

Sixteenth 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 10 of the provisional agenda

Improvised Explosive Devices (IEDs)

**Food-for-Thought Paper:
To commence developing best practices aimed at helping to
address the diversion or illicit use of materials that can be
used for Improvised Explosive Devices (IEDs)**

Submitted by the Coordinator¹

**Amended Protocol II and Improvised Explosive Devices
(IEDs)**

1. In previous Group of Experts meetings, some delegations have noted that except for CCW Amended Protocol II (APII), no other legally binding disarmament, arms control or international humanitarian law instrument explicitly covered IEDs.
2. The Geneva Academy food-for-thought paper submitted to the Group in 2012 noted that APII explicitly referred to IEDs under the definition of “other devices” that were actuated manually, by remote control or automatically after a lapse of time. However, IEDs that were victim-activated may also fall within the APII definitions of a mine or booby-trap, while some other weapons that may be considered an IED may not be regulated by APII at all.
3. In 2009, the Friend of the President on IEDs noted that an IED could be defined as an explosive device placed or fabricated in an improvised manner and incorporating destructive, lethal, noxious, pyrotechnic, or incendiary chemicals. An IED is designed to destroy, incapacitate, harass or distract. It may incorporate military stores or be devised wholly from non-military components.

¹ This paper was submitted on 8 March 2013 by the Coordinator on Improvised Explosive Devices (IEDs), Ms. Namdi Payne of Australia, to help stimulate discussion by participants as they consider how to begin developing best practices aimed at helping to address the diversion or illicit use of materials that can be used in IEDs at the Group of Experts meeting (Geneva, 8-9 April 2013). This information draws on discussions in previous Group of Experts meetings and is not meant to be exhaustive. Examples of possible questions are provided to assist participants’ focused discussions on best practices.



4. It was suggested in 2009 that the Group of experts work with a broad definition in order to cover all three methods of activation: time, victim and remote. This working definition appeared to provide a good basis for work and found widespread support. In 2009, experts also elaborated on the key components of IEDs, which typically consisted of a power source, trigger, detonator, and the main explosive charge.

5. In 2012, High Contracting Parties to APII noted the Coordinators' compilation of existing guidelines, best practices and other recommendations aiming at addressing the diversion or illicit use of materials that could be used in the production of IEDs. This compilation is now on the CCW's Implementation Support Unit (ISU) website. The ISU was also requested, in consultation with the Coordinator and High Contracting Parties, to maintain the compilation on an on-going basis.

6. This year, experts are encouraged to focus on the following possible questions for discussion when considering the relevance of APII to the Group's work on IEDs:

- (a) What would be the scope of best practices under the CCW APII framework?
- (b) Is the working definition of IEDs from 2009, as well as the key components outlined by experts in 2009, a suitable basis from which to develop best practices and a useful tool to guide our work?
- (c) What types of IEDs or activation could be included in the scope of such best practices?

Challenges to understanding the movement of materials used in IEDs

7. During last year's meeting, presenters noted that IEDs were simple to design, cheap to produce, adaptable, resilient and were incorporating increasing explosive power. All components of IEDs could be improvised, including fuses, although in some circumstances components were commercially available and mass produced. A consolidated list of the materials and components identified by presenters in 2012 as having been used in IEDs is annexed for your information.

8. One of the growing challenges to addressing the IED threat, as identified by presenters in 2012, was the utility of mass produced dual-use components. In 2009, delegations discussed challenges in monitoring, tracing or restricting access to widely available goods such as diesel fuel and fertilisers (which are often used as substitutes for high quality explosives), and cell phones, remote control units, infra-red or magnetic triggers (which are often used as trigger devices). Some experts in 2012 also identified the growing use of home-made explosives (HMEs) as source material for IEDs as a primary concern.

9. This year, experts are encouraged to focus on the following possible questions for discussion when considering the materials used in IEDs that could be the subject of the Group's continuing work:

- (a) What kind of materials could be addressed through best practices under the CCW APII framework?
- (b) How does your State or organisation seek to obtain reliable information on the movement of the materials used in IEDs? How does your State or organisation seize or intercept the illegal movement of such materials?
- (c) Should the Group of Experts focus best practices on the most commonly used materials or components of IEDs? If so, which materials should this be?

(d) Should the Group of Experts develop a list of materials that would help in the drafting of the best practices? If so, which materials should be on such a list?

Best practices that could help improve information sharing on international transfers and use of materials in IEDs

10. Some presenters in 2012 said that improving the understanding of trade and distribution of the key precursor materials and chemicals would make a significant contribution to counter-IED efforts and improve interdiction possibilities. Some presenters mentioned a need to restrict access to and sale of certain dual-use items, but others questioned the affect this could have on legitimate activities and cautioned against measures that would unduly restrict global trade. Some cited chemical tagging of explosives or their precursors as a useful security measure, but others questioned its feasibility and effectiveness. In 2009, a number of delegations referred to the classified nature of some of their counter-IED efforts.

11. Promoting information and intelligence sharing, cooperation amongst law enforcement agencies, strengthened border and port security, training and technical capacity building were cited by some presenters last year as a means of building or improving national and international response capabilities. In this context, some participants said their national bomb data centres played crucial roles in analysing IED incidents and providing advice.

12. This year, experts are encouraged to focus on the following possible questions for discussion when considering how to develop best practices to improve information sharing on the materials used in IEDs:

(a) How could greater information sharing on the movement of materials used in IEDs help prevent IED use, while bearing in mind the importance of commercial confidentiality, national security requirements and legitimate interests in trade in such materials?

(b) Which existing best practices related to IED materials could the Group of Experts build on under APII to help facilitate and improve information sharing between High Contracting Parties?

(c) Which existing best practices directly related to information sharing more broadly could provide a useful model for best practices developed under APII?

Best practices that could help prevent diversion of such materials for use in IEDs

13. Some presenters in 2012 emphasised the linkages between criminal networks and IED financing, component supply, planning and training. In 2009, experts discussed the fact that the explosion of an IED was usually the end product of a complex chain of typically illegal acts (i.e. leadership, planning, financing, material procurement, bomb-making, target selection, recruiting, attack execution) which suggested a number of potential entry points for prevention and interdiction (attacking the network).

14. In 2009, presenters highlighted that access to military weapons and ammunitions had a direct impact on the nature and degree of improvisation of IEDs. Delegations in 2010 emphasised the importance of the protection and surveillance of conventional arms, ammunition stockpiles and military explosives, as well as enhanced controls over other relevant materials. A number of experts in 2012 outlined their organisations' efforts to improve the physical security, management and accountability of ammunition stockpiles or

other precursors commonly used in IEDs. Some of the organisations had also been involved in the destruction of surplus military stockpiles of munitions in a range of countries. Some participants stressed the importance of minimising the creation of explosive remnants of war (ERW), rapidly clearing unexploded ordnance and destroying abandoned ordnance as soon as feasible, to help deprive insurgents and criminals of source material for IEDs.

15. This year, experts are encouraged to focus on the following possible questions for discussion when considering how to develop best practices for preventing diversion of materials for use in IEDs:

- (a) Which entry point in the chain of illegal activity is most useful to focus on for the prevention / interdiction of the diversion of materials for use in IEDs?
- (b) What challenges does your State or organisation face in seeking to mitigate the risk of diversion of such materials for use in IEDs?
- (c) Could best practices for better stockpile management under CCW Protocol V be useful for work on this issue?
- (d) Which existing best practices that help prevent the diversion of IED materials could the Group of Experts build on under APII?
- (e) Which best practices directly related to prevention of diversion more broadly could provide a useful model for best practices developed under APII?

Annex

List of materials and components identified by presenters in 2012 as having been used in IEDs

- Alkaline battery
- Aluminium pipes
- Aluminium powder
- Ammonium
- Ammonium ions
- Ammonium nitrate
- Ammonium nitrate fuel oil (NH₄NO₃ - 96%, Fuel oil (Diesel) - 4%)
- Ammonium Nitrate Aluminium (Ammonium Nitrate 90%, Aluminium Powder 10%)
- Ammonium Nitrate Nitrobenzene (Ammonium Nitrate - 90%, Nitrobenzene - 10%)
- Anti-pressure fuse
- Ball bearings
- Bel gelatine 80
- Bitumen envelope
- Black powder
- Bolts
- C-4 (includes RDX, plasticizer and motor oil)
- Calcium ammonium nitrate
- Canisters
- Cast iron plate
- Chlorates
- Coffee
- Dynamite
- Electrical domestic wire
- Glass
- Gelatine
- Iron spikes
- Marbles
- Metal parts
- Mortar duds
- Nails
- Napalm (Soap -40%, Petrol - 60%)

- Napolite
 - Nitrate ions
 - Nobel gel 80
 - Paint
 - Permanganates
 - Picric acid
 - Potassium ions
 - Power gel
 - River stones
 - Rocket-propelled grenades (RPG)
 - Sodium ions
 - Sodium nitrate
 - Standard military explosives
 - Sugar
 - Sulfur
 - Sun Brand Tel Gex 80
 - Superdyne
 - TNT powder
 - Urea
 - UXOs (unexploded ordnances)
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