneva Conventions 1949  
• Periodic training/capacity building of National IHL Committee members  
• Facilitate the adoption of the Rome Statute Draft Bill by the parliament  
• National IHL Committee to adopt an advocacy strategy to the National Assembly  |
| 13 | Senegal       | • Establishment of a sub-committee on IHL  
• Promotion of IHL in armed and security forces  
• Continue work on the draft bill on the ATT  
• Ratify the Kampala Convention  |
| 14 | Togo          | • National IHL Committee to adopt an IHL Plan of Action  