

AG/RES. 2145 (XXXV-O/05)

DENYING MANPADS TO TERRORISTS: CONTROL AND SECURITY
OF MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS)

(Adopted at the fourth plenary session, held on June 7, 2005)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Permanent Council, in particular the section related to hemispheric security issues (AG/doc.4376/05 add. 5);

RECALLING its resolutions AG/RES. 1744 (XXX-O/00), AG/RES. 1642 (XXIX-O/99), AG/RES. 1796 (XXXI-O/01), AG/RES. 1797 (XXXI-O/01), AG/RES. 1888 (XXXII-O/02), and AG/RES. 1968 (XXXIII-O/03);

RECALLING ALSO its resolution AG/RES. 1 (XXIV-E/97) in which it resolved to adopt and open for signature the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), whose scope includes any “weapon or destructive device such as any explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system, or mine”;

RECOGNIZING:

Resolution 59/90 of the United Nations General Assembly on the “Prevention of the illicit transfer and unauthorized access to and use of man-portable air defence systems”, adopted in December 2004, through which States are urged to support current international, regional and national efforts to combat and prevent the illicit transfer and unauthorized access to and use of MANPADS, and stresses the importance of effective and comprehensive national controls on the production, stockpiling, transfer and brokering of MANPADS; and

The commitment by states at the United Nations to take concrete steps to combat the threat posed by MANPADS, including increased regional cooperation to this end;

BEARING IN MIND the United Nations Program of Action on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

NOTING the efforts of the Assembly of the International Civil Aviation Organization (ICAO) at its 35th session held in Montreal, Canada, in October 2004, regarding measures needed to mitigate the threat posed by unauthorized use of man-portable air defense systems (MANPADS), especially cooperative regional actions;

TAKING NOTE of the Declaration of Quito, adopted at the Sixth Conference of Ministers of Defense of the Americas, which recognizes “the threat posed to civil aviation by the possible use of (MANPADS) by terrorist groups”;

NOTING WITH SATISFACTION the commitment by the Member States of the Inter-American Committee Against Terrorism (CICTE), at its Fifth Regular Session, held in February 2005, in Port-of-Spain, Trinidad and Tobago, “to strengthen multilateral efforts to prevent terrorist threats against all transportation systems and confront the threat posed by terrorists’ acquisition and use of man portable air defense systems (MANPADS) as well as other potential threats against international civil aviation”;

NOTING WITH SATISFACTION ALSO the progress of the Central American countries within the framework of the Program for Arms Limitation and Control for Reaching a Reasonable Balance of Forces and Promoting Stability, Mutual Confidence and Transparency in Central America, which includes, *inter alia*, concrete actions such as the process of gradual weapons reduction, initiated voluntarily;

RECOGNIZING FURTHER:

The threat posed to international civil aviation by the illicit transfer or unauthorized acquisition and use of Man-Portable Air Defense Systems (MANPADS) –surface-to-air missiles systems specifically designed to be carried and fired by a single individual or individuals; and

That the ease with which MANPADS are transported and concealed heightens the risk of their illicit use;

NOTING WITH CONCERN that the number of MANPADS in world-wide circulation increases the likelihood of MANPADS falling into the hands of terrorists; and

UNDERSCORING:

The urgent need to confront the threat posed to international civil aviation by the acquisition or use of MANPADS by terrorists; and

The need to ensure and maintain effective physical security and management of MANPADS stockpiles to prevent unauthorized retransfer, loss, theft, diversion, or use of MANPADS,

RESOLVES:

1. To urge member states to adopt and maintain strict national controls and security measures on Man-Portable Air Defense Systems (MANPADS) and their essential components.
2. To urge member states to ban all transfers of MANPADS and their essential components to non-state end-users because MANPADS should only be exported to foreign governments or to agents authorized by a government.
3. To urge member states to destroy surplus MANPADS as determined by each member state and secure and effectively manage remaining national stockpiles and to provide, if in a position to do so, technical assistance to aid other member states, at their request, in collecting, securing, managing, and destroying stockpiles of excess MANPADS.

4. To urge all member states to consider applying the recommended guidelines for control and security of MANPADS defined in the document attached, which is an integral part of this resolution.

5. To request that the Permanent Council convene a meeting at the level of the Committee on Hemispheric Security and in coordination with the Inter-American Committee against Terrorism (CICTE) and the Consultative Committee of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), prior to the next regular session of the General Assembly, on effective strategies to mitigate the threat posed by MANPADS.

6. To instruct the Permanent Council to carry out the activities mentioned in this resolution, in accordance with the resources allocated in the program-budget of the Organization and other resources.

7. To request the Permanent Council to report to the thirty-sixth regular session of the General Assembly on the implementation of this resolution.

DENYING MANPADS TO TERRORISTS: OAS RECOMMENDED GUIDELINES
FOR CONTROL AND SECURITY OF MAN-PORTABLE AIR
DEFENSE SYSTEMS (MANPADS)

The International Civil Aviation Organization (ICAO) has highlighted the threat to civil aviation posed by MANPADS by calling on states to ensure that they are taking all steps necessary to protect its citizens and air travel. MANPADS in the wrong hands pose a serious threat to international civil aviation. Dedicated to strengthen joint efforts to curb terrorist threats against mass transportation and confront the threat posed by terrorists' acquisition and use of man-portable air defense systems (MANPADS) against international aviation, OAS member states have agreed to adhere to the following guidelines for export control and security of MANPADS.

1. Scope

MANPADS are defined as: surface-to-air missile systems designed to be man-portable and carried and fired by a single individual or individuals.

MANPADS controlled under these guidelines refer to complete systems, components, spare parts, models, training systems, and simulators, for any purpose, by any means, including licensed export, sale, grant, loan, lease, co-production or licensing arrangement for production (hereafter "export"). The scope of control regulations apply to research, design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, servicing, modification, upgrade, modernisation, operation, use, replacement or refurbishment, demilitarisation, and destruction of MANPADS; technical data, software, technical assistance, demonstration, and training associated with these functions; and secure transportation, storage. This scope according to domestic legislation may also refer to investment, marketing, advertising and other related activity.

Any activity related to MANPADS within the territory of an OAS member state is subject to domestic laws and regulations.

2. Stockpile Control and Security

National measures designed to attain the requisite control and security include, but are not limited to, the following set of practices, or others that will achieve comparable levels of protection and accountability:

- When receiving MANPADS, written verification of receipt of MANPADS shipments.
- Inventory by serial number of the initial shipments of all transferred firing mechanisms and missiles, if physically possible; and maintenance of written records of inventories.

- Physical inventory of all MANPADS subject to transfer, at least once a month; account by serial number for MANPADS components expended or damaged during peacetime.
- Ensure storage conditions are sufficient to provide for the highest standards of security and access control. These may include:
 - Where the design of MANPADS permits, storing missiles and firing mechanisms in locations sufficiently separate so that a penetration of the security at one site will not place the second site at risk.
 - Ensuring continuous (24-hour per day) surveillance.
 - Establishing safeguards under which entry to storage sites requires the presence of at least two authorized persons.
- Transport MANPADS in a manner that provides for the highest standards and practices for safeguarding sensitive munitions in transit. When possible, transport missiles and firing mechanisms in separate containers.
- Where applicable, bring together and assemble the principal components - typically the gripstock and the missile in a launch tube - only in the event of hostilities or imminent hostilities; for firing as part of regularly scheduled training, or for lot testing, for which only those rounds intended to be fired will be withdrawn from storage and assembled; when systems are deployed as part of the point defenses of high priority installations or sites; and in any other circumstances which might be agreed between the receiving and transferring states.
- Access to hardware and any related classified information will be limited to military and civilian personnel of the receiving state who have the proper security clearance and who have an established need to know the information in order to perform their duties. Any information released will be limited to that necessary to perform assigned responsibilities and, where possible, will be oral and visual only.
- Adopt prudent stockpile management practices that include effective and secure disposal or destruction of MANPADS stocks that are or become in excess of domestic requirements as determined by each member state.

3. Transfers

All MANPADS transfers will be carried out in accordance with the provisions of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA). In addition, the following complementary practices are important:

- Decisions to permit MANPADS exports will be made by the exporting state by competent authorities at senior policy level and only to foreign states or to agents specifically authorized to act on behalf of a state after presentation of an official End-User Certificate (EUC) certified by the receiving state.

- General licences are inapplicable for exports of MANPADS; each transfer is subject to an individual licensing decision.
- Exporting states will not make use of non-governmental brokers or brokering services when transferring MANPADS, unless specifically authorized to on behalf of the state.
- In order to authorize MANPADS exports, both the exporting and importing states will take into account:
 - The need to protect against potential diversion or misuse in the states;
 - The need to ensure appropriate measures to protect against unauthorized re-transfers, loss, theft and diversion; and
 - The need to ensure adequate and effective physical security arrangements for the protection of military property, facilities, holdings, and inventories.
- Prior to authorizing MANPADS exports, the exporting state will assure itself of the recipient state's guarantees:
 - Not to re-export MANPADS except with the prior consent of the exporting state;
 - To afford requisite security to classified material and information in accordance with applicable bilateral agreements, to prevent unauthorized access or compromise;
 - To inform promptly the exporting state of any instance of compromise, unauthorized use, loss, or theft of any MANPADS material.
- In addition, the exporting state will satisfy itself of the recipient state's willingness and ability to implement effective measures for secure storage, handling, transportation, use of MANPADS material, and disposal or destruction of excess stocks to prevent unauthorized access and use. The recipient state's domestic procedures designed to attain the requisite security include, but are not limited to, the above set of practices mentioned in section 2, or others that will achieve comparable levels of protection and accountability.