

**ELEVENTH 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)

Submitted by the Friend of the President¹

1. The Group of Experts of the High Contracting Parties to CCW Amended Protocol II (APII) held meetings on 20 and 21 April 2009. Expert presentations were made by representatives from the United Nations Mine Action Service, Landmine Action, Geneva International Center for Humanitarian Demining, C King Associates Ltd., Colombia, Russian Federation, Ukraine and United States of America. In addition, Australia, Canada, Germany, France, Ireland, Israel, India, Japan, Netherlands, Pakistan, Philippines, Turkey as well as the International Committee of the Red Cross actively contributed to the discussion.
2. Expert presentations, as well as interventions by delegations, showed that a great number of IED types have been developed and used over time in various conflict regions around the world. At the same time, the deliberations of the Group demonstrated a common understanding of IEDs and acknowledged the challenge they represent.
3. The Group emphasized that APII covers IEDs in principle. While most types of IEDs are covered by the APII's definitions of mines, booby traps or other explosive devices, it was also apparent that a few types of IEDs do not fall under the AP II definitions. A working definition circulated in a discussion paper by the Friend of the President seemed to provide a good basis for work and found widespread support.
4. Delegations welcomed the discussion on IEDs in the CCW forum as a timely and relevant exercise given the fact that IEDs pose a significant threat to civilian populations, military forces, and infrastructure, as well as hamper socioeconomic development in many countries around the globe. Delegations expressed their hope that an exchange in the Group of

¹ Mr. Reto Wollenmann of Switzerland was appointed as Friend of the President on Improvised Explosive Devices (IEDs) by Ambassador Jānis Mažeiks of Latvia, President-designate of the Eleventh Annual Conference of High Contracting Parties to CCW Amended Protocol II (APII).

Experts could provide valuable insight for States Parties and help raise the awareness for this multifaceted challenge.

5. The discussions illustrated that IEDs have become the insurgents' and terrorists' weapons of choice. The Group also discussed that IEDs have often been used in scenarios other than war, especially by criminal networks. With regard to the predominant use by non-state actors, the Group reconfirmed that APII and the CCW apply to all parties to a conflict and that this includes insurgents and terrorists. Delegations also noted, however, the significant challenges in ensuring that efforts in the framework of CCW APII have an impact in the field.

6. With regard to the severe humanitarian impact by IEDs, the group discussed that a great number of non-combatant deaths and injuries are caused by IEDs around the world, in particular in populated areas. Experts argued that among all weapons covered by the CCW, IEDs are resulting in the greatest number of non-combatant death and superfluous injuries and suffering. A number of interventions highlighted that humanitarian concerns result from the setting and the way in which such explosives are used rather than from the improvised nature of the device itself. It was also reiterated that from an international humanitarian law point of view, there is little difference between a mass produced and an improvised explosive device.

7. The Group engaged in a technical discussion on different types of IEDs and their use. Experts elaborated on IEDs key components, which typically consist of a power source, trigger, detonator, and the main explosive charge. With regard to the charge, experts distinguished mainly between IEDs consisting of military explosives and IEDs made on the basis of commercially available chemicals.

8. Presentations illustrated that the diversity of these devices is increased by the fact that IEDs are by nature improvised and can be put together from a wide range of materials. At the same time, it was highlighted that access to military weapons and ammunitions has a direct impact on the nature and degree of improvisation.

9. The Group also discussed a number of trends with regard to IEDs. It was underlined that the availability of relevant information and the accessibility of materials have a significant impact on the speed of the development of new IED types and their sophistication. Presentations showed examples of very effective, specifically designed devices containing advanced technological components. It was illustrated that such advanced IEDs can be used to defeat a target in the same way that sophisticated, military munitions do.

10. With regard to ways of coping with the IED threat, both experts and delegations referred to measures to prevent, protect and detect. In addition, experts shared information with regard to clearance. A number of delegations highlighted that the increasing use of IEDs trigger significant countermeasure programs and referred to the classified nature of some of their efforts. It was also discussed that the explosion of an IED is usually the end product of a complex chain of typically illegal acts (leadership, planning, financing, material procurement, bomb making, target selection, recruiting, attack execution) which suggests a number of potential entry points for prevention and interdiction.

11. A number of references were made to ongoing work elsewhere in the UN, in particular with regard to the Marking of Explosives. Potential areas of cooperation and coordination, but also the potential for overlaps and duplication, were raised. Some delegations also highlighted that except for APII, no other legally binding disarmament or arms control instrument explicitly covers IEDs.

12. Experts and delegations discussed what role the CCW in general and the APII in particular could play in addressing the challenges posed by IEDs. Apart from the full implementation of the APII provisions, two different tracks for the CCW to approach the issue of IEDs were suggested.

13. With regard to IEDs that include military explosives, it was suggested by many delegations that the supply of such explosives could be a promising entry point for the CCW. Experts seemed to agree that military explosives fall into the hands of non-state actors as a result of a) unsecured stockpiles, b) abandoned ammunition, or c) unexploded ordnance. A number of delegations expressed their views that the CCW could provide an appropriate and useful forum to elaborate ways in which to limit access to military explosives, including other IED precursor materials. A number of interventions referred to the responsibility of States to limit access to military high explosive materials, in particular in post-conflict situations. In this regard, universalization and full operationalization of Protocol V was highlighted as a priority entry point for future IED-related work in the CCW. Beyond the CCW area, delegations highlighted the importance of stockpile management and security, stockpile destruction and secure transportation of ammunition and explosives, and referred in this regard to the provisions of the United Nations Programme of Action (UNPoA) to Prevent, Combat and Eradicate the Illicit trade in Small Arms and Light Weapons (SALW) in All its Aspects.

14. With regard to IEDs which are made of commercially available materials, delegations discussed challenges in monitoring, tracing or restricting access to widely available goods like diesel fuel and fertilizers 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. Delegations also elaborated on past and ongoing efforts in the field of export controls, and touched on the question of additional efforts to gain control over certain materials, including trans-border controls.

15. The Eleventh Annual Conference of the High Contracting Parties to CCW Amended Protocol II may wish to take the following decisions:

- (a) The Group of Experts shall continue to explore in a more focused way the issue of IEDs in the context of the Amended Protocol II focusing, in particular, on the strict and effective implementation of all relevant provisions of the Protocol and – when appropriate - in synergy with the related activities under CCW Protocol V; the universalization and full operationalization of CCW Protocol V is also considered an important factor to this effect;
 - (b) The Group of Experts shall explore possible practical steps to address the challenges posed by IEDs, including the possibility of discussing best practices addressing the limitation of the access to high quality military explosives.
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