

**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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Summary record of the 2nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 30 August 2016, at 3 p.m.

President: Mr. Kārklīš (Latvia)

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The meeting was called to order at 3.05 p.m.

General exchange of views (*continued*)

1. **Mr. Gharaibeh** (Jordan) said that Jordan was one of the first States to have ratified amended Protocol II, and it had prohibited all anti-personnel mines on its territory. Anti-vehicle mines were used only in border areas that could not be protected by the army or border guards due to delimitation or military security issues. A number of steps had been taken to deal with booby traps, improvised explosive devices (IEDs) and explosive remnants of war. A multi-stakeholder committee had been established to prevent the use of such explosives in regions where civilians lived, and a ban on bringing dangerous substances and materials into the country from neighbouring countries had been imposed. In addition, a survey of the explosives present in the country had been carried out, and three storage areas had been set up that were guarded by security forces. The Jordanian army, in cooperation with the armies of other Arab countries, monitored the transport and use of explosives, which were destroyed when the army had no further use for them.

2. Workshops had been organized to educate the general public about the danger posed by explosive devices. Fireworks were prohibited in the country in order to prevent their components from being used for terrorist purposes. A committee had been established to monitor all activities involving mines and booby traps. The Jordanian authorities were working to clear mines in affected areas in order to ensure the safety of the local population and, to that end, several demining training workshops had been organized. Lastly, Jordan was working with countries in the European Union, including Norway, to eliminate explosive remnants of war, and it had established contacts with the United States of America with a view to organizing training workshops on the destruction of such materials.

3. **Ms. Hammer** (Austria) said that Austria endorsed the statement made by the representative of the European Union at the previous meeting. As indicated in the 2015 national report of Austria, amended Protocol II was an integral part of Austrian law, and the destruction of anti-personnel mine stockpiles had been completed in 1995. Appropriate training was offered to soldiers on active duty and to members of the army reserves. During the reporting period, 252 cluster bombs and an anti-personnel mine had been discovered and destroyed by mine clearance services.

4. Austria, firmly believing that additional measures were necessary to put an end to the uncontrolled use of IEDs and to protect civilians and military personnel from their disastrous consequences, supported the draft declaration on IEDs. However, it would have been useful to include a reference in the draft of the particularly devastating effects of such devices when they were used in densely populated areas.

5. **Mr. Donat** (Observer for the United Nations Mine Action Service), speaking on behalf of the United Nations Inter-Agency Coordination Group for Mine Action, said that he supported the recommendations made by the Coordinators in the report on IEDs (CCW/AP.II/CONF.18/2) and particularly the proposal to draw up guidelines based on existing best practices, recommendations and lessons learned concerning methods for educating civilians about the danger posed by IEDs. In his opinion, it would be a good idea for High Contracting Parties to use existing materials and tools, including the International Mine Action Standards and the corresponding best practice guides on educating people about the dangers of mines and explosive remnants of war, and to avoid any duplication of work.

6. In countries where children and those close to them were the main victims of IEDs, the United Nations Children's Fund (UNICEF) was helping national authorities and their partners to develop and pilot IED risk education projects. Such initiatives could later be integrated into wider-ranging anti-mine programmes and could be shared with other countries. In Myanmar, a risk education toolkit that included messages on the dangers associated with IEDs had been field-tested and approved by the Government. In Syria, material focusing specifically on IED risk education had been developed and was being used as part of a campaign launched by the Ministry of Education and other partners that had reached 2.8 million children since 2015.

7. The United Nations Mine Action Service had developed guidelines for United Nations civilian and military personnel on IED threat mitigation in mission settings. Furthermore, the Service had recently updated its Landmine and Unexploded Ordnance Safety Handbook, which contributed to a greater awareness on the part of organizations and persons working in affected areas of the threats posed by IEDs.

8. He was in favour of continuing the discussion on IEDs within the framework of amended Protocol II and would be reporting to the High Contracting Parties at the annual conference on the work being done to reduce the threat posed by IEDs. The Secretary-General of the United Nations would soon be publishing his first report on IEDs, which would contain a detailed description of the Organization's efforts to put an end to their use. He was also pleased to announce the recent publication of the Improvised Explosive Device Lexicon, which had been developed by the United Nations Mine Action Service in order to provide the United Nations system with a coherent conceptual framework and operational vocabulary for addressing the risks of IEDs around the world.

Review of the operation and status of the Protocol

Consideration of matters arising from reports by High Contracting Parties according to article 13 (4) of the amended Protocol and of the development of technologies to protect civilians against indiscriminate effects of mines

Report on the operation and status of the Protocol (CCW/AP.II/CONF.18/3)

9. **Mr. Pusztai** (Coordinator on the operation and status of the Protocol), presenting the report on the operation and status of the Protocol, said that the report reflected the discussions and outcome of the meeting of the Group of Experts of the High Contracting Parties to Amended Protocol II held on 7 and 8 April 2016. The Group of Experts had underscored the importance of the national reporting process and had noted that, although the majority of High Contracting Parties to amended Protocol II had complied with their reporting obligations at least once, the number of reports received was far below expectations. He had sent a letter to States with overdue reports to remind them of the deadline for the submission of their report for the year 2015, and he wished to encourage those States which had not yet submitted their reports to do so as soon as possible.

10. The Group of Experts had focused on the information submitted on Form F: "Other relevant matters", which had been analysed briefly in the report. He would therefore like to invite the High Contracting Parties to adopt the recommendations made by the Group of Experts in paragraph 6 of the report.

11. **The President** said that he took it that the Conference wished to adopt the recommendations.

12. *It was so decided.*

Improvised explosive devices (IEDs)

Report on improvised explosive devices (CCW/AP.II/CONF.18/2)

13. **Mr. Coussière** (Coordinator on improvised explosive devices) said that the Implementation Support Unit had asked the Coordinators to give a general presentation on IEDs, and he thought it would be of interest to hear the point of view of Ms. Gautier, an expert on IEDs and member of the Analytical Support and Sanctions Monitoring Team of the Security Council Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (ISIL), also known as Daesh, Al-Qaida and associated individuals, groups, undertakings and entities (hereinafter referred to as "the 1267 Committee").

14. **Ms. Gautier** (Expert and member of the Analytical Support and Sanctions Monitoring Team) said that she would provide an overview of the activities undertaken by the Analytical Support and Sanctions Monitoring Team to counter the threat of IEDs and of the progress made, the work carried out and the recommendations that had been developed

in recent years. The Team reported to the nine members of the 1267 Committee, which was one of the two Security Council committees dealing with terrorism.

15. The sanctions regimes established pursuant to Security Council resolutions 1267 (1999) and 1988 (2011) were among the 13 such regimes currently in effect. The two regimes in question applied to non-State and transnational actors that used non-conventional weapons and posed a threat at the global, regional or local level. As of 3 August 2016, the list of persons and entities subject to the sanctions regimes of the 1267 Committee comprised 394 individuals and 80 entities. The mandate of the Analytical Support and Sanctions Monitoring Team covered three main areas: threat assessment, monitoring the implementation of sanctions (the freezing of assets, the travel ban and an arms embargo) and the regular submission of recommendations to the 1267 Committee for presentation to the Security Council. The Team's experts worked directly with Member States and their security and intelligence services, as well as with international or regional organizations. In the case of its work on IEDs, the Team partnered with the World Customs Organization and the International Criminal Police Organization (INTERPOL).

16. The arms embargo provided for in resolution 1267 was imposed in accordance with the criteria set out in Security Council resolution 2253 (2015). Given the methods used by terrorist groups, the embargo had a very wide scope. Accordingly, it applied not only to conventional weapons but also to the provision of services, materiel, substances and precursor materials used to produce IEDs and the provision of technical support and paramilitary training, among others. Since 2013, following a recommendation made by the Team to the 1267 Committee, the issue of IEDs had been mentioned expressly in all Security Council resolutions pertaining to sanctions. In those resolutions, the Security Council had urged Member States to ensure that persons and entities under their jurisdiction did not provide terrorist groups with explosives or any military or non-military component or part likely to be used to produce IEDs. Pursuant to another recommendation made by the Team, the provisions relating to the arms embargo had been revised, and Member States were now required to inform private enterprises in various sectors (mining, the chemical industry, agribusiness) of the risks that could be posed by the deliberate misuse of certain types of raw materials. Member States had also been called upon to exchange information, share best practices and develop strategies.

17. More attention had been paid in recent years to the guidelines for determining which individuals should have their names placed on the list of persons subject to sanctions in order to ensure that the list included not only the heads of terrorist groups and their leading fighters but also their organizers, financial backers, recruitment agents, instructors, logisticians and precursor material suppliers. Currently, 78 individuals were on the list by reason of IED-related activities. The Team had also helped to expand the Project Watchmaker database managed by INTERPOL.

18. As part of its regional and global analyses, the Team assessed threats, developed a classification of IEDs and identified components and supply chains. It had observed a definite trend in that regard in Africa, the Middle East and Europe. Although the use of conventional heavy weapons had spread across the Middle East, IEDs remained the weapon of choice of terrorist groups, especially because such groups could easily exchange tips on the production and use of IEDs via the Internet. It had become evident from an analysis of numerous attacks and thwarted terrorist plots that such groups had an exceptional capacity for action and were highly skilled in handling explosives.

19. The increased professionalization of those groups and their rapid adoption of new technologies was evidenced by the establishment within ISIL of two units specializing in IEDs and booby-trapped vehicles.

20. The following major risks had been highlighted by the Analytical Support and Sanctions Monitoring Team: the use of IEDs by terrorists to inflict the greatest number of casualties possible, their use of state-of-the art technologies such as drones and amphibious or waterproof IEDs, the development of non-metallic or minimum-metal IEDs, the use of chemicals to increase the number of fatalities caused by IEDs, the exchange of information between terrorist groups on production methods and the sharing of operational innovations

by highly mobile foreign terrorists capable of planning attacks that combined terrorist methods with conventional ones.

21. The analysis of the products used to build IEDs was complicated by the difficulty of accessing the information needed to determine how the products were used by terrorist groups and to trace their supply chains, as well as by the fact that the regulatory framework applicable to such products varied from one State to another and was sometimes lacking altogether. It was crucial for the Committee to understand the IED fabrication methods that were in use and to identify the networks involved in order to prevent their production. Considerable efforts had already been deployed by Member States such as Afghanistan, Pakistan and Turkey to support the initiatives of private businesses in that regard. Those enterprises' economic interests should be protected while at the same time ensuring that their products were not used for harmful purposes.

22. In its recommendations to the Committee, the Team had noted the fundamental importance of gathering the information needed to gain a more in-depth knowledge of the relevant methods of operation and the types of components being used, as such knowledge would facilitate a coordinated approach to prevention. The Team had also noted that, in order to limit the spread of IEDs and the dissemination of the associated techniques, a broader approach involving both civilian and military personnel, as well as the public and private sectors, should be prioritized. Although Governments were responsible for protecting military stockpiles and preventing the misuse of official procurement channels, the work of customs authorities could be greatly facilitated by private stakeholders owing to their knowledge of the market, the technical characteristics and the available supply of the relevant products and shipment volumes.

23. **Mr. Coussière** (Coordinator on improvised explosive devices), recalling that the Group of Experts of the High Contracting Parties to Amended Protocol II had met in Geneva on 7 and 8 April 2016, said that experts from Pakistan, Colombia and the Philippines had delivered presentations at the meeting on the measures and best practices adopted in their countries to prevent the diversion of explosives for the production of IEDs and to enhance the exchange of information on techniques for detecting and countering the use of such devices. A summary of the discussions had been included in the report of the Eighteenth Annual Conference on IEDs (CCW/AP.II/CONF.18/2). The contribution of the Coordinators to the report of the Secretary-General of the United Nations on that subject, which was to be prepared in accordance with General Assembly resolution 70/46 on countering the threat posed by improvised explosive devices, was in the form of a letter dated 10 June addressed to the Secretary-General through the High Representative for Disarmament Affairs. The contribution of the High Contracting Parties to the work of the Fifth Review Conference on IEDs would take the form of a political declaration based on broad-ranging consultations conducted as a means of ensuring transparency. The latest version of the text of the declaration would be considered during the present session and, if agreed, would be transmitted by the High Contracting Parties to the Fifth Review Conference.

24. **Mr. Moldovan** (Co-coordinator on improvised explosive devices) said that the Conference needed to adopt the mandate for work on IEDs for 2017, which had six pillars:

- To compile existing guidelines, best practices and other recommendations addressing the diversion or illicit use of materials that could be used to produce IEDs as a means of facilitating consultation
- To initiate voluntary exchanges of information on methods of educating and raising the awareness of the public about the risks posed by IEDs and to draft guidelines on methods of educating civilians about the risks posed by mines
- To continue to exchange information on national measures and lessons learned in respect of the general features of IEDs, including new types of devices, methods of humanitarian demining and methods of protecting civilians from such devices
- To follow up on the discussion concerning the creation of a database, portal or platform for use in developing best practices, improving information sharing and enhancing cooperation among the High Contracting Parties

- To develop a questionnaire on national frameworks for countering the threat posed by IEDs with a view to making those data available through the restricted area of the Conference's website and to maintain the list of national points of contact
- To ensure that the Group of Experts was kept abreast of the efforts being undertaken outside the scope of the Conference to address the threat posed by IEDs so as to coordinate efforts and to minimize duplication of action.

25. **Mr. Coussière** (Coordinator on improvised explosive devices) said that the Conference would also have to take a decision on the review of the implementation of amended Protocol II, which would be incorporated into the outcome document of the Fifth Review Conference.

Declaration on Improvised Explosive Devices

26. **The President** said that he took it that the High Contracting Parties wished to adopt the political declaration on improvised explosive devices contained in the draft final document of the Conference (CCW/AP.II/CONF.18/CRP.1) for submission to the Fifth Review Conference, subject to the following amendments:

Paragraph 3: **Reaffirm** the existing prohibitions or restrictions ...

Paragraph 7: ... for committing terrorist acts or other indiscriminate acts.

27. *It was so decided.*

28. **Ms. Arredondo Pico** (Observer for Cuba) said that, while her country condemned the use of IEDs by illegal armed groups, terrorist groups and other unauthorized agents, their possession by States for purposes of national defence was not illegal and was justified under the right to self-defence enshrined in the Charter of the United Nations.

29. **Mr. Loughran** (Observer for the Mines Advisory Group) said that the Mines Advisory Group remained concerned about the use of the term "improvised explosive device" without additional details being provided on the type of device concerned or the context in which it was used, which were critical for ensuring the effectiveness of mine action and humanitarian activities. The Mines Advisory Group had significantly expanded its operational response in that regard: in 2016 alone, its teams had cleared around 3,000 improvised anti-personnel landmines, in addition to 165,000 non-improvised landmines and 2 million pieces of unexploded ordnance in Iraq since the launch of its humanitarian programme. In Iraq, the Mines Advisory Group was working not only to combat the use of IEDs but also to respond, by means of humanitarian action, to the impact of the indiscriminate use of weapons. Whether they were improvised or not, such devices posed a threat to civilians. The Mines Advisory Group continued to attach critical importance to distinguishing between exclusively humanitarian action taken to remove improvised devices and action taken in support of security, military or force protection objectives. With that in mind, the Mines Advisory Group welcomed the inclusion of the phrase "methods of humanitarian clearance" in paragraph (c) of the draft mandate for 2017 and, like the Geneva International Centre for Humanitarian Demining, wished to underline the importance of conducting studies in that field. It also recommended that discussions on methods of humanitarian clearance should be focused not only on technical methods and standards but also on the approaches and coordination systems that should be used to ensure the delivery of an effective humanitarian response.

Mandate of the Group of Experts for 2017

30. **Mr. Rapillard** (Observer for the Geneva International Centre for Humanitarian Demining) said that his organization welcomed the reference made to "methods of humanitarian clearance of IEDs" in the draft mandate on IEDs for 2017 and suggested adding the word "survey", as well as the word "clearance", to the paragraph in question. The Geneva International Centre for Humanitarian Demining was undertaking a study on the methods used by mine action operators to counter the threat posed by IEDs. He trusted that the study, which complemented the work being done by the United Nations and mine action operators, would contribute to a better understanding of how the mine action sector was addressing the issue of IEDs.

31. **The President** said that he took it that the High Contracting Parties wished to adopt the mandate of the Group of Experts for 2017 set forth in the draft final document of the Conference (CCW/AP.II/CONF.18/CRP.1) subject to the following amendments:

(d) The Group of Experts shall ~~continue~~ **discuss**, consistent with the scope of amended Protocol II, ~~discussions on information exchange database, portal or platform as a voluntary tool to improve information sharing on the diversion and illicit use of IEDs and materials that can be used for IEDs~~ **how to facilitate effective voluntary sharing of information to help counter the illicit use of IEDs.**

(f) With respect to other fora addressing the threat posed by IEDs, the Group of Experts will keep apprised of the relevant developments in their activities, with a view to ensuring ~~unity~~ **complementarity** of efforts.

32. *It was so decided.*

33. **Mr. Siegrist** (Switzerland) said that his delegation joined the consensus on the adoption of the Declaration on Improvised Explosive Devices on the understanding that the Declaration was without prejudice to the legal framework applicable to the parties to an armed conflict and, in particular, to international humanitarian law.

Preparation of the Fifth Review Conference

34. **The President**, drawing attention to the recommendations made by the Eighteenth Annual Conference of the High Contracting Parties to Amended Protocol II relating to the review of the implementation of the Protocol in preparation for the Fifth Review Conference, said that the floor was open to delegations wishing to comment on that subject.

35. **Ms. Arredondo Pico** (Observer for Cuba) suggested inserting the words “for committing terrorist acts or indiscriminate attacks” in the last sentence of paragraph 7 of annex VI to the draft final document so that the sentence would read “and to consider efforts to defeat and prevent the use of IEDs for committing terrorist acts or indiscriminate attacks at the national, regional and international levels”.

36. **The President** said that he had taken note of the suggestion made by Cuba and took it that the Conference wished to adopt the text contained in annex VI on the review of the implementation of amended Protocol II in preparation for the Fifth Review Conference.

37. *It was so decided.*

Report(s) of any subsidiary organ(s)

38. **The President**, recalling that no new subsidiary organ had been established and that the work of the main subsidiary organ, namely the Group of Experts, had already been considered, said that, as no delegation wished to speak under agenda item 12, he declared the discussion under that item closed.

Adoption of the estimated costs for 2017 (CCW/AP.II/CONF.18/4 and CCW/AP.II/CONF.18/5)

39. **The President** said that he took it that the Conference wished to adopt the document setting forth the estimated costs of the meeting of the Group of Experts in 2017 (CCW/AP.II/CONF.18/4) and the estimated costs of the Nineteenth Annual Conference of the High Contracting Parties to Amended Protocol II (CCW/AP.II/CONF.18/5).

40. *It was so decided.*

Other matters

41. **The President** said that he noted that no delegation wished to speak under that agenda item.

Consideration and adoption of the final document

41. **The President**, drawing attention to the draft final document of the Eighteenth Annual Conference of the High Contracting Parties to Amended Protocol II

(CCW/AP.II/CONF.18/CRP.1), said that the internal document distributed previously reflected all the proposed amendments to the draft that had been submitted to him. He invited delegations to take a moment to review the internal document as against the final document, after which the Conference would, according to the usual procedure, proceed to consider and adopt the final document section by section and then as a whole, subject to any amendments that were adopted.

Section I — Introduction

Paragraphs 1 to 7

42. *Paragraphs 1 to 7 were adopted.*

Section II — Organization of the Eighteenth Annual Conference

Paragraphs 8 to 15

Paragraph 9

43. **The President** said that two States, namely Finland and the Republic of Moldova, had been inadvertently omitted from the list of States participating in the work of the Conference and would be added to it.

44. **Ms. Robles** (France) and **Mr. Muscat** (Malta) said that their countries should be added to the list of States participating in the work of the Conference.

45. **Ms. Ayling** (United Kingdom) said that the words “United Kingdom” should be replaced with the words “United Kingdom of Great Britain and Northern Ireland” in paragraph 9 and throughout the document.

46. **Mr. Malov** (Russian Federation) said that the word “Russia” should be replaced with the words “Russian Federation” in paragraph 9 and throughout the document.

47. *Paragraphs 8 to 15 were adopted subject to the amendments made to paragraph 9.*

Section III — Work of the Eighteenth Annual Conference

Paragraphs 16 to 22

Paragraph 20

48. **Mr. Laurie** (United Nations Mine Action Service) said that the phrase “on behalf of the Inter-Agency Coordination Group on Mine Action” should be inserted after the words “United Nations Mine Action Service”.

49. *Paragraphs 16 to 22 were adopted subject to the amendment made to paragraph 20.*

Section IV — Conclusions and recommendations

Universalization

Paragraphs 23 to 25

50. *Paragraphs 23 to 25 were adopted along with annex I, which was referred to in paragraph 24.*

Operation and status of the Protocol

Paragraphs 26 and 27

Paragraph 27

51. **The President** said that a proposal had been put forward to delete subparagraph (b) of paragraph 27 and to renumber the following subparagraphs accordingly.

52. *Paragraphs 26 and 27 were adopted subject to the amendment made to paragraph 27.*

Improvised explosive devices

Paragraphs 28 and 29

Paragraph 29

53. **The President** said that a proposal had been put forward to amend subparagraphs (d) and (f) of paragraph 29 as indicated in the informal document containing the proposed amendments to the draft final document, which had been distributed during the meeting (internal document).

54. *Paragraphs 28 and 29 were adopted subject to the amendments made to paragraph 29.*

New paragraphs 29 bis and 29 ter

55. *Paragraph 29 bis on the text of the Declaration on Improvised Explosive Devices was adopted.*

Paragraph 29 ter

56. **The President** said that paragraph 29 ter, which appeared in the informal document, referred to annex VI of the draft final document, which contained the text on the review of the implementation of amended Protocol II. In addition, India had proposed inserting a paragraph 7 bis in the text of annex VI concerning the Declaration on Improvised Explosive Devices. Following an exchange of views, it had been decided that the paragraph should be worded as followed: "The Conference welcomes the Declaration on Improvised Explosive Devices adopted by the Eighteenth Annual Conference of the High Contracting Parties to Amended Protocol II."

57. *Paragraph 29 ter, as amended, was adopted.*

58. **Ms. Yaron** (Israel) said that she would like to suggest that the word "unlawful" should be inserted before the words "use of IEDs" in the last sentence of paragraph 7 of annex VI.

59. **Mr. Gharaibeh** (Jordan) said that he would like to know what the Israeli delegation meant by the word "unlawful". Was the delegation referring to international humanitarian law or to domestic law?

60. **Ms. Yaron** (Israel), replying to the question posed by Mr. Gharaibeh, said that not all uses of IEDs were unlawful.

Follow-up

61. *Paragraphs 30 to 34 were adopted.*

Adoption of the draft final document

62. **The President** said that he took it that the Conference wished to adopt the draft final document and its annexes.

63. *It was so decided.*

Closure of the Conference

64. Following the customary exchange of courtesies, **the President** declared closed the Eighteenth Annual Conference of the High Contracting Parties to Amended Protocol II.

The meeting rose at 5.35 p.m.