

Twenty-fifth 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

16 November 2023

English only

Geneva, 14 November 2023

Agenda item 7

General exchange of views

Working paper on how to address Improvised Explosive Devices within the Amended Protocol II framework

Submitted by the European Union on behalf of its Member States and the following States: Albania, Georgia, Iceland, Republic of Moldova, Montenegro, North Macedonia and Ukraine

1. The EU remains deeply concerned about the continued severe global impact of Improvised Explosive Devices (IEDs) and their indiscriminate use and effects, in particular in the perpetration of terrorist acts and the use of IEDs by non-state actors. IEDs pose a worldwide threat, affecting over 50 countries and territories, inflict serious physical injuries, damage critical infrastructure, and spread fear and disruption across affected communities. The expanding use of IEDs against civilian populations and infrastructure, including health-care systems, produces alarming humanitarian harm, especially in urban settings, and is of increasing concern thus requiring an urgent response from the international community. Efforts to enhance prevention, preparedness and response are needed to tackle the global threat these weapons pose. Coordination on national, regional and international levels is required. Clearance of anti-personnel mines of an improvised nature needs to be done in conjunction with the efforts in other disarmament conventions, such as the Anti-Personnel Mine Ban Convention where clear synergies exist with APII.

2. We would like to reiterate our continued support for previous multilateral actions taken by the UN in an effort to combat the harmful effects of IEDs, as well as the importance of a comprehensive global approach to combating this threat. The EU remains in full support of the relevant United Nations General Assembly Resolutions in this regard.

3. The EU believes that it is crucial to involve and engage private sector bodies in an effort to limit the flow of precursor materials to unauthorized end users. It is also important to adopt and implement more stringent national measures to prevent the supply of weapons and explosives precursors to terrorists. The EU has already undertaken several concrete actions in this regard, in accordance with the European Agenda on Security and, more specifically, in the EU Action Plan against the Illicit Trafficking and Use of Firearms and Explosives.

4. The EU contributed to the compilation of national or regional guidelines, best practices and other recommendations aiming at addressing the diversion or illicit use of materials that can be used for IEDs through two important documents, namely Regulation (EU) 2019/1148 on the marketing and use of explosives precursors which entered into force in February 2021¹, as well as the Guidelines² to help EU Member States, the chemical

¹ Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosives precursors.

² Guidelines for the implementation of Regulation (EU) 2019/1148 on the marketing and use of explosives precursors (2020/C 210/01).



industry and online marketplaces to implement it. The regulation strengthens the system to prevent the illicit manufacture of explosives, as a response to the evolving threat that terrorism and other serious criminal activities pose to public security.

5. As far as international cooperation and assistance are concerned, the EU will continue to support national capacity building efforts and remains actively involved around the globe to address the IED threat.

6. Given its direct relevance to the implementation and operation of the Amended Protocol II, we must strongly condemn Russia's unjustifiable, unprovoked and illegal war of aggression against Ukraine, which is not only a blatant violation of international law, including international humanitarian law, human rights law, and the UN Charter, but also a humanitarian catastrophe for Ukraine and its people brought about by the Russian Federation. Russia bears full responsibility for the loss of life, the human suffering and all the destruction it causes in Ukraine.

7. We condemn in the strongest possible terms use of anti-personnel mines, in particular by Russian forces in Ukraine causing civilian casualties and suffering, as well as disrupting food and energy production. Furthermore, Russian forces have also laid victim-activated booby-traps in Ukraine.

8. The EU remains firmly committed to its support to Ukraine and will continue its programmes to helping mine clearance as well as victim assistance and rehabilitation. In 2023 a programme of up to 25 million EUR was adopted to support Ukraine's demining of the territories liberated from Russian occupation. The EU encourages all States in a position to do so to follow suit and assist Ukraine in its mine clearance efforts in accordance with article 11.3 of AP II.

9. Moreover, since the relevance of the topic of Mines Other than Anti-Personnel Mines (MOTAPM) for the Amended Protocol II, the EU suggests to include this topic on the agenda. We need to highlight once again the humanitarian impact and the heavy consequences on social and economic development caused by the indiscriminate and disproportionate use of Mines Other than Anti-Personnel Mines (MOTAPM). While acknowledging that MOTAPM are legitimate weapons, Parties to the Convention are obliged to ensure that they are used in accordance with IHL, including by taking all feasible precautions to protect civilians from the effects of these weapons. The EU believes that further discussion is needed within the CCW framework on how to ensure greater compliance with Amended Protocol II and we regret that a few countries, including the Russian Federation decided to block such discussions in previous years. For this reason, the EU supports the adding of MOTAPM to the agenda for the CCW Annual Conference and continues to believe that expert discussions on the issue would be of overall benefit to us all.

10. Highlighting its relevance to the Amended Protocol II and the CCW, the EU is supporting as a horizontal issue across all Conventions, mainstreaming a gender perspective into all non-proliferation, disarmament and arms control work in line with Resolution 1325 of the UN Security Council, including through promoting women's participation and providing integrated support where appropriate.
