

**Eighteenth 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

Improvised explosive devices (IEDs)

Working paper submitted by Cuba

I. Use of IEDs by authorized actors and for national defence

1. The possession and use of improvised explosive devices (IEDs) by States, as part of their defence doctrines and the use of such devices to ensure national defence, does not constitute an illegal action or an act of terrorism.
2. No regulation or initiative relating to IEDs may undermine the inherent right of States to self-defence, which is enshrined in article 51 of the Charter of the United Nations.
3. Any initiative that is adopted in relation to IEDs must comply strictly with the principles of the Charter of the United Nations, including the principles of sovereignty and territorial integrity of States, and must maintain a balance between humanitarian concerns and legitimate national security interests.

II. Use of IEDs by unauthorized actors

4. The use of IEDs by illegal armed groups, terrorists and other unauthorized actors is worrisome and should be condemned.
5. Efforts must be made to prevent IEDs from falling into the hands of unauthorized actors and to identify the networks that support them in obtaining, handling, financing, storing, using or seeking access to all types of explosives, precursors and materials, whether military or civilian, that can be used to manufacture improvised explosive devices.
6. Cuba has been the victim of terrorist acts, committed by mercenaries working for foreign Governments, which involved the use of IEDs.



III. Legal trade

7. State efforts should focus on preventing illegal armed groups, terrorists and other unauthorized actors from obtaining, handling, financing, storing, using or seeking to obtain all types of explosives, whether military or civilian, as well as other military or civilian materials and components that can be used to manufacture improvised explosive devices, including detonators, detonating cords and chemical components. At the same time, undue restrictions on the legitimate use of and access to such materials must be avoided, given that substances and materials that could be used to construct IEDs are also widely used in many sectors, including industry, agriculture, medicine and food preservation.

IV. National implementation measures

8. The State should have primary responsibility for taking measures in its territory to counter the threat posed by IEDs. At the same time, international cooperation and assistance should support national efforts, taking into account the needs of the receiving State.

9. Various national measures could be adopted to prevent unauthorized actors from obtaining components that could be used to construct IEDs.

10. Ammunition and explosives must be stored safely, taking into consideration, *inter alia*, the selection of sites for the construction of storage facilities, the arrangement and distribution of materials in storage facilities, the safe and efficient handling of materials, protection against potential and environmental risks, safety measures during transportation, staff training, and physical and technical safety measures relating to arsenals and storage facilities.

11. Civilians must be informed of the dangers related to the possession of ammunition and explosives and their close link to other scourges, such as terrorism. Educational institutions, non-governmental organizations, the media and other agents of socialization must take part in this important educational endeavour.

12. Consideration could be given to the establishment of national governmental commissions to inspect, supervise and monitor the construction, importation, exportation, storage, transportation, sale, use, destruction and disabling of industrial explosives, ammunition and explosive or toxic chemicals.

13. At the national level, consideration could also be given to the adoption of legal regulations on the monitoring of industrial explosives, initiators, their chemical precursors and toxic chemicals in order to regulate the monitoring and inspection of the construction, importation, exportation, storage, transportation, sale, use, destruction and disabling of industrial explosives, ammunition, explosive or toxic chemicals and their chemical precursors.

14. In particular, States should consider issuing licences and establishing safety measures for the importation, storage and use of substances likely to be used to construct IEDs.

15. Regulations and specific ethics codes could be established for persons capable of constructing an IED, such as chemistry specialists, former members of the armed forces and laboratory staff.

V. International implementation measures

16. In order to support national measures, a series of international measures could also be implemented.

17. Efforts should be made to define and establish good practices in preventing and confronting the use of IEDs by illegal armed groups, terrorists and other unauthorized actors. In order to be effective, these good practices must be voluntary, internationally accepted, transparent, objective and must not be discriminatory, selective or easily manipulated.

18. Measures should also be taken to promote the exchange of information and experiences relating to preventing and confronting the use of IEDs by illegal armed groups, terrorists and other unauthorized actors. In addition, the organization of international workshops and seminars must be encouraged in order to train those undertaking this work.

19. When implementing these activities and good practices, commercial confidentiality requirements, national security interests and States' legitimate right to trade must be taken into account and guaranteed.

VI. Some safety measures applied by Cuba

20. Cuba has developed guidelines on monitoring and inspecting the construction, importation, exportation, storage, transportation, sale, use, destruction and disabling of industrial explosives, ammunition, explosive or toxic chemicals and their chemical precursors. These guidelines are set out in Decision No. 371 of the Governing Council of the People's Supreme Court, dated 16 July 1996.

21. Cuba also has enacted Decree-Law No. 225 on industrial explosives, initiators, their chemical precursors and toxic chemicals of 7 November 2001 and Decree-Law No. 262 on weapons and ammunition of 12 November 2008.

22. As a result of the national measures that have been adopted, IEDs do not pose a threat in Cuba.

23. At the national level, there is no illegal trafficking in weapons, ammunition, explosive or toxic chemicals, chemical precursors or other hazardous substances that could be used to construct IEDs. Cuba closely monitors those who legally possess weapons, ammunition, explosive or toxic chemicals and chemical precursors or other hazardous substances that could be used to construct IEDs. The rules and procedures established by the State for controlling arms, ammunition, explosive or toxic chemicals and chemical precursors include restrictions on their possession and use aboard ships and aircraft and monitoring of the country's borders. The Government also ensures the safe storage of ammunition and explosives, including their safety during transportation and the physical and technical safety of munitions sites, as well as the selection, supervision and training of staff working in those areas.

24. The Cuban people are well aware of the threat posed by IEDs and their close link to terrorism and other scourges. The Government, non-governmental organizations, educational institutions, the media and agents of socialization play a part in this important educational endeavour.