Initial analysis of the Questionnaire on International Cooperation in Countering IEDs

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Foreword

• Special thank to all the delegations that have responded to the Questionnaire;
• This is not an exhaustive attempt to analyze the replies as at this point it is an "initial analysis", as set out in the mandate
  - The analysis reflects the general view of the limited number of responses from the APII States Parties received thus far
  - It is a compilation of the main elements contained in the responses, that are arranged by subject matter
Statistics, or “numbers juggling”

• 32 HCP have submitted their responses to the questionnaire before 6 April 2016;
  2 of them are HCP to the CCW, but not yet to the AP II;
  30 countries are equal with 30% of all HCP to the AP II;

• They have had to answer to 21 questions and 3 sub-questions;
  Subsequently, there could be a total of 768 answers;
  We have received 567 answers, i.e. 76,43%;

• Most answered questions: Q2.3, Q7, Q18 – 28 responses, or 87,5%;
  Less answered question: Q8 – 18 responses, or 56,2%;

• 4 most answered consecutive questions: Q2+its 3 sub-questions => 83%;
  4 less answered consecutive questions: Q3 – Q6 => 70%;
Arithmetic average by chapters

- Risk assessment (1 question) – 75%;
- Legal framework (5 questions plus 3 sub-questions) - 78%;
- Prosecuting the use of IEDs (3 questions) – 76%;
- Counter-IED organization (5 questions) – 75%;
- National Point of Contact for cooperation (1 question) – 84%;
- Expertise and capabilities open for cooperation (4 questions) – 76%;
- Information sharing (2 questions) – 82%;
Q1/ Does your country perform a risk assessment as to the IED threat? If yes, how do you assess it (low/medium/high)?

- 62.5% of responding HCP perform risk assessment to the IED threat;
- The IEDs risk assessment is made on a case-by-case or theatre-specific basis, in situations of terrorism or criminal situations where the IED threat is a parameter; it is conducted on both strategic and tactical levels, both in operations and homeland; as well, it may be scheduled or non-scheduled, based on the analysis of information on IED related situation and case;
- It is conducted by inter-ministerial groups or public security organizations at the national level and by various law enforcement agencies and institutions in their specific mission areas, or at the critical infrastructure sites or sectors;
- The level of the risk can vary significantly depending on assorted factors and circumstances; different authorities use various scales for assessment and it may be classified differently for different regions of the country;
- 6 countries assess the current level of IEDs risk as Low, one country as Medium-High, 4 countries as High; one country classify the information about the risk level as restricted.
Q2/ Does your domestic law or any other administrative instruments regulate the purchase, retention, transfer and use of explosives, detonators or chemical precursors that might be used for the manufacture of IEDs?

• 78% of responders have provided information;
• All of them have various legal and administrative instruments that regulate the total of enumerated activities, or specific elements or parts of them:
  – Codes, Laws, Acts, Decrees, Regulations, Programs, Declarations, Standards, etc.;

• The responses identify three EU Regulations in this field:
  - EU Regulation n° 98/2013 on the Marketing and Use of Explosive Precursors which provides that import or transport of substances listed in the Annexes I and II of the Regulation is prohibited without prior authorization.
  - Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, which can be used for both civil and military purposes. Dual-use items are listed in Annex I of this regulation;
  - Commission Directive 2008/43/EC setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses (Q5);
• Armed forces may apply, as well, International Mine Action Standards – IMAS 10.50 for storage and transport of explosive substances;
Q3/ Would your country agree to share experience in elaborating and implementing those legislations or regulations, and would your country be open for international cooperation in those fields and how?

• 69% of responders expressed several levels of availability to engage in international cooperation on this issue:
  - Some states would welcome the opportunity to explore options for such cooperation;
  - Others would be very interested in international cooperation aimed at sharing experience and knowledge;
  - The third group of countries are in the position to share the experience gained in elaborating and implementing the respective legislations and regulations through their ministries of interior and public security organizations and see great value in helping their allies and partners to develop their own capabilities;

• Among options preferred by states to address this issue are the international conferences, practical seminars and workshops, as well as other means of information sharing with international and regional stakeholders; one country consider an international working group to further discuss the topic as a valuable forum.
Q4/ Does your country participate in customs cooperation to improve border controls and limit flows that feed the chain of IED manufacturing (persons and materials)? In particular does your country participate in the “Global Shield” program of the World Customs Organization (WCO)?

• 17 countries explicitly mention their participation in the WCO “Global Shield” program; two countries participate in customs cooperation to improve border controls and limit flows that feed the chain of IED manufacturing; one country does not participate in customs collaborations aimed at border control improvement or limitation of flows of IEDs and is not a participant of the WCO “Global Shield” program;

• Other forms of international cooperation:
  – Close work with domestic and foreign partners on cases involving IED procurement and routinely share enforcement or intelligence related to IED proliferation efforts;
  – Cooperation with international organizations (WCO, OLAF, Europol, SELEC, etc.) and partner services through participation in joint customs operations, customs investigations, conducting verifications, information exchange, etc.
  – Wassenaar Arrangement; WCO’s Operation COSMO;
Q5/ Does your country have any means to track the supply chain of IED precursor materials in order to reduce the illicit use of such materials? Would your country share this information at the most appropriate level?

- Many states apply a variety of means to track the supply chains of IED precursor materials, including law enforcement, customs enforcement and border security efforts;
- This includes licensing, control and reporting processes for the manufacture, transportation, import, export, storage and use of precursor materials;
- 8 countries explicitly track/monitor the supply/commercial chains of precursor materials; 12 countries have specific means to track the explosives, 8 – the precursors; 6 – the detonators and detonating cords; 5 – a variety of chemicals; 2 – the electronic activation devices; one country monitor and control all activities carried out with explosives;
- Nevertheless, a multitude of devices with a dual use character cannot be monitored;
- Subject to security considerations, several states are willing to engage in information sharing regarding the establishment and implementation of procedures and systems used to track and reduce the illicit use of precursor materials;
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