

Twenty-first 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 (IED)

Report on improvised explosive devices

Submitted by the Coordinators*¹

I. Introduction

1. The Group of Experts of the High Contracting Parties to Amended Protocol II met in Geneva on 22 August 2019 to continue its discussions on the issue of improvised explosive devices in the framework of the Convention on Certain Conventional Weapons (CCW). The discussions were held in accordance with the decisions taken at the Twentieth Annual Conference of High Contracting Parties to Amended Protocol II.² The Coordinators informed the High Contracting Parties on 29 April 2019 on how they intend to further advance the work on improvised explosive devices in 2019.

2. Building on the work undertaken by the Group of Experts on this issue since 2009, the discussions on improvised explosive devices were structured as follows: general exchange of views on improvised explosive devices, including updates on relevant developments in other fora addressing the threat posed by improvised explosive devices; updates on the compilation of reference documents on improvised explosive devices in the framework of the CCW; a panel discussion on challenges posed by improvised explosive devices in specific contexts as well as an exchange of information on general features and new types of improvised explosive devices, methods of humanitarian clearance and to protect civilians from improvised explosive devices; a panel discussion on prevention and risk education, followed by an exchange of information by delegations on national, regional or international risk education methods, campaigns or practices and prevention measure; a panel discussion on threat mitigation, with a focus on humanitarian clearance and deployed capacities; and updates on the questionnaire on international cooperation in countering improvised explosive devices, which was first circulated in 2015 as a working paper of the Group of Experts to the Seventeenth Annual Conference.

* This document was submitted late due to unforeseen circumstances.

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² CCW/AP.II/CONF.20/5, paragraph 29.



II. Conduct of the meeting (22 August 2019)

A. General exchange of views

3. Participants expressed their concern over the continued widespread use of improvised explosive devices and their detrimental impact on civilians due to their indiscriminate use and effects. Delegations stressed the severe humanitarian implications of improvised explosive devices and their negative effects on the security, stability and socio-economic development of affected states. Concern was also expressed on the frequent use of improvised explosive devices in the perpetration of terrorist acts.

4. Delegations reiterated the importance of a comprehensive approach to countering the manifold aspects of the threat posed by improvised explosive devices. Several delegations highlighted the need to continue raising global awareness on the scope and characteristics of the threat. In this regard, delegations commended the ongoing discussions and the exchange of information in the framework of the Amended Protocol II of the Convention on Certain Conventional Weapons. The Declaration³ on Improvised Explosive Devices, recommended by the Eighteenth Annual Conference on Amended Protocol II and adopted at the Fifth Review Conference of the Convention on Certain Conventional Weapons, was welcomed as a meaningful contribution to multilateral efforts to mitigate the threat posed by improvised explosive devices. High Contracting Parties also reiterated their continued support of the principles and commitments contained therein.

5. Several delegations welcomed relevant General Assembly resolutions on “Countering the threat posed by improvised explosive devices” for having helped to raise awareness at a global level on the threat posed by improvised explosive devices and the fundamental importance of a comprehensive approach to counter it.⁴ Some delegations also recalled the recommendations by the United Nations Secretary-General contained in his reports to the General Assembly.⁵ With reference to Security Council Resolution 2370, some delegations called upon High Contracting Parties to adopt and implement more rigorous national measures to prevent the supply of weapons and explosive precursors to terrorists. Some delegations also welcomed the work carried out by the United Nations Institute for Disarmament Research on the development of a voluntary self-assessment tool to assist States in identifying gaps and challenges in their national regulation and preparedness regarding improvised explosive devices, pursuant to the General Assembly resolution 73/67. Some delegations welcomed the ongoing efforts by the United Nations to strengthen inter-agency coordination and to ensure a whole-of-system approach on improvised explosive devices, as laid out in the United Nations Secretary-General’s Agenda for Disarmament.

6. With respect to other fora addressing the threat posed by improvised explosive devices, one delegation delivered a statement on behalf of the Committee on Article 5 Implementation of the Anti-Personnel Mine Ban Convention on the relationship between Amended Protocol II and the Anti-Personnel Mine Ban Convention regarding the issue of improvised explosive devices. An update was provided on the ongoing discussions in the framework of the Anti-Personnel Mine Ban Convention regarding the definition of improvised explosive devices. It was noted that the obligations and commitments stemming from the two instruments are not mutually exclusive, and that a given device can fall under the scope of both Conventions. The importance of clear and disaggregate reporting and information management of devices was stressed, in order to fulfil all obligations adequately.

7. Many delegations stressed the need of increased international cooperation and coordination to counter the multifaceted threat posed by improvised explosive devices. The importance of cooperation and sharing of information on national and multilateral levels

³ Annex V, CCW/AP.II/CONF.18/6

⁴ A/RES/70/46, A/RES/71/72, A/RES/72/36, A/RES/73/67.

⁵ A/71/187, A/73/156

were highlighted as crucial to that end. The challenges posed by the dual use nature of many materials used for building improvised devices with respect to control and monitoring were particularly stressed. The importance of respective regulatory frameworks was highlighted as well as close cooperation with industry.

B. Compilation of existing guidelines, best practices and other recommendations aimed at addressing the diversion or illicit use of materials which can be used for improvised explosive devices

8. The Coordinators recalled their letter of 29 April 2019 inviting High Contracting Parties to submit updates to the compilation of existing guidelines, best practices and other recommendations aimed at addressing the diversion or illicit use of materials which can be used for improvised explosive devices. A draft compilation was first circulated on 5 April 2012 by the Co-Coordination on improvised explosive devices and was discussed by the subsequent Group of Experts. The Coordinators informed High Contracting Parties that the compilation had been complemented with documents suggested by one High Contracting Party. The Coordinators also reported on the measures that had been taken to make it more user-friendly as requested by the Twentieth Annual Conference. The Group welcomed the ongoing efforts to keep the compilation up to date and supported its dissemination. The Fourteenth Annual Conference had requested the Implementation Support Unit to disseminate the Compilation and, in consultation with the Coordinators and the High Contracting Parties, to maintain the Compilation on an ongoing basis, including updating it as new relevant guidelines, best practices, recommendations and other comments become available. The Coordinators encouraged High Contracting Parties to update the Compilation at any moment.

C. Information exchange

1. General features of improvised explosive devices, methods of humanitarian clearance and methods to protect civilians

9. To facilitate discussion among experts, a panel discussion was organized with representatives from the Afghanistan National Disaster Management Authority, the United Nations Development Programme in Yemen and the United Nations Mine Action Service based in Nigeria. The three panellists provided insights on the challenges posed by improvised explosive devices in the three respective national contexts. The presentations included information on the types of improvised explosive devices used, as well as the applied methods of humanitarian clearance and the measures undertaken to protect civilians. After the panel discussion, High Contracting Parties exchanged information on national measures, best practices and lessons learned on three specific topics in accordance with paragraph 29 c of the Final Document of the Twentieth Annual Conference: general features of improvised explosive devices, including new types of Improvised explosive devices; methods of humanitarian clearance; and methods to protect civilians from improvised explosive devices.

2. Risk education methods, campaigns or practices on improvised explosive devices

10. A representative of the United Nations Institute for Disarmament Research presented the process the Institute is carried out to develop a voluntary self-assessment tool to assist States in identifying gaps and challenges in their national regulation and preparedness regarding improvised explosive devices, pursuant to the General Assembly resolution 73/67. The Institute's representative informed that a reference document will be elaborated which will contain a comprehensive overview of key regulations and counter-improvised explosive devices capacities that can aid in preventing the proliferation of such devices and their components. It is hoped that, among other things, the self-assessment tool will assist States in understanding the regulatory options available to them and to support specific implementation by States of specific regulations on improvised explosive devices.

11. A representative of the Commission of the Economic Community of West African States presented a regional perspective on the prevention of illicit use of improvised explosive devices and information sharing. The representative informed about the goals of the envisaged regional approach, such as the mapping of the trafficking and diversion of components of improvised explosive devices as well as the increasing use of such devices. Also, sensitization and advocacy programs involving relevant government, military and industry stakeholders are envisaged, as well as the nomination of national focal points and the creation of regional stakeholders' roundtables.

12. Some delegations shared national perspectives on measures taken to protect civilians from improvised explosive devices. The elaboration of school curricula as well as the elaboration of legislative and regulative measures to reduce the risk that precursor materials are used for illicit purposes.

3. Improvised explosive devices threat mitigation: Capacities deployed and humanitarian clearance

13. A representative from the United Nations Mine Action Service outlined that the sophistication of improvised explosive devices is continuously increasing, resulting in constant capability gaps of responders to mitigate the threat posed by these devices. The representative presented the United Nations SMART Improvised Explosive Devices Threat Mitigation Technology Roadmap. At its core is a threat mitigation team of experts, consisting of national, civil society and United Nations mission experts which liaise both with industry and academic actors to standardize current and evolving threats posed by improvised explosive devices. The gained threat (mitigation) knowledge and information will be assembled in an online network and will be of enduring value for stakeholders involved in threat mitigation activities. The knowledge management system will facilitate information sharing and collaboration involving a broad range of relevant stakeholders.

14. A representative from the Geneva International Centre for Humanitarian Demining reminded of the four humanitarian mine action principles which guide all activities: humanity, impartiality, neutrality and independence. The perceived neutrality and independence of humanitarian demining actors by a given population were stressed as being the key enablers for carrying out humanitarian demining activities in a given context. The representative of the Geneva International Centre for Humanitarian Demining also elaborated on the development of the International Mine Action Standards which also provide a framework for developing guidance on the challenges posed by improvised explosive devices. The representative highlighted the modules 07.14 on Risk Management (Annex C on Threat Assessment), which constitutes the cornerstone for the search and disposal of improvised explosive devices. Also, the modules on 09.13 on Building Clearance and 09.31 on Improvised Explosive Device Disposal were stressed. In order to counter the threats posed by improvised explosive devices, the representative of the Geneva Centre for Humanitarian Demining stressed the need for the implementation of the good practice guides enumerated above, the need to strengthen national mine action authorities, in particular by means of capability development in the areas of practitioner training, clearance criteria and quality management. The importance of taking into account gender considerations in all humanitarian mine action activities was also stressed.

D. Facilitation of voluntary information sharing to help counter the illicit use of improvised explosive devices

Questionnaire on Counter-IED

15. The Coordinators noted that the questionnaire was first circulated in 2015 as a working paper of the Group of Experts to the Seventeenth Annual Conference. It was circulated as a one-time exercise of a voluntary nature (CCW/AP.II/CONF.17/WP.1). The questionnaire covers various elements of counter-IED work, including legal frameworks, risk assessment, organizational and institutional set-up and information sharing. The Twentieth Annual Conference requested that responses to the questionnaire continue to be made available to High Contracting Parties through the restricted area on the CCW website.

In line with this request, the Coordinators on IEDs circulated in April a letter to High Contracting Parties encouraging those who have not yet done so to respond to the questionnaire ahead of the Group of Experts meeting. The Coordinators informed that since the 2018 Group of Experts meeting, three more questionnaires had been submitted to the Secretariat.

16. The Coordinators informed experts that they had reviewed the design of the 2015 questionnaire and had come to the conclusion that there could be merit in revising and updating the original version. This in view of further facilitating a meaningful exchange of information on improvised explosive devices as well as to align the questionnaire more closely with the current mandate on improvised explosive devices in the framework of Amended Protocol II. The Coordinators indicated that they will propose to High Contracting Parties at the Annual Conference in November to include a mandate for the Coordinators to review and propose revisions to High Contracting Parties to the 2015 questionnaire at the 2020 Group of Experts meeting.
