

**Fifteenth Annual Conference of the High Contracting Parties to Amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects**

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Item 11 of the provisional agenda

**Report(s) of any subsidiary organ(s)**

**Report on Improvised Explosive Devices**

**Submitted by the Coordinators<sup>1</sup>**

**A. Introduction**

1. The Group of Experts of the High Contracting Parties to Amended Protocol II (the Group) met in Geneva on 8 and 9 April 2013 and continued discussions on improvised explosive devices (IEDs) based on its mandate as contained in paragraph 27 of the final document of the Fourteenth Annual Conference of the High Contracting Parties to Amended Protocol II (CCW/AP.II/CONF.14/6).
2. The Coordinator and Co-Coordinator (the Coordinators) informed the High Contracting Parties on 19 February 2013 by letter on the substantive preparations for the Group's meeting to focus on four sub-topics comprising: information exchange on IEDs; developing best practices aimed at helping to address the diversion or illicit use of materials that can be used for IEDs; efforts on how to promote international humanitarian law (IHL) compliance and prevent violations of existing IHL rules with respect to IEDs; and assistance for victims of IEDs.
3. The Group engaged in a substantive exchange on IEDs in the framework of the Convention on Certain Conventional Weapons (CCW). Although this was the fifth year this issue has been addressed by the Group, delegations again reiterated the importance of the work on IEDs in the CCW context as these weapons continued to pose a considerable humanitarian problem and cause a significant number of casualties among military personnel and civilians.

**B. Information exchange on IEDs**

4. The Group heard presentations of case studies by experts on experiences with IED incidents, their prevention and their humanitarian effects in the light of the CCW framework, its norms and implementation with respect to the IED threat. The presentations provided the Group with updated information complementary to the Group's previous

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<sup>1</sup> Ms. Namdi Payne of Australia, Coordinator, and Mr. Laurent Masmejean of Switzerland, Co-Coordinator.

work. The Coordinators express their gratitude to the following experts who conveyed presentations:

- Lt. Colonel Diego Padilla, Demining Inspector, Humanitarian Demining Section, Engineering Branch, Colombian Armed Forces;
- Lt. Colonel Tedjasukma Ekaputra, Director of Planning & Operation, Peacekeeping Centre, Indonesian National Defence Forces;
- Lt. Colonel Madhukar Jha, Directorate General of Military Operations, Indian Ministry of Defence;
- Colonel Alexander Mikhailovich Semiglazov, Explosive Ordnance Disposal Unit, Russian Federation Armed Forces;
- DSP Haruna Ismaila, Commander, Bomb Disposal (EOD), Police Forces Headquarters of Nigeria;
- Major General Lasantha Nath Wickramasuriya, Chief, Field Engineer, Sri Lankan Army;
- Colonel Rafael Jimenez Sanchez, Director, Demining Centre (CID), Ministry of Defence, Spain;
- Lt. Colonel Kabeera Wilson, Chief Combat Instructor, Uganda Defence Forces;
- Colonel Sergii Lutsenko, Head, Laboratory of Examination of Explosives and Explosive Devices, State Research Forensics Centre, Ministry of Internal Affairs, Ukraine;
- Mr. Alex Wagner, Office of the Secretary of Defense, Joint-IED Defeat Organization (JIEDDO), United States of America;
- Mr. Gonçalo Simões, Senior Specialist, CBRN and Explosives Team, EUROPOL;
- Major Niels van Bakkum, Armed Forces of The Netherlands, on behalf of the European Union.

5. A number of presenters referred to the global scale of the IED threat. The Coordinator noted that the research of non-governmental organization Action on Armed Violence (AOAV) found that in 2012, there were almost 21,000 casualties from IEDs, an increase from 2011, and civilians accounted for 81% of IED casualties. It was clear that the humanitarian impact would continue to increase while keeping pace with their perceived military utility, in particular by non-State actors.

6. The presentations identified the military, political, and humanitarian impact of IEDs, which also curtailed the socio-economic development of local populations affected by IED incidents. This included damage to infrastructure, displaced communities, heightened insecurity, destruction of natural resources, increased pollution, loss of potential investments, damage to the local economy and, overall, prevented the regular operation of government.

7. Presenters remarked that for some actors, IEDs were one of the most accessible weapons. Presenters underlined the dynamic and the constantly evolving nature of the threat, pointing to the improvement of terrorist techniques in recent IED incidents. IED attacks in Europe demonstrated various levels of technologies and modus operandi, from simple basic devices to more technologically-sophisticated devices. The perpetrators ranged from single individuals to terrorist groups, including criminal organizations and sports hooligans.

8. Experts underlined the need for a comprehensive and holistic approach at national, regional and international levels in responding to the threat of IED use. Some experts noted that porous borders and limited border control capabilities presented a significant challenge as IEDs were a transnational problem. A nexus often existed between the movement of components used in IEDs and other criminal activities, such as human trafficking, drug trafficking, and illicit arms trade. A number of presenters stated that it was vital to improve information sharing through multilateral channels and in cooperation with inter-related areas of law enforcement, counter-terrorism, and customs. Many States also outlined attempts to address the problem through awareness-building activities as one part of their comprehensive approach.

### **C. Commence developing best practices aimed at helping to address the diversion or illicit use of materials that can be used for IEDs**

9. While the magnitude of the IED problem had been reiterated by the Group in its discussions since 2009, work has begun in this segment to develop best practices, consistent with the scope of Amended Protocol II, to help overcome the challenges to responding to the IED threat. The Coordinator's Food-for-thought paper, based on the Group's previous discussions, aimed to help delegates focus their work on developing best practices and was not intended to be exhaustive. The paper raised a number of possible questions and contained a list of the various materials that had been referred to in the presentations of the Group of Experts meeting in 2012. One delegation considered that the consolidated list of materials and components identified as having been used in IEDs should be shared with all development and humanitarian stakeholders in the field.

10. The Coordinators convey their gratitude to the following experts who made presentations in this segment:

- Mr. Stuart Casey-Maslen, Head of Research, Geneva Academy of International Humanitarian Law and Human Rights;
- Colonel (GS) Helmut Heck, Counter-Improvised Explosive Devices Centre, Bundeswehr Joint Forces Operations Command, Germany;
- Colonel Jonathan Welch CBE, British Army, United Kingdom;
- Brigadier Wayne Budd, Commander, Australian Defence Force Counter-IED Task Force;
- Colonel Eng. Oscar Osvaldo Giacomelli, Institute of Scientific and Technical Research for Defence, Ministry of Defence, Argentina;
- Mr. Luka Buhin, Mine Action Officer, Organization for Security and Co-operation in Europe (OSCE) Office, Tajikistan;
- Mr. Carl E. Case, Coordinator, Mine Action and Control of Arms and Munitions, Department of Public Security, Organization of American States (OAS);
- Mr. Lawrence Chow, Business Analyst, World Customs Organization (WCO);
- Major Niels van Bekkum, Operations Officer, Counter-IED Centre of Excellence (C-IED CoE) Madrid;
- Mr. Steve Brown, Senior Technical Officer, Mine Clearance and Explosive Disposal Projects, NATO Support Agency (NSPA);

- Ms. Gillian Goh, Political Affairs Officer, Conventional Arms Branch, New York (delivered by Mr. Yuriy Kryvonos, Political Affairs Officer, UNODA Geneva Branch).

11. The Coordinator referred the Group to the “Compilation of existing guidelines, best practices and other recommendations aiming at addressing the diversion or illicit use of materials that can be used for IEDs”, which remained a reference tool for delegations to draw on as needed. The Compilation, posted on the CCW website, helped to illustrate the range and depth of work that other organizations have engaged in.

12. During the discussion, the experts outlined the challenges to understanding the movement of materials that can be used for IEDs. Such challenges included the fact that IEDs covered a broad range of weapons with a vast number of designs and components that were often available for legitimate purposes. The expert from the Geneva Academy considered that in light of Amended Protocol II’s broad definition of an IED, it would be helpful if States parties could provide some detailed examples of weapons that would – and would not – fall within the scope of an IED for the purposes of guidelines or best practices. Moreover, greater normative clarity within the existing rules set out in the Protocol would be of significant utility for the process.

13. The importance of using a common terminology and framework for understanding the complex issue of IEDs in order to mutually strengthen capacity building on a universal level was highlighted by experts. Experts also emphasised the importance of education and training at civilian and military levels in efforts to combat IEDs. Some experts noted the development of new technologies, including in personnel armour, and new training methods. A number of countries highlighted their need for assistance and training to enhance their military and civil security capabilities for both counter-IEDs and post-blast investigation.

14. A number of experts noted that the sharing of information and analysis on the use and components used in IEDs would help States recognise potential gaps and provide a good basis to support States in developing appropriate responses to the IED threat. The Australian non-paper addressed a particular best practice to improve information exchange on the international transfers and use of materials in IEDs. The WCO’s Global Shield Programme was acknowledged as one existing example of such best practice. IED users were normally part of a network, and the IED problem had become a global enterprise with global information exchange, international funding and international component procurement. Databases containing technical information regarding the employment and construction of IEDs were an important tool to help States counter the threat.

15. Many participants expressed support for best practice to improve the security, management and reduction of military stockpiles of ammunition and other materials that were frequently used in IEDs. The need to safeguard explosives and select precursor material was highlighted by some experts. One participant noted that a global overview of IEDs use in times of peace and conflict suggested that as many as 50 per cent of IEDs had used components from conventional munitions, often explosive remnants of war, in order to create a more effective weapon. Another expert noted that most IEDs employed in Afghanistan used industrial detonator cord. One expert queried whether detonator cord could be marked and traced back to its origin. UNODA underlined the implementation tools developed in the International Ammunition Technical Guidelines to address diversion of ammunition and invited States to use recommendations made in these Guidelines to extend the reach of work on IEDs.

## **D. IHL rules applicable to IED use and the Protection of civilians**

16. In this segment, the Coordinator encouraged participants to consider how to promote international humanitarian law (IHL) compliance and prevent violations of existing IHL rules with respect to IEDs. The Coordinators wish to thank the following experts who made presentations:

- Ms. Agnès Marcaillou, UNMAS Director;
- Ms. Judy Grayson, UNICEF Senior Advisor;
- Ms. Joanna Wright, Independent Researcher.

17. The independent researcher shared results of her field research in Afghanistan on civilian casualties resulting from the use of victim-operated IEDs, which by their nature did not distinguish between civilian and military targets. The IED attacks caused severe impact to civilian life, particularly in rural areas where most fighting took place. The threat of suicide attacks caused citizens to avoid government facilities.

18. Through the Afghan authorities the expert gained access to information on suicide bomb facilitators who were held in prison. Interviews revealed that one source of their fund-raising had been carried out in a market in a neighbouring country, with donations received from persons unaware that they were facilitating suicide bombings where the majority of the victims were civilian bystanders rather than military targets. This underlined the importance of raising awareness of civilian casualties from these weapons so that persons who might give funds to bomb makers better appreciate the true cost of their actions.

19. The Director of UNMAS and the representative of UNICEF shared experiences in mitigating the devastating effects of IEDs on civilians and protecting civilians. UNMAS focused its efforts through a three-pronged methodical approach (eliminating, educating and enabling) by acting upon the request of the UN Security Council or the humanitarian community in general. UNMAS partnered with various international organizations to train and build national capacities of various affected States, such as in Afghanistan, Colombia, Kenya, Mali, Somalia, and Syria. These efforts included facilitating IED removal and destruction, IED awareness training, IED disposal training, and post-blast analysis training. UNICEF worked to protect civilians through advocacy, mine and ERW risk education (including abandoned IEDs), and the establishment of surveillance systems. Moreover, civilians were considered part of the resource for aiding in the response to making the area safer.

## **E. IEDs and Victim assistance**

20. In this final segment, the Co-coordinator intended to continue consideration of this issue and of the useful links to relevant implementation efforts in CCW Protocol V, including the 2008 Plan of Action on Victim Assistance. However, due to time constraints during the meeting, only one presentation was made. The Coordinators expressed their gratitude to the following expert who made the presentation:

- Mr. Mohammad Sediq Rashid, Chief of Operations, Mine Action Coordination Centre, Kabul, Afghanistan

21. The expert discussed about IED victim assistance in Afghanistan and focused on three main issues i.e. an overview of the IED challenge; the victim assistance national

structure; and the current challenges faced. The IED challenge started after 2003, and in 2012 there were 6,131 civilian casualties and 41% resulted from IEDs. On average there were two IED incidents each day. The main challenges which confronted Afghanistan were the lack of capacity (including physical accessibility, psychological counselling and peer support, social inclusion, economic reintegration); the complexity of IEDs (many cannot be detected); legacy IEDs (unexploded and abandoned devices); the deficit in terms of information management and analysis; mapping and recording of pressure plate IEDs; the characteristics of road-side bombs, and the impartiality of the humanitarian mine action programme.

## **F. Ideas for future work**

22. A number of delegations indicated their interest to continue exchanging views on IEDs in the Group of Experts in the future and to enhance substantive work on this issue in the context of the CCW. Those expressions of interest include the following:

- Building further transparency and confidence building measures in the CCW and in cooperation with related work in various international and regional organizations towards a coordinated and comprehensive global approach to the IED threat;
- Continuing information exchange on ways to assist in building the national capacities of States through training of military and civil security forces to detect and respond to IEDs;
- Coordinating a group of interested experts to continue to discuss and explore the possibility of developing an information exchange database at the international level as a best practice approach to improving information sharing;
- Continuing information sharing on efforts to increase the security of stockpiles and transportation of munitions, explosives and other precursor material as a best practice approach to preventing the diversion of such material for use in IEDs; and
- Developing a UN manual on the testing of explosives and precursor material and evaluation criteria as a best practice approach to preventing the diversion of such material for use in IEDs.

## **G. Recommendations**

23. The Fifteenth Annual Conference of the High Contracting Parties to Amended Protocol II to the Convention on Certain Conventional Weapons may wish to take the following decisions:

(a) The High Contracting Parties note the compilation of existing guidelines, best practices and other recommendations aiming at addressing the diversion or illicit use of materials which can be used for IEDs posted on the CCW website and updated by the Implementation Support Unit, in consultation with the Coordinator and the High Contracting Parties, as new relevant guidelines, best practices, recommendations and other comments are published;

(b) The Group of Experts continue information exchange on IEDs, IED incidents, their prevention, including public awareness and/or risk education campaigns, and their humanitarian effects, in light of the significance of the CCW framework, its norms and implementation with respect to the IED threat;

(c) The Group of Experts continue, consistent with the scope of Amended Protocol II, developing best practices aimed at helping to address the threat of IEDs, including by:

- (i) exploring the possibility of an information exchange database, portal or platform as a tool for improving information sharing on the diversion and illicit use of material that can be used for IEDs and other means of reducing the threat of IEDs;
- (ii) examining ways to reduce the risk of military munitions stocks, explosive remnants of war, or commercial explosive stocks being used for IEDs;
- (iii) promoting international cooperation and assistance to help strengthen national capacities of High Contracting Parties, when requested, to address the IED threat;

while bearing in mind commercial confidentiality, national security requirements, the legitimate interests in trade of such materials; and taking into account existing and related work of international and regional organisations, including those referred to in the compilation; and

(d) The Group of Experts continue discussions on assistance to victims of IEDs so that those providing assistance bear in mind the 2008 Plan of Action on Victim Assistance of Protocol V and the principles of age- and gender-sensitive medical care, rehabilitation, psychological support, and adequate assistance for social and economic inclusion in a non-discriminatory manner. The Group of Experts to continue to discuss promoting the provision of assistance to victims of IEDs, taking into consideration the 2008 Plan of Action on Victim Assistance of Protocol V.

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