

**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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Improvised explosive devices (IEDs)

**Reflections on improvised explosive devices**

**Document submitted by the Coordinator on improvised explosive devices<sup>1</sup>**

**Introduction**

1. The increasing use by armed groups of improvised explosive devices (IEDs) is a challenge facing all States, regardless of regional policy issues.
2. The Group of Experts for amended Protocol II to the Convention on Certain Conventional Weapons has met to discuss IEDs every year since 2009. Many presentations have been made at its meetings, providing ample information to the States parties on all fields affected by IEDs, including those related to technical, legal, humanitarian and operational matters.
3. Yet one question still remains: over and above the general exchange of information made possible through these annual experts' meetings, in concrete terms what work can now be done by the experts of the States parties?
4. The Coordinator on improvised explosive devices was able to take part in all five sessions. Having read through the work done since 2009, he considered that it would be useful to:
  - (a) Draw up a summary of the key elements from these presentations, which analyse the problems of IEDs and of good practices of States (annex I);
  - (b) Consider possible paths forward for the future work of the Group of Experts (annex II).
5. The purpose of the two annexes, which do not reflect the position of a State, is simply to provide food for thought for the States parties, which will have to take a decision on the orientation of future work.

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## **Annex I**

### **Summary of the work done by the informal Group of Experts since 2009**

#### **Part 1 Problems posed by IEDs**

1. Improvised explosive devices are nothing new. Already in the nineteenth century, some violent anarchist groups were using what was called “infernal machines”.<sup>2</sup> However, their use has spread greatly in the past 20 years. They have become a global threat. IEDs are now the main source of civilian casualties in conflict. No region has been spared. The problems posed are nonetheless difficult to grasp.

#### **Definition**

2. There is no agreed upon definition of IEDs. However, the definitions in the documentation published by States and international organization generally concur. IEDs may thus be considered to be homemade (as opposed to industrially manufactured) explosive devices including, either separately or in combination, explosive, incendiary or toxic (radiological, biological or chemical) substances intended to harm targeted persons or objects.

#### **Targets**

3. IEDs are used against:
- (a) Security forces (soldiers/police);
  - (b) Civilians;
  - (c) Property (such as vehicles);
  - (d) Infrastructure, including:
    - (i) Public or private buildings;
    - (ii) Transportation infrastructure (bridges, roads, etc.); and
    - (iii) Supply (water, energy, etc.) or communications (telephone, etc.) networks.

#### **Types of IEDs**

4. IEDs can be classified by their effect (explosive, chemical, incendiary, etc.), vector (suicide-bomber operated (SBO IEDs), vehicle-borne (VB IEDs)) or type of trigger:
- (a) Time operated IEDs (TO IEDs);
  - (b) Victim operated IEDs (VO IEDs);
  - (i) Pressure plate IEDs (PP IEDs);

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<sup>2</sup> Title of the chapter on improvised explosive devices, *Small Arms Survey 2013* (Jeremy Binnie and Joanna Wright).

- (ii) Trip wire IEDs (TW IEDs);
  - (c) Command operated IEDs (CO IEDs);
  - (i) Command wire IEDs, generally activated through an electrical circuit (CW IEDs);
  - (ii) Radio- or remote-controlled IEDs commanded by an electronic signal (radio, portable telephone, remote control, etc.) (RC IEDs).
5. Improvised explosive projectiles (homemade rockets or mortars) have also begun to appear; they are sometimes called “flying IEDs”.

### **Components of IEDs**

6. A container for the main load. Containers may be very different, ranging from a fruit basket to a pressure cooker or a milk carton.
7. An energy source (battery), connected to an electrical circuit. Such parts can be readily purchased on the open market.
8. A triggering system (trigger/switch/initiating system/fuse). These too are not specific to IEDs and can be readily found for purchase. They may be activated by:
- (a) Pressure (for example, a syringe);
  - (b) A timer (for example, a kitchen timer);
  - (c) Movement (for example, a mercury contact);
  - (d) A radio or remote control (for example, by telephone);
  - (e) An electrical command.
9. An initiator, which triggers the detonation of the main charge. The initiator itself may often be homemade, but in some cases industrial or military initiators have been used.

### **Composition of explosive charges**

10. The charges may consist of homemade explosives; such charges are made from chemicals such as fertilizers (especially nitrate-based fertilizers), which are diverted from their normal use to produce explosives. An explosive is a substance that decomposes violently, emitting a large quantity of gas at high temperature.
- (a) There are three types of decomposition:
    - (i) Combustion: propagated by thermal conduction. Velocity of propagation: a few mm/min. Example: wood;
    - (ii) Deflagration: propagated by mechanical compression. Velocity of propagation: 1 to 2 km/s. Examples: firecracker, fireworks;
    - (iii) Detonation: propagated by shock wave. Velocity of propagation: up to 10 km/s. Examples: dynamite (civilian use), HMX (military use);<sup>3</sup>

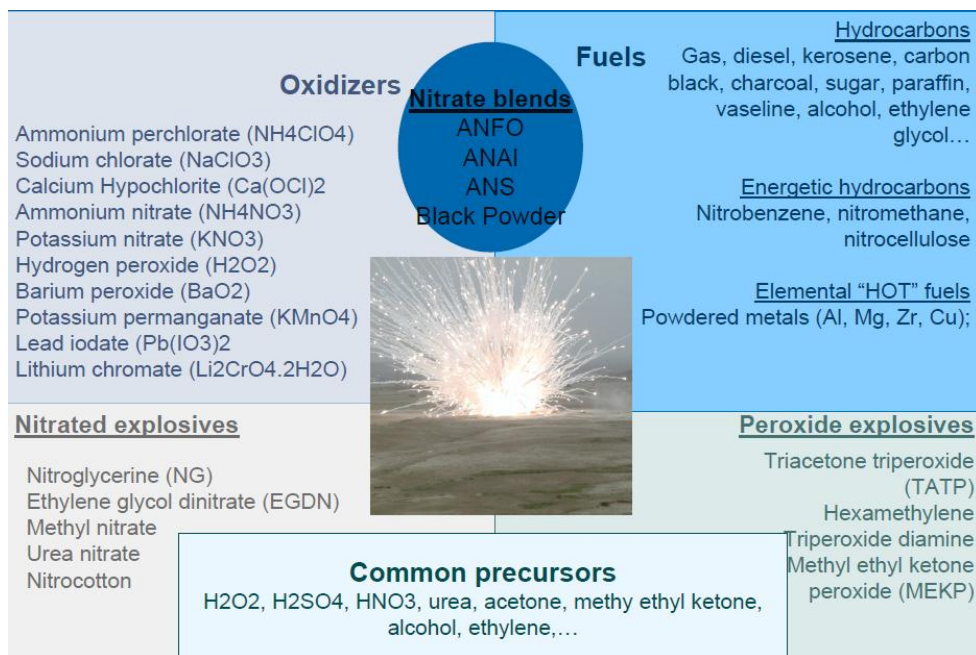
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<sup>3</sup> (ii) and (iii) produce explosions.

(b) As in the case of combustion, in order for a substance to deflagrate or detonate, the following is required:

- (i) An oxidizer (oxidizing agent): for example, a nitrate, chlorate or permanganate;
- (ii) A fuel (reducing agent): for example, sugar, aluminium powder, sulphur or a hydrocarbon;
- (iii) An energy supply to initiate the reaction.

**Diagram<sup>4</sup>**



(c) Pieces of metal (for example, nails) may be added to make the explosion more deadly. Substances such as coffee or paint are sometimes added to hide the explosives and avoid their detection by dogs. It should be noted here that chemical precursors differ from one region to another; those used in Asia are not the same as those employed in Afghanistan or South America (for fertilizers, for example, the soils and climates are not the same). Regional cooperation is thus critical to controlling such substances.

11. Charges may also consist of military explosives from:

- (a) Munitions diverted from military stockpiles (from looted arsenals or theft during transport of munitions, etc.);
- (b) Explosive remnants of war (unexploded or abandoned munitions and submunitions or mines, etc.).

12. Lastly, the charges may consist of civilian-use explosives. Explosives employed in mining (such as dynamite or TNT) and pyrotechnic fireworks (such as black powder) can be used to produce IEDs.

<sup>4</sup> From a presentation made in April 2013 by Mr. Rafael Jiménez Sanchez, Director of the Spanish national demining centre.

## **Extent of the problem**

13. IEDs have appeared all over the world; they are a reality of modern asymmetric conflict.
14. In 2011 and 2012 some 45 countries on all continents were affected by this phenomenon.
15. The problem is, however, most acute in countries affected by non-international armed conflict or violent internal turmoil (such as Afghanistan, Iraq, Pakistan, Syrian Arab Republic, Nigeria, Somalia, Colombia and Mexico).
16. IEDs are a multidimensional threat (with effects on land, air and sea).
17. Weak State structures, corruption and poor control of borders are aggravating factors.
18. They are an evolving threat, as:
  - (a) Adaptation cycles are becoming shorter;
  - (b) Information on the production of homemade explosives is made more readily available on the Internet;
  - (c) Armed groups increasingly use this tactic in urban areas; and
  - (d) The equipment (explosives and triggering mechanisms) are becoming more reliable.

## **Reasons for increasing use of IEDs**

19. IEDs are used by non-State armed groups, which often have no access to heavy weapons or conventional munitions.
20. IEDs are:
  - (a) Inexpensive;
  - (b) Relatively simple to produce and use (most of their components can be purchased over the counter; the rest can be obtained through local smuggling, or crime rings can make it easier to gain access to explosives or other materials required for their production);
  - (c) Easy to design to adapt to local circumstances.
21. Some groups thus find that IEDs give them a “stand-off” striking capability that they would otherwise lack.
22. The use of IEDs allows such groups to:
  - (a) In tactical terms:
    - (i) Weaken the security forces;
    - (ii) Undermine their moral;
  - (b) In operational terms:
    - (i) Restrict the movements and actions of the armed forces;
    - (ii) Oblige the armed forces to take heavy-handed measures that complicate relations with the local population (an essential source of information) and can undermine the legitimacy of the security forces;

- (c) In strategic terms:
  - (i) Create a climate of insecurity that saps the population's will and resilience;
  - (ii) Cripple the economy by cutting off supply routes and paralysing trade;
  - (iii) Subvert the political system by undermining confidence in the authorities.

23. The use of IEDs in areas where civilians live (or even against them) makes it possible for some groups to have a compounded effect, by sowing terror in the population.

### **Legal framework**

24. The preceding point calls for an important legal note: IEDs themselves are not prohibited. However:

(a) There are general rules of international humanitarian law, and specifically rules on the following (applicable to IEDs as well as other weapons):

- (i) prohibition against causing to cause superfluous injury or unnecessary suffering;
- (ii) Prohibition of indiscriminate attacks;
- (iii) Proportionality of response;
- (iv) Military necessity; and
- (v) Precautions in attack.

(b) amended Protocol II contains provisions that specifically prohibit or limit the use of IEDs.<sup>5</sup>

25. An IED “designed, constructed or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act” is covered under the category of “booby-traps” as defined by article 2, paragraph 4, of amended Protocol II.

26. IEDs “designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time” are covered under the category of “other devices” as defined by article 2, paragraph 5, of amended Protocol II.

27. The legal system applicable to IEDs that fall under one or the other of these categories is defined under articles 3 and 7 of the Protocol (General restrictions on the use, of mines, booby-traps and other devices, and Prohibitions on the use of booby-traps and other devices, respectively).

28. These articles specifically stipulate that:

- (a) Article 3, excerpts:
  - (i) It is prohibited to use booby-traps or other devices designed or of a nature to cause superfluous injury or unnecessary suffering;
  - (ii) It is prohibited to direct booby-traps or other devices against the civilian population as such or against individual civilians or civilian objects;

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<sup>5</sup> This is the only instrument of international humanitarian law that specifically mentions IEDs.

- (iii) The indiscriminate<sup>6</sup> use of weapons to which the article applies is prohibited;
- (iv) All feasible precautions shall be taken to protect civilians from the effects of booby-traps and other devices.

(b) Article 7, excerpts:

(i) The rules of international law for armed conflict relating to treachery and perfidy are applicable. Specifically, it is prohibited to use booby-traps and other devices which are in, attached to or associated with internationally recognized protective emblems; dead persons or graves; medical facilities or medical transportation; any objects specially designed for children; food or drink; objects of a religious nature; historic monuments, works of art or places of worship; or animals or their carcasses.

(ii) It is prohibited to use booby-traps and other devices in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:

- They are placed on or in the close vicinity of a military objective; or
- Measures are taken to protect civilians from their effects, for example, the posting of warning sentries or the issuing of warnings.

(c) Depending on their composition (for example, whether they contain chemicals), IEDs may also fall within the scope of specific international conventions (such as the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction).

(d) Some jurists have raised the question of whether victim-activated IEDs can be considered akin to mines, which are defined in amended Protocol II (and also in the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, the Ottawa Convention) as “a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle”.

## Humanitarian impact

29. Studies done by civil society (specifically as presented by Action on Armed Violence (AOAV) in 2013 and as part of the *Small Arms Survey 2013*) have demonstrated the extent of the impact in humanitarian terms.

30. The main points to retain are:

- (a) IEDs claim a very large number of victims: about 17,300 in 2011 and 20,900 in 2012 (according to the AOAV presentation given in April 2013);
- (b) The number of victims is on the rise;
- (c) Among victims, the average ratio is three wounded to one dead;

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<sup>6</sup> Indiscriminate use is any placement of such weapons:

- (a) Which is not on a military objective;
- (b) Which employs a method or means of delivery which cannot be directed at a specific military objective; or
- (c) Which may be expected to cause incidental civilian casualties which would be excessive in relation to the concrete and direct military advantage anticipated.

(d) Those affected by IEDs are mainly civilians. Overall, three quarters of the casualties are civilians;

(e) Slightly more than half the attacks take place in urban areas.

31. These figures can be compared with those for other explosive weapons for the control of which the international community has made, and continues to make, serious efforts. For example, according to the Landmine Monitor, there were 2,200 victims of landmines (of all kinds) in 2011 and 1,400 victims in 2012. While the data is of course incomplete and the calculation methods are subject to debate, it is clear that the order of magnitude of the number of victims is nowhere near that of IEDs.

32. The number of casualties, in particular among civilians, would justify a vigorous response from the international community.

## **Part 2**

### **Countering IEDs**

33. In the face of this threat, States have taken action at the national and multilateral levels, developing various practices to counter IEDs. They are presented in various forms (for example, “Understand, pursue, prevent, protect and prepare”, “Deter, prevent, detect, protect and respond” or “Defeat the device, attack the network, prepare the force”). Generally, they have some common elements.

34. An (indicative, non-exhaustive) list of good practices appears below.

#### **Improving knowledge of IED networks, production and use**

35. Specialized units are set up under centralized command to seek out, neutralize and destroy IEDs and to collect and analyse IEDs or their components.

36. Appropriate legal and technical skills are developed to make use of the components collected at places where IEDs are produced or at the scene of attacks (through technical and biometric analysis). Example: the Multinational Theatre Exploitation Laboratory.

37. Databases are compiled on the composition of IEDs, their use and related networks.

#### **Countering production of such devices**

##### **Limiting opportunities to obtain civilian explosives (for illegitimate use)**

38. Improved (administrative) tracing of civilian explosives and detonators;

39. Establishment of licensing systems (for each company, with lists of names of authorized personnel) and of import, trade and use declarations;

40. Centralization of information on such goods in a database accessible to all the State services concerned;

41. Establishment of safety standards for the storage, transport and use of such goods;

42. Verification that such standards are observed;

43. Strict application of international standards for the chemical marking of plastic explosives (specifically, the Convention on the Marking of Plastic Explosives for the Purpose of Detection, the MARPLEX Convention, for signatory States).



**Limiting the possibilities to produce homemade explosives**

44. Limitations on maximum authorized concentrations of certain chemicals usable as precursors for the production of homemade explosives;
45. Improved (administrative) tracing of goods;
46. Establishment of licensing systems (for each company, with lists of names of authorized personnel) and of import, trade and use declarations;
47. Centralization of information on such goods in a database accessible to all the State services concerned;
48. Establishment of safety standards for the storage, transport and use of such goods;
49. Verification that such standards are observed;
50. Raising public awareness of the risk that such goods can be diverted;
51. Continuation of research into the chemical marking of such goods.

**Limiting opportunities to gain access to military explosives**

52. Ensure that places where explosives are stored or transported are secure;
53. Neutralize or destroy unexploded or abandoned ordnance;
54. Take technical steps to avoid the diversion of military ordnance for other use;
55. The question of the physical security and stockpile management is a cross-cutting issue. It is in fact addressed elsewhere, for example it has been raised in the context of general preventive measures under Protocol V, and it will also be one of the items on the agenda of the next Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. There are already some very comprehensive guidelines on this subject. Specifically, the United Nations Office for Disarmament Affairs has drawn up the International Ammunition Technical Guidelines and set up the UN SaferGuard programme (see <http://www.un.org/disarmament/un-safeguard>).

**Protecting potential targets**

56. Identification of possible targets, areas vulnerable to IED attacks and locations that could be used as observation points for the remote triggering of devices, to keep them under observation;
57. Surveillance of such sites and their access routes;
58. Clearance of such sites;
59. Better awareness among the local population so that people can recognize indicators of the presence of IEDs.

**Dealing with IEDs****Improving detection**

60. Use of dogs or other animals (for example, rats are used for mine clearance in Mozambique) capable of detecting explosives;
61. Improvement of threat awareness and ground sign detection capacities.

**Preventing activation**

- 62. Use of jammers to stop radio-controlled IED activation;
- 63. Development of neutralization/destruction capabilities (providing mine clearance teams with specific equipment).

**Limiting effects**

- 64. Improvement of security procedures (specifically to protect sites and transport networks);
- 65. Strengthening of vehicle protection;
- 66. Improvement of personal protection.

**Countering threat networks**

67. IEDs are generally employed by organized networks involving a number of tasks, including target identification, attack planning, financing and materials supply, recruitment and training of operatives, device production, implementation and exploitation of media coverage.

68. Combating such networks begins with intelligence work: collecting, analysing, exploiting, sharing and matching up information to identify the groups concerned and their *modus operandi* (threat tactics, techniques and procedures, also known as “Threat TTP”).

69. The next step involves the surveillance of such groups to try to detect signs of a potential IED attack.

70. Preventive operations may also be carried out against the various links in the chain described above (running from the decision to mount an attack to its actual implementation).

71. Such actions may sometimes require changes in legal provisions to facilitate investigations and prosecution and to ensure strict penal measures (so as to punish fairly while setting an example that deters future acts of this kind).

72. It is also important to adapt the collection and analysis procedures for IEDs and their components so that such objects can be used as evidence in legal proceedings. Such objects must be gathered and analysed, and later stored, in ways that ensure the integrity of the evidence.

73. Lastly, public prevention and awareness campaigns can be conducted in the media to make the population aware of dangers and ensure that they have the right reflexes (how to act when a suspicious package is found, or after an explosion). Such campaigns can also make it possible to collect information and reduce support (and supplies) for armed groups.

74. Over and above these good practices, there are also a few general lessons:

(a) Combating IEDs is a cross-cutting effort involving the work of many government services. Combating a network requires networking. The problem is not merely a technical one just for the security ministries (ministries of police or defence); tackling it requires the involvement of other ministries, including those dealing with justice, industry, finance, health and perhaps education. Interministerial seminars can significantly improve information exchange and thus the effectiveness with which IEDs are countered. Specifically, a common understanding of the problem is required to make coordinated action possible.

(b) Countering IEDs calls for a global strategy (with combined action plans bringing together operational policies in the various sectors concerned). To be effective, such a strategy must be institutionalized.

(c) Coordination among State services can be supplemented with the work of private entities:

- (i) Industry, for example, can control dangerous goods;
- (ii) Humanitarian organizations can raise public awareness and assist victims, for instance.

(d) Activities carried out by major international organizations (for example, the International Committee of the Red Cross) and certain NGOs with armed groups, or at least with people living in areas under their control (which sometimes partially support such groups), can be useful to improve the dissemination of international humanitarian law and to stigmatize the indiscriminate use of IEDs.

(e) International cooperation is crucial, especially at the regional level. It may address:

- (i) Technical and operational exchange of information between security services;
- (ii) Instruction and training, both for technical and organizational aspects. In this field a number of States and/or organizations (such as the Counter Improvised Explosive Devices Centre of Excellence (C-IED COE) of the North Atlantic Treaty Organization (NATO), located in Spain, or the United Nations Mine Action Service (UNMAS)) have developed instruction and training capacities;
- (iii) Establishment of standard approved skill levels for counter-IED teams (for device neutralization and destruction);
- (iv) Development or provision of counter-IED equipment;
- (v) Legal cooperation;
- (vi) Improved border controls to limit flows of persons and material feeding IED production chains. The World Customs Organization, which has developed the Global Shield programme, has a great deal of expertise in this field.

## Annex II

### **Food for thought on the follow-up to the work of the informal Group of Experts**

#### **Introduction**

1. Amended Protocol II is the sole instrument of international humanitarian law that explicitly mentions IEDs. It would thus apparently provide an appropriate framework for the discussion of IEDs.
2. However, there are two problems:
  - (a) The first relates to the protection of information. As IEDs are used by non-State armed groups, often for terrorist purposes, information on them too relates to networks of illegal armed groups, and it is thus sensitive. What is more, the utmost caution must be shown so as to avoid disseminating information that can be useful to such groups. Cooperation between States is key, but it generally takes place between specialized services. It is not possible in a forum such as CCW to enter into detail about operational aspects;
  - (b) The second is related to the limited framework of amended Protocol II;
    - (i) On the one hand, the Protocol is aimed only at the prohibition or the limitation of use;
    - (ii) On the other hand, its scope of application (art. 1) is limited, “in addition to situations referred to in Article 1 of this Convention,<sup>7</sup> to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949”,<sup>8</sup> but its scope does not extend to “situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature”, that are not armed conflicts.
3. Any provision aimed at establishing requirements upstream, for example to limit armed groups’ access to components of IEDs, would thus fall outside the framework of the Protocol. In any case, such measures would involve much broader problems in terms of industrial, commercial and customs-related issues.
4. These are real problems, but they should not be used as an excuse for inaction. Indeed, they are not insurmountable. There are several possible ways forward.

#### **Establish a network of national contact points for countering IEDs (C-IEDs)**

5. With regard to information exchange and multinational cooperation, clearly, the first challenge is in identifying opportunities. States parties should be asked to take stock of their capabilities and identify national C-IED contact points to ensure cooperation.
6. Consideration may be given to the drawing up of a questionnaire by the Implementation Support Unit. Each State party would be asked to indicate:
  - (a) The legal and regulatory provisions it has adopted;

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<sup>7</sup> Situations of international armed conflict.

<sup>8</sup> Situations of non-international armed conflict.

(b) How its national C-IED structure is organized (in particular, designation of a national contact point for international cooperation in countering IEDs);

(c) What expertise it has developed (specifically, whether it has specialized units or centres and whether it has developed any specific tools, etc.);

(d) Kinds of training and/or cooperation that it could make available on request.

7. The idea would be to thus establish a network of national contact points and enable them to identify channels for cooperation. It would then be for the States parties to enter into contact bilaterally to consider possibilities and define levels of cooperation, and later to engage if possible in an exchange of more sensitive information.

8. This would not be an annual report, but a single, one-off report; it would be the responsibility of States to update it as needed.

9. Such reporting would not be public. The Implementation Support Unit would compile it and distribute it only to the States parties.

10. Lastly, it might also be useful to consider how the information gathered could be integrated:

(a) Into the database on mine clearance set up as part of the United Nations system (mentioned in article 11.2 of the Protocol) and to which States parties are supposed to contribute information on the various means and techniques used for mine clearance, lists of experts, specialized bodies or national centres that can be contacted; and/or

(b) With the database project, portal or information exchange platform, for the establishment of which the questionnaire might constitute a first step.

### **Continue to improve the exchange of information by centring it on more specific subjects**

11. So as to avoid repeating the same presentations year after year, certain subjects could be delved into more deeply:

(a) Detection and countermeasure techniques: There are a number of publications, events, workshops and annual seminars devoted to countering IEDs.<sup>9</sup> It could be useful to identify them and to contact the bodies that publish or organize them so that they can present their activities and fields of work that are of interest to the States parties;

(b) Civilian pyrotechnics: There is an existing framework of standards for civilian explosives. The Group of Experts could enhance its knowledge in this field. It may be beneficial to exchange information with the International Explosives Technical Commission (established under the MARPLEX Convention);

(c) Detonators: The Group has not very extensively addressed the problem of detonators. Yet detonators are a key component of these devices. It might be useful to hear from more experts on ways to control, trace and detect this component;

(d) Chemicals, called precursors:

(i) One of the possibilities that has been mentioned has been to improve the control and traceability of precursors through administrative measures at the national and/or regional level. The Group of Experts has already heard from several States

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<sup>9</sup> For example: the biannual *Counter IED Report* (<http://www.counterIEDreport.com>), or the METSEC C-IED annual show held by MKDS Training (<http://www.mkds-training.com/events-home.html>), among others.

and regional organizations that have established instruments of this type (for example, the Organization of American States, with the CIFTA agreement,<sup>10</sup> or the European Union, with Regulation No. 98/2013 on the marketing and use of explosives precursors).

(ii) The drafting of a binding measure of this type by the Group of Experts would go well beyond the Group's field of competence. The Group could, however, draw up a list of existing regulations and update the document entitled "Compilation of existing guidelines, best practices and other recommendations aiming at addressing the diversion or illicit use of materials which can be used for Improvised Explosive Devices (IEDs)", published by the Implementation Support Unit.

(iii) Certain States have also raised the question of technical measures, either:

- To improve the traceability and/or detectability of such substances (by incorporating chemical markers, as is the case for plastic explosives); or
- To prevent the substances from being used for the production of explosives.

(iv) One of the problems encountered consists in avoiding a deterioration of the substances' qualities for legitimate civilian use (for example, in fertilizers). In the opinion of many experts, for the time being, no satisfactory technical solution exists. The Group of Experts could, however, continue to watch for possible technical progress with the development of nano and biotechnologies.

### **Consider the possibility of drawing up guidelines for countering IEDs**

12. Some have informally raised the idea of the adoption of a protocol specific to IEDs under the Convention so as to prohibit their use with an instrument of international law. The scope of such a prohibition is subject to debate, though, as:

(a) Existing law is already very clear about the limits of their use. The problem is not so much that the law is lacking, but that it is not enforced;

(b) In any case, it is in any case not States, but non-State groups that produce and use IEDs.

13. More globally, if legal measures were to be considered, they would address topics that would clearly be outside the scope of the Convention, as they would involve much broader problems in terms of industrial, commercial and customs-related issues. They thus could not take the form of a binding international instrument.

14. Just the same, there is nothing stopping the States party to amend Protocol II, when addressing this question in this appropriate framework, from agreeing to develop a compendium of legally non-binding guidelines recommending a number of provisions or best practices to counter IEDs. States parties could endorse such a document with a policy statement, adopted by consensus, which would reiterate the seriousness of the threat, the need to protect civilians, the relevant rules of international humanitarian law and specifically the importance of observing the provisions of amended Protocol II relating to IEDs. States parties would thus draw the attention of the international community to the problem and would demonstrate their will to commit to decisive action to address it.

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<sup>10</sup> Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials.