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# The International Community and IEDs: building coordinated processes and responses

This roundtable was held under the Villa Moynier Rules

Graduate Institute of International and Development Studies (Geneva Academy of International Humanitarian Law and Human Rights) and the United Nations Institute for Disarmament Research (UNIDIR)

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### Introduction

This roundtable was convened by the United Nations Institute for Disarmament Research (UNIDIR) and the Graduate Institute of International and Development Studies, and was designed to bring together a range of policymakers and practitioners—with participants from governments, international organisations, NGOs, and academia. The objective was to lead an informal discussion to consider and elaborate scenarios for future international action to address Improvised Explosive Devices (IEDs), building on the “food for thought” paper circulated by the Co-ordinators on IEDs of the informal Group of Experts under Amended Protocol II of the Convention on Certain Conventional Weapons (CCW), as well as other existing resources.

### Challenges for the International Community

With an increasing humanitarian impact, IEDs are a concern for all states. In 2014 IEDs were recorded as killing and injuring 17,098 civilians in 36 countries. The countries worst affected by IEDs were Iraq, Syria, Pakistan, Afghanistan and Gaza but with an increasing use in other countries also, such as Nigeria and Mali. Over the last four years (2011-2014) there have been a recorded 86,046 casualties of IEDs, of which 82% (70,196) were civilian casualties and 18% (15,850) were armed actor casualties<sup>1</sup>. Finding viable solutions to the IED issue requires responses in multiple arenas and at multiple levels, including the operational, humanitarian and political sectors.

Within these three sectors there are a range of processes currently in place, with a variety of actors and stakeholders involved. Some of these processes are well established, such as those within the military, where the issue of IEDs has been more prominent for some time. In other sectors however, including the political, it is the increasing use of IEDs by non-state actors against civilian targets that has brought the issue into sharp relief, and approaches are still being understood and developed. As the response has so far been somewhat fragmented in this way, each agency or organisation specialized in its field of activity, there is an absence of a cohesive, political vision as to what an effective and coordinated international response to the IED issue would look like.

Two key challenges with regards the IED issue therefore emerge. Firstly, there is a gap at the international level, where strong leadership and a clear political response are currently required. And secondly, whilst many initiatives have taken place and continue to, particularly at local or regional levels as well as by specialized organisations, there is a lack of global coordinated international responses, to varying degrees, within all sectors and at all levels. Understanding how these two challenges can be addressed and the impact they have on the operational, humanitarian and political sectors can help guide a more effective international response to IEDs.

### Operational Responses

Controlling, monitoring and managing access to the physical components that can be used to make an IED is a practical way to limit and reduce their use. The source materials required to make an IED can be categorised in two ways: those precursor materials that have a dual use and those used for legitimate commercial or military purposes. Different approaches to managing access and control of these materials is required when considering each category.

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<sup>1</sup> <https://aoav.org.uk/> - various reports and findings published by AOA.V.

### 1) Control and management of dual-use precursor materials

An increasing number of IEDs are homemade using dual-use precursor materials that are legitimately used and required for everyday activities. These include ammonium nitrate, potassium chlorate and hydrogen peroxide. Thus the challenge is to improve regulatory frameworks to monitor the sale, transfer and use of these materials and ensure that legitimate uses are not impeded. The *Global Shield* program lead by the World Customs Organisation has identified a list of 14 sensitive chemical precursors to be monitored<sup>2</sup>. It was noted that *Global Shield* will now include detonators, blasting caps and det cord within its scope.

There are also several examples of how this monitoring can be achieved, either by national regulation or by voluntary self-regulation of national industries.

- In Pakistan, which has a predominantly agricultural based economy, it is difficult to control the sale and distribution of fertiliser. Thus, attempts have been made to produce fertiliser with lower ammonium nitrate content but that still retains the crop yield, therefore reducing (but not eliminating) its utility as an explosive.
- Germany requires vendors of peroxide (most commonly used in hair bleach but also capable to act as an agent to produce hexamethylene-triperoxide-diamine and triacetone) to register the name and address of any buyer purchasing the chemical above a certain quantity.
- Australia has developed a National Code of Practice for Chemicals of Security Concern. This is a voluntary industry code of practice that the Australian government developed in cooperation with all Australian importers, exporters, traders and vendors of these chemicals.

For regulatory framework(s) to be effective they need to include an enforceable sanctions regime. These controls should also relate to the production, sale, use and audit of industrially produced detonators, blasting caps and det(onating) cord, as well as industrially produced explosives.

### 2) Control and management of commercial explosives

Commercial mining companies as well as other industries using pyrotechnics can provide a rich source of materials for IEDs if stores and stockpiles are not managed and secured effectively.

One approach to reducing access to these base materials is to increase the regulation and accountability of mining companies and other industries using pyrotechnics in their management of commercial explosives, detonators, blasting caps and det cord, for instance. Indeed, whilst detonators can have a dual use (for example a form of detonator is used to activate airbags in a car), those elements are key components of IEDs, associated primarily with explosives. Thus tracking and controlling the flow of detonators can a) reduce the number of IEDs created, and b) assist in identifying end users, including those who may be responsible for creating and using IEDs.

One key approach to improving the monitoring of items such as detonators and det cord is through cooperation and coordination between customs, law enforcement agencies, government and industries. This all-sector approach is necessary for these processes to be as effective as possible and even at their

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<sup>2</sup> An international effort to counter the illicit diversion and trafficking of precursor chemicals used by armed non state actors and other criminal organizations to manufacture explosive devices is the Programme Global Shield, launched by the World Customs Organisation (WCO) in partnership with [INTERPOL](#) and the United Nations Office on Drugs and Crime (UNODC) This Programme aims at prevention of smuggling and illicit diversion of precursor chemicals that could be used to build IEDs

best they will not be perfect as the end user cannot always be tracked or identified. A lot of the information required is already recorded but the coordination and culture of shared practice is currently not widely prevalent.

### **3) Military explosives**

Military explosives can be obtained by a number of means including diversion or harvesting from unexploded ordnance and other explosive remnants of war. Countries such as Libya illustrate the importance of securing abandoned military stockpiles of explosives to prevent stocks being used by non-state armed groups (NSAGs) for IEDs. In this regard, cooperation in securing abandoned stockpiles, as well as improved implementation of the UN *International Ammunition Technical Guidelines* (IATG), could help<sup>3</sup>.

The CCW has proved a useful forum in which technical discussions can and have taken place, including providing opportunities to share knowledge and best practices between states. To be mentioned for example the work on implementation of CCW protocol V, to reduce the number of explosive remnants of war that could be used for the manufacture of IEDs. Whilst its scope in the context of IEDs is narrow it may have continued utility as a forum for sharing operational practices.

### **4) Utilising existing counter terrorism measures to assist in identifying and preventing users of IEDs**

There is a close link between the use of IEDs and terrorism. Therefore many of the existing counter terrorism measures should be viewed as a possible source of relevant data for combatting users of IEDs. There is huge momentum currently amongst governments for example to track and curb the movement of foreign fighters. It may be possible to leverage that momentum to assist in the monitoring of IEDs users.

Another example is the e 1267/1988 sanctions regimes committees, whose role and purpose are to monitor the application of the sanctions regimes against Al Qaida, Taliban and its affiliate groups. Since 2014 the Monitoring Team has also been officially mandated to conduct investigations on IEDs. One key finding so far has been that terrorist groups are using increasingly advanced technologies (in addition to more basic military components and dual use materials) to manufacture and deploy IEDs. These kinds of counter terrorism mechanisms are already operational and officially mandated to provide relevant threat assessment and to assist Member States, so can also be utilised in targeting and preventing the users of IEDs as well as the supply chain facilitators and the IEDs instructors. The findings of these investigations as well as their resulting recommendations are available in reports online<sup>4</sup>.

## **Humanitarian Responses**

### **1) Data Collection and Application**

A central tenet for the future success and efficacy of IEDs-related initiatives will rely on the collection and application of more data of a consistent and high quality. This data can then be usefully applied to better understand the full impact of IEDs and form an evidence base for further initiatives.

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<sup>3</sup> <http://www.un.org/disarmament/convarms/ammunition/IATG/>

<sup>4</sup> see Al Qaida and affiliates report <http://www.un.org/sc/committees/1267/monitoringteam.shtm> and Taliban reports <http://www.un.org/sc/committees/1988/monitoring.shtml>

- Consolidated database

There is an identified need for a consolidated data collection centre. Currently a number of organisations are collecting data for their own purposes, including the humanitarian sector, to monitor and assess harm to civilians, as well as military and states for intelligence and C-IED purposes. The data required and collected by different actors is often the same or similar, and this could form the basis of a quorum of basic data that could be usefully and effectively collated and accessed through a centrally managed database.

For consolidated data collection to be feasible however there would need to be standardisation of the metrics used. In addition, as some of the data may be too sensitive to be shared, it would be challenging to get agreement on the information that could be shared.

- Evidence based research

Until there is a better understanding of the full extent and damage caused by IEDs it will be difficult to mobilise the necessary resources and political will (at all levels) to respond to the problem of IEDs. There is still not a significant body of research available that analyses and examines the impacts of IEDs. In addition, the long-term impacts of IEDs, or tertiary impacts, including the economic and social costs, need to be better understood. For example, the impacts on the lives and families of victims need to be tracked and documented, and quantifying the impact on the humanitarian sector would help to better understand the full cost of the use of IEDs.

### **2) Stigmatisation**

A key response to the issue of IEDs is stigmatisation of their use, both at an international and a local level. Stigmatisation can be a powerful deterrent for NSAGs who are either seeking credibility as a political state alternative or seeking support within its local constituencies.

At an international level the use of IEDs is already condemned by states and their use stigmatised. This stigmatisation would be further reinforced by the implementation of some of the political measures discussed above. At a local level there is a need to focus on engaging more with local communities in order to effect stigmatisation at a community level. This can be a very powerful approach and a compelling deterrent to armed groups who rely on local support. This could be achieved in part through improved engagement with local community leaders and religious leaders, as well as through non-politicised educational programmes that might be provided by relevant neutral international organisations.

There are challenges to this approach of course, including being able to build a body of support within communities to effectively stigmatise IED use, with some communities not wanting to appear opposed to specific armed groups or politically aligned. Over time however, and if trust can be built, then community opposition to the use of IEDs may be an effective means of dissuading NSAGs from utilising IEDs in areas with large proportions of civilians.

### **3) Engaging with the users**

Working with non-state armed groups is a challenging and complicated endeavour. There are few organisations that manage to do it successfully, and it presents challenges both practically, in terms of complying with counter terrorism legislation, and ethically for some organisations, in terms of engaging with perceived perpetrators of conflict.

However, one initiative to reduce the impact of IED use is to introduce a parallel process with NSAGs to that of the ongoing broader initiative that is seeking political commitment to introduce new standards for the use of explosive weapons in populated areas by states. There is precedence for this approach in the mine action sector where 47 armed groups have signed up to the 'Deed of Commitment for Adherence to a Total Ban on Anti Personnel Mines and for Cooperation in Mine Action' - an initiative by Geneva Call to

support effective implementation of the 1997 Ottawa treaty. This approach might be a practical measure to limit and lower the threat and direct impact of IEDs on civilians. However, as it might be controversial for a third party to engage with NSAGs party to a conflict, any action in this direction should acknowledge the political risk that recognition of NSAGs entails.

### Political Responses

The greatest gap currently in the response to the IED threat is at the political level. Whilst there is some recognition that the use of IEDs by NSAGs is a problem, there is not one mechanism that focuses on the political response, or a cohesive understanding of what that political response should be. To achieve this, there needs to be a concerted effort to increase the political will in order to gather momentum to bring about change. This process needs to be supported by a parallel process that considers policy and legal responses to the IED issue.

There are a number of mechanisms within a number of fora that could be used to help generate political will to start addressing the problem of IEDs at an international level, building consensus around the issue of IED usage and the humanitarian harm caused.

#### **1) United Nations General Assembly (UNGA) First Committee resolution:**

The adoption of a resolution at the 70<sup>th</sup> session of the First Committee of the UNGA would present states with an opportunity to take concrete steps in advancing the IED issue. Currently in none of the approximately 50 resolutions of the First Committee of the UNGA<sup>5</sup> has the issue of IEDs been addressed, so there is scope for this forum to consider this issue.

Such a resolution could, for example:

- Increase awareness of the urgency of the IED issue
- Demonstrate unity (or strong will by majority of Member States) to address the use of IEDs
- Call for improved coordination and collaboration for regulating movement of IED-sensitive dual use material
- Encourage effective information sharing on new IED designs and their components among military and security forces in order to more to more rapidly identify and develop effective counter measures
- Gather support for the establishment of a Group of Governmental Experts (GGE), or a mandate for a report by the UN Secretary-General. The Establishment of a GGE would provide a broader scope to examine the issue of IEDs than can be undertaken within the CCW framework.

At the very least, the presentation of a First Committee resolution would serve as a of litmus test amongst Member States as to their willingness to take forward the issue of IEDs in a more coordinated manner, and may help to identify where the points of convergence and divergence on the issue are. Eventually it could form the basis of more concrete steps and actions to reduce the impact of IEDs.

Drafting and gathering the necessary support for an ambitious resolution during the incoming 70<sup>th</sup> UNGA may be difficult at this point due to a lack of time; however an “awareness raising resolution” which puts the issue on the agenda could be a useful first step.

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<sup>5</sup> The First Committee deals with disarmament, global challenges and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime, <http://www.un.org/en/ga/first/index.shtml>

## **2) A resolution by the UN Security Council**

One idea provided by the Coordinator and Co-Coordinator of the informal Group of Experts on IEDs under Amended Protocol II of the CCW in a recently issued ‘food-for-thought paper’ was the possibility of a UN Security Council (UNSC) resolution. A UNSC resolution would demonstrate that IEDs were taken seriously at the highest levels and on behalf of some of the most vulnerable countries, which are the main victims of IEDs. The implications of IEDs are so significant that there is a need for them to be addressed, and to be seen to be addressed, at the highest level, and the idea of a resolution similar to the 1540 resolution was expressed.

However, the length of time it could take to get a UNSC resolution and the efficacy of such a measure for the issue of IEDs is questionable. Indeed, whilst it would signal the serious intent of the political community at the highest levels to combat the use of IEDs, it could be difficult to get the momentum to pass a resolution calling for really practical and effective measures.

## **3) Special UN-wide mechanism such as Special Representative of the Secretary General (SRSG), a UN System-wide focal point on IEDs, or creation of a Coordination Committee on IEDs**

Another measure that could generate political momentum is the establishment of some form of UN-wide post or committee that focuses solely on IEDs. Some think that it is premature to envisage a mechanism such as UN SRSG (or special UN-system focal point on IEDs), while others argue that given the cross-cutting nature of the issues related to IEDs and the fact that political bodies, together with UN agencies, will probably tackle these various aspects from different angles, such a position will be necessary to secure coordination, in addition to avoiding conflicting or duplicate actions. Also, this position could liaise with external actors such as INTERPOL, WCO, NATO and others actors in this field. Due to the urgency of the issue, given the impact on victims, whole populations, infrastructure and national institutions, and if momentum were created through passing a First Committee resolution, then the conditions may then be right to propose such a mechanism.

## **4) Mandate an existing organisation or agency to take on a coordination role**

There are a number of UN agencies that are already working on the issue of IEDs, which could take on a natural coordination role. For instance UNMAS already works extensively on issues related to IEDs in different forums, and would be well placed to work on the development of an overarching Counter IED (C-IED) strategy which would be beneficial in coordinating system-wide responses to IEDs.

## **5) Self-standing instrument on the model of the Montreux Document and International Code of Conduct**

The Montreux Document is an intergovernmental document intended to promote respect for international humanitarian law (IHL) and human rights law by Private Military and Security Companies (PMSCs). It is not legally binding, but rather it contains a compilation of relevant international legal obligations and good practices. Pursuing the formulation of a similar document for IEDs could be a viable option for coordinating responses to IEDs.

Among the lessons learned during the Montreux process, five key identified regulatory preconditions were found that were present and – in some cases – necessary for its subsequent success. These were:

- Widespread, global and diverse use
- Lack of specific international regulation
- Lack of national regulation
- Different perceptions as to their legitimacy
- Strong incentives to regulate their use

The document was drafted from a strictly apolitical and humanitarian perspective with its key intention to enhance the protection afforded to people affected by armed conflicts. As a stand-alone document that does not create legally binding obligations, but rather a ‘soft law’ approach where states sign up to its recommendations voluntarily, the document avoided the bureaucracy often associated with more formal official documents. Associated with the Montreux Document is the international Code of Conduct for PMSCs, which provides guidance to private security providers.

The IED issue bears several similarities to the issue of private military and security companies when considered in light of the pre-conditions listed above. However there are a couple of significant differences that might render a process similar to that of the Montreux Document and the accompanying Code of Conduct less effective.

Firstly, in the case of PMSCs relied upon during armed conflict, companies are preponderantly recruited by states, so the influence of states in enforcing the adoption and application of guidelines is significant. In the case of IEDs this regulatory leverage is not available – at least vis-à-vis NSAGs – and therefore the prospects for a similar document would not be comparable.

Secondly, whilst private security companies have incentives to sign up to a code of conduct (such as eligibility to apply for government contracts) the same is not true of NSAGs. That said, it is possible to imagine a self-standing document establishing guidelines for States on how to organize themselves to counter IEDs, associated together with a Code of conduct for industries that produce or trade listed chemical precursors, explosives, detonators or other sensitive elements. Whilst more challenging in the context of IEDs, such a similar ‘soft law’ approach could have utility in defining norms and regulatory measures at an international level.

NB: This roundtable is a component of the UNIDIR project “Promoting a Coordinated and Effective International Approach to IEDs”.
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