**ANNEX I**



**Republic of Mauritius**

**INTERNATIONAL HUMANITARIAN LAW COMMITTEE OF MAURITIUS**

**TERMS OF REFERENCE**

1. **Rationale**
	1. International Humanitarian Law (IHL) has developed steadily as a body of international law since the adoption of the First Geneva Convention in 1864. Its conventions, protocols and customary rules now encompass a wide range of subjects, from the protection of the sick and wounded, those who deliver health-care services, people deprived of their liberty and all civilians and civilian objects, including cultural property, to the restriction or prohibition of specific types of weapons and methods of warfare.
	2. The State of Mauritius is party to a large extent to the IHL instruments and has *inter alia* an obligation to take action domestically to incorporate those IHL instruments into laws, regulations and policy directives. It has also to ensure that the para military forces and other national stakeholders understand and respect those rules, and establish mechanisms that will ensure respect for the law and appropriate handling of violations, when they occur. A list of all the IHL instruments acceded by the State of Mauritius is at ***Annex I.***
	3. Given the broad range of issues associated with the State obligations, there is a need to have a dedicated working group referred to as a national IHL Committee to facilitate this process of coordination among different government agencies and sectors, the para military forces and civil society.
	4. The 26th International Conference of the Red Cross and Red Crescent and subsequent International Conferences encouraged State parties to establish their respective national IHL committees. The work of a national IHL committee is relevant whether a country is at peace or involved in armed conflict, emerging from conflict or still affected by historical conflict.
	5. The International Committee of the Red Cross (ICRC) promotes and supports the setting up of national IHL Committees through its Geneva-based Advisory Service on IHL. The Service develops guidance and technical tools to support and facilitate the functioning and work of national IHL committees, supports information exchange on these entities’ activities and achievements, and facilitates peer-to-peer exchanges and cooperation between committees from different countries and regions.
	6. The State of Mauritius has set up its national IHL committee, namely the “*International Humanitarian Law Committee of Mauritius*” in October 2001 under the aegis of the Prime Minister’s and the Committee has been reconstituted in 2020 under the aegis of the Ministry of Foreign Affairs, Regional Integration and International Trade (Human Rights Division).
	7. This present document sets out the Terms of Reference of the IHL Committee of Mauritius including its mandate, composition, structure and work procedures. It takes into consideration context-specific humanitarian needs, concerns, challenges and interests of Mauritius as well as the efforts and work achieved so far.

**2. Functions**

* 1. The main functions of the IHL Committee of Mauritius are as follows:
		1. **Core Functions**
1. ***Promote and Facilitate***

To promote and facilitate the ratification of and/or accession to humanitarian treaties, to support their implementation and to work towards the harmonization of national legislation, regulations and practice with the IHL instruments to which the State of Mauritius is a party.

1. ***Study and Evaluate***

To study and assess the national legal system (including domestic laws and regulations, any administrative provisions and policy directives) in light of the existing IHL framework and related instruments.

To study, assess and provide its opinion and advice on any governmental initiative or proposed action, including legislative proposals and draft bills, that have a link to or potential impact on IHL.

1. ***Spread knowledge/disseminate***

To disseminate information / spread knowledge on IHL and promote related initiatives and training programmes.

To carry out studies and propose/ organize dissemination activities for specific groups such as the security forces, the Parliament, the Judiciary or the media.

To support the development of educational programmes for schools and other academic and vocational institutions including universities.

1. ***Coordinate, facilitate exchange and support***

To provide a platform and privileged space for discussion and collaboration between different national, regional and international stakeholders on IHL related issues, and to coordinate initiatives in this area.

To facilitate inter-ministerial and inter-institutional exchanges on the IHL related strategies and initiatives of various Government agencies, help monitor new developments in IHL and contribute to the development of the Mauritius’ position on IHL issues.

To organise and coordinate information gathering and data collection from Government entities and other national stakeholders.

1. ***Propose and recommend***

To formulate and submit to Government and national authorities, recommendations on questions and issues relating to IHL, particularly in relation to its implementation and harmonization with national legislation.

The advice may also relate to violations of IHL and recommendations on the ways to address them.

1. ***Follow, monitor and report***

To follow up on the implementation of the recommendations it issued and provided, and to monitor developments at national, regional and international levels linked to IHL or impacting on it

To report on activities, achievements and challenges of its role and the work it has accomplished as an accountability mechanism.

1. ***Supporting the participation of Mauritius in regional and international meetings and forums***

To assist in governmental consultations to support IHL initiatives at the regional and international levels including Mauritius’ participation in multilateral meetings to address issues related to IHL and humanitarian action or topics linked to them or issues that are of relevance for the protection of people and objects affected by violence.

1. ***Fulfilling reporting obligations under international law***

To contribute to any reports required under international or regional IHL instruments to which the State of Mauritius is party.

1. ***Addressing context specific humanitarian issues***

To guide national action when faced with specific humanitarian issues of concern by, *inter alia*, proposing Protocols, based on international best practices in the field of IHL, for adoption by Government.

Context-specific humanitarian issues refer to the respect and treatment afforded to persons deprived of their freedom, timely support and unimpeded access to and delivery of life-saving health services, measures addressing the consequences of involuntary disappearances and supporting the handling of human remains in accordance with relevant international obligations, or actions supporting the negotiation and adoption of a headquarters agreement or visiting agreement with the ICRC.

1. **Structure and composition**

3.1 The National Humanitarian Committee has an inter-agency structure and is set up administratively under the Ministry/ Department responsible for the subject matter of IHL.

3.2 The Committee is chaired by the Head of Ministry / Department responsible for the subject matter of Human Rights or his / her designated representative and comprises representatives of Ministries and Departments and the Mauritius Red Cross Society.

3.3 Each member organisation is required to designate two focal points at the working level to represent the organization on the Committee, namely one firm and one alternate representative.

3.4 The revised composition of the members of the Committee is at ***Annex II.***

3.5 The Committee may rope in members of relevant agencies as and when required.

1. **Meetings of the Committee**
	1. The Committee is expected to meet at least every two months
	2. Members can additionally meet as and when required for the drafting of reports, coordination activities and follow up and implementation efforts and recommendations or any specific tasks at hand.
	3. The Committee may invite additional representatives of the Civil Society, Non-Governmental Organisations and the public and the private sector at selected meetings as and when their expertise is required.
	4. The quorum for effecting a meeting shall be not less than one third of the members.
2. **Secretariat of the National Humanitarian Committee**
	1. The Secretariat services of the Committee is provided mainly by the Ministry of Foreign Affairs, Regional Integration and International Trade (Human Right Division) which may be assisted as and when required by officers of other Ministries and Departments and the Mauritius Red Cross Society.
	2. The office of the Secretariat is situated at the following address:

**Ministry of Foreign Affairs, Regional Integration and International Trade**

**(Human Rights Division)**

**7thFloor, St James Court, Saint Denis Street**

**Port Louis**

**Republic of Mauritius**

**Tel: 2601912**

**Fax: 2143616**

**Email: hrd@govmu.org**

1. **Resources**

6.1 This Ministry/ Department, in charge of IHL issues, is responsible to meet all expenses related to the meetings and activities of the Committee.

6.2 Relevant Ministries/ Departments and other institutions are required to include in their budgetary provisions sufficient funds to meet the costs of any activity including travel and consultations at large, in respect of issues falling directly under them.

6.4 Ministries/ Departments should ensure that their respective officers designated to serve as member on the Committee are empowered sufficiently to carry out their role and appropriate systems be put in place for consistency and institutional memory in their institutions.

1. **Working methods and operational aspects**
	1. The Secretariat is responsible to inform all members of a scheduled meeting of the Committee at least 5 working days in advance to enable the members to collect required information or any policy decisions from their respective Ministries/ Departments /Institutions.
	2. The Secretariat shall set out the Agenda of the meeting in consultation with the Chairperson of the meeting and distribute all the relevant documents for the meeting
	3. There shall be an official list of all members with their contact details which shall be circulated with all members and updated by the Secretariat as and when required.
	4. The Committee shall define appropriate working methods to ensure the consistency and continuity of its work.
	5. The Committee shall develop a work plan and calendar of activities at the start of each Financial Year and shall update on progress at each meeting.
	6. The Committee may establish subcommittees or working groups as and when required to ensure effectiveness and efficiency of its work, programmes and projects.
	7. The Committee should regularly evaluate its achievements, identify the obstacles it has encountered and take appropriate measures to overcome them.
	8. The Committee should develop and maintain a network of contact local, regional and internationally including the engagement with other national IHL Committees

 **20 August 2020**