

**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)**

**The concept of an improvised explosive device (IED) information exchange database**

**Submitted by Australia<sup>1</sup>**

**Amended Protocol II definition of an improvised explosive device**

1. For the purposes of this Protocol, “Other devices means manually-emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time”.

**Amended Protocol II Group of Experts meeting, 8-9 April 2013**

2. The issue of improvised explosive devices (IEDs) has been addressed by the Group of Experts under Amended Protocol II (APII) of the Convention on Certain Conventional Weapons (CCW) since 2009. Delegations 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. In 2013, experts focused on four IED subtopics comprising of: 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.

<sup>1</sup> This non-paper was circulated to delegations on 6 March 2014 to help inform the discussion in the Group of Experts (Geneva, 1-2 April 2014) on 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.



### **Challenges of the improvised explosive device problem and how to address the problem**

3. Through the Expert Meetings, several challenges to the IED threat have been raised, including understanding the movement of materials that can be used for IEDs, and that IEDs covered a broad range of weapons with a vast number of designs and components that were often available for legitimate purposes.

4. Experts highlighted:

(a) the need for a comprehensive and holistic approach at national, regional and international levels in responding to the threat of IED use.

(b) the importance of using common terminology and a common framework for understanding the complex issue of IEDs in order to mutually strengthen capacity building on a universal level.

(c) that 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.

(d) 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.

(e) some States also outlined attempts to address the problem through awareness-building activities as one part of the comprehensive approach.

### **Fifteenth Annual Conference of CCW APII High Contracting Parties, 13 November 2013**

5. On 13 November 2013, CCW APII High Contracting Parties considered 14 items including IEDs, with the High Contracting Parties deciding to continue discussions on IEDs in 2014. Based on the recommendations of the Coordinator on IEDs (Australia, Ms. Payne) and Co-Coordinator on IEDs (Switzerland, Mr. Masmejean), “the Conference decided that:

(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.”<sup>2</sup>

### **Purpose of this paper**

6. Noting recommendation (c) on best practices and sub-point (i) on “exploring the possibility of an information exchange database, portal or platform as a tool for improving information sharing”, one sub-element that could be further discussed in this context is a concept for a possible CCW APII IED information exchange database. This paper aims to outline the concept of a possible CCW APII IED information exchange database (hereafter referred to as “database” for ease of reference) for consideration by High Contracting Parties prior to the Group of Experts meeting (1-2 April 2014); and to seek High Contracting Parties views on the database at the APII Group of Experts meeting, particularly on whether this would be a suitable option to take forward within the CCW APII.

7. As per the decision of High Contracting Parties, this concept will need to take account of a range of issues including “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 organizations”.

### **Existing improvised explosive device databases and information sharing arrangements**

8. Databases containing technical information regarding the employment and construction of IEDs are an important tool to help States counter the IED threat. Subject matters experts have identified that best practice on IEDs have been developed through the information and analysis conducted of IEDs through the use of these types of databases. There are numerous IED databases that currently exist globally, however many of these existing multilateral IED databases only share classified information amongst a small group of States.

9. Current databases or information sharing mechanisms on IEDs, whether formal or ad hoc, do not currently provide a broad level of government access, or consultation, on

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<sup>2</sup> CCW/AP.II/CONF.15/8, para. 19.

comprehensive and updated information on global IED threats and events. Some areas such as military and policing already have well established classified IED information sharing avenues. For example, the North Atlantic Treaty Organization, Europol and the International Bomb Data Centre Working Group. However IED information databases may not be shared between relevant national military, police and specialist organisations focusing on IEDs. Existing mechanisms do not provide information sharing amongst all APII High Contracting Parties, thereby limiting the information that could be valuable for APII High Contracting Parties to combat the IED threat. Noting those who intend to use IEDs have agile networks and have unfettered access to the internet.

### **A possible information exchange database for CCW APII**

10. An information exchange database for CCW APII could assist High Contracting Parties to access a broader repository of unclassified information regarding IED attacks, components and best practices to address IED threats and this information could be shared and updated amongst military, police and specialist organisations. A comprehensive information exchange database could help High Contracting Parties recognise potential gaps that are not currently being addressed. Such a database could be the appropriate tool to expand information sharing and improve best practices for all APII High Contracting Parties to address the IED threat. Where appropriate, it could also be a gateway for High Contracting Parties to identify new potential partnerships and seek bilateral or multilateral assistance or cooperation to help counter the IED threat.

11. The database would only contain unclassified information and access would be managed by each APII High Contracting Party. Any sensitive information could be conveyed through separate, more secure channels. The intent would be to provide access to comprehensive, updated data to allow users to understand their IED problem, seek knowledgeable help, which could improve their national response to the IED threat.

12. As already agreed by APII High Contracting Parties, for any possible information exchange database to be useful and effective, its development would need to carefully take into account the important considerations of commercial confidentiality, national security requirements and the legitimate interests in the trade of materials that may be used in IEDs. An interactive IED information exchange database for CCW APII High Contracting Parties could have a search engine built around a common technical language, a standard format and agreed deliverables, as discussed and agreed amongst APII High Contracting Parties. For example, such a database could consist of:

(a) Common language: To facilitate accuracy and understanding, all users should use a common language, with definitions as appropriate to avoid any misunderstandings.

(b) Information inputs: The input fields could include best practices, geospatial data, type, construction, component information, employment characteristics, and potentially photographs or diagrams. There could also be a comments column to provide narrative input and details for a contact officer should an APII High Contracting Party wish to follow-up for further information.

(c) CCW APII usage: Each High Contracting Party could approve which of their agencies could access and provide input into the database. For example, each High Contracting Party could approve a select group of key police, military, interior, civil defence or specialist organisations responsible for dealing with IEDs.

(d) CCW APII access: The system could be available through secure access on the internet. It should use the same high standard provided by commercial grade security (for example when you make a payment online using your visa card). While it would be

necessary to control access through High Contracting Parties, the upload of data could be field or office enabled using portable or fixed equipment.

(e) Outputs: A key utility could be the ability to discover similar incidents or components and find contact data for knowledgeable experts in the user community. This may facilitate greater information exchange, through appropriate bilateral/multilateral channels, that could potentially lead to cooperation in developing response techniques, training information, and direct assistance.

13. A key aspect for a successful CCW APII IED database would be the capacity of High Contracting Parties to provide accurate input to the database, with relevant notes or comments attached to individual data entries. Each CCW APII High Contracting Party could nominate one or more experts within their Government's agencies to input information and access reports from the database. CCW High Contracting Parties should consider whether the database and its reports would only be accessed by officials from CCW APII High Contracting Parties, or whether such a database could also be accessed by other UN agencies and international organisations, such as INTERPOL, and/or civil society. This could enable expansion of existing national and regional networks, such as military to military, police to police, and for national experts to access a broader range of international information on IEDs than they may currently be exposed to.

### **CCW improvised explosive device database hosting and ownership of the data**

14. The database would most likely be hosted by the CCW, through its Implementation Support Unit (ISU), or potentially an APII High Contracting Party who would be willing and able to host the database on behalf of other High Contracting Parties (such as Germany hosts the website for Proliferation Security Initiative participating States). This would need to be discussed further with the ISU to determine capacity and cost.

15. It would need to be agreed on whether all CCW APII High Contracting Parties would own all the information, or whether the High Contracting Party that provided the information would retain ownership. Nonetheless all APII High Contracting Parties should consider the provision of input with the understanding that any future new APII High Contracting Parties will have access to the unclassified information provided. The responsibility of who should update and correct information will also need to be considered.

### **Potential costs of a CCW improvised explosive device database**

16. The potential cost of an IED database would be dependent on factors such as High Contracting Parties' views on the design, scope and implementation arrangements. Implementation issues could include whether an APII High Contracting Party offers to develop and provide a database for APII members free of charge, which could potentially be managed by the CCW Implementation Support Unit, or whether a software company is employed by the CCW to develop and manage a database.

### **APII Group of Experts meeting, 1-2 April 2014**

17. Australia has been working on developing an unclassified IED information sharing database, based on a common architecture that will be available to all relevant national agencies. Evaluation of this database could inform discussion on the benefits of information sharing under the CCW APII framework in addressing the global problem of IEDs.

18. Australia is prepared to demonstrate a potential information database to CCW APII High Contracting Parties in April as an example of a tool for High Contracting Parties to consider the benefits of an information sharing database for the CCW APII framework. Such a demonstration could facilitate broader discussion on the potential functionality of the database could be, what policy considerations might need to be considered and what the cost to maintain such a capability might amount to if a possible information exchange database was considered for the CCW APII framework.

19. Australia proposes to make a full system demonstration at the CCW APII Group of Experts meeting on 1-2 April 2014, in Geneva.

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