

Recognizing that all acts of unlawful interference against international civil aviation constitute serious crimes in violation of international law;

Recalling its Resolutions A17-1 and A27-7;

Noting Resolution 635 of the Security Council of the United Nations;

The Assembly:

1. *Condemns* energetically all recent criminal acts of destruction of civil aircraft in flight;

2. *Urges* Member States to intensify their efforts to implement fully the Standards, Recommended Practices and Procedures related to aviation security developed by ICAO and to take any appropriate additional security measures whenever an increase in the level of threat so requires;

3. *Requests* Member States, in a position to do so, to increase technical, financial and material assistance to States which need it to ensure universal application of these provisions;

4. *Urgently requests* Member States to accelerate studies and research related to security equipment and to the detection of explosives, with a view to their widespread application as soon as practicable, and to take an active part in the development of an international regime for the marking of explosives for detectability;

5. *Directs* the Council to take the necessary measures for the resumption of its work and that of its subsidiary bodies as soon as possible following the Assembly, in order to complete in the shortest possible time the whole programme which it adopted in its Resolution of 16 February 1989, and to undertake any other action which it considers necessary.

OTHER MATTERS RELATED TO UNLAWFUL INTERFERENCE

A35-11: Threat to civil aviation posed by man-portable air defence systems (MANPADS)

Expressing its deep concern regarding the global threat posed to civil aviation by terrorist acts, in particular the

threat posed by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket-propelled grenades;

Recalling its Resolution A33-1: *Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation*, which directs the Council and the Secretary General to act urgently to address the new and emerging threats to civil aviation;

Recalling United Nations General Assembly resolutions 58/241 *on the illicit trade in small arms and light weapons in all its aspects* and 58/54 *on transparency in armaments*;

Noting the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Elements for Export Controls of MANPADS and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Material;

Welcoming the ongoing efforts of other international and regional organizations aimed at developing a more comprehensive and coherent response to the threat to civil aviation posed by MANPADS;

Recognizing that the specific threat posed by MANPADS requires a comprehensive approach and responsible policies on the part of States; and

Considering that its Resolution A32-23: *MANPADS Export Control* is no longer adequate and that a more far-reaching resolution is now required;

The Assembly:

1. *Urges* all Contracting States to take the necessary measures to exercise strict and effective controls on the import, export, transfer or retransfer, as well as storage of MANPADS;

2. *Calls upon* all Contracting States to cooperate at the international, regional and subregional levels with a view to enhancing and coordinating international efforts aimed at implementing countermeasures carefully chosen with regard to their effectiveness and cost, and combatting the threat posed by MANPADS;

3. *Calls upon* all Contracting States to take the necessary measures to ensure the destruction of non-authorized MANPADS in their territory, as soon as possible;

4. *Urges* all Contracting States to actively participate in the development of an international instrument for the purpose of identifying and tracing illicit small arms and

light weapons as referred to in the United Nations General Assembly resolution 58/241 *on the illicit trade in small arms and light weapons in all its aspects*;

5. Urges all Contracting States to apply the principles defined in the *Elements for Export Controls of MANPADS of the Wassenaar Arrangement*, if they have not yet participated in the Arrangement; and

6. Declares that this resolution supersedes Resolution A32-23: *MANPADS Export Control*.

A35-2: Application of Article IV of the Convention on the Marking of Plastic Explosives for the Purpose of Detection

Recognizing the importance of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* in the prevention of unlawful acts against civil aviation;

Conscious of the current proposal made by the International Explosives Technical Commission to amend the Technical Annex to the Convention for the purpose of increasing the required minimum concentration of the detection agent 2,3-Dimethyl-2,3-Dinitrobutane (DMNB) from 0.1 to 1.0 per cent by mass;

Bearing in mind the desirability of maintaining a uniform regime for the detection system of the explosives, particularly after the amendment to the Technical Annex; and

Noting the recommendation of the Legal Committee as approved by the Council that Article IV of the Convention should be applied *mutatis mutandis* to the explosives which are not marked in accordance with the amended Technical Annex;

The Assembly:

Urges the ICAO Contracting States which are Parties to the Convention to apply Article IV of the Convention in their mutual relations in the following manner:

- 1) The explosives which, at the time of manufacture, met the requirements in Part 2 of the Technical Annex but which no longer meet the requirements of Part 2 because of the above-mentioned amendment to the Technical Annex, namely to increase the minimum concentration of the detection agent DMNB from 0.1 to 1.0 per cent by mass, shall be subjected to the provisions of Article IV, paragraphs (2) and (3), from the entry into force of that amendment.

- 2) Accordingly, when such an amendment to Part 2 of the Technical Annex enters into force, each State Party not having expressly objected to the amendment shall take the necessary measures to ensure that:

- a) all stocks of those explosives in its territory referred to in the preceding paragraph are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective within a period of three years from the entry into force of the amendment, if these explosives are not held by its authorities performing military or police functions; and

- b) all stocks of those explosives referred to in subparagraph (a) held by its authorities performing military or police functions and that are not incorporated as an integral part of duly authorized military devices are destroyed or consumed for purposes not inconsistent with the objectives of this Convention, marked or rendered permanently ineffective within a period of fifteen years from the entry into force of the amendment.

- 3) The foregoing paragraph shall apply to any State Party that withdraws its objection to the amendment as from the date it expresses its consent to be bound.

- 4) The above paragraphs shall apply *mutatis mutandis* to any future amendment to the Technical Annex unless any Contracting State notifies all other Contracting States and the Council that it does not agree to such application. Such notification shall take place within the 90-day period referred to in paragraph 3 of Article VII of the Convention.

A20-1: Diversion and seizure by Israeli military aircraft of a Lebanese civil aircraft

A22-5: Sabotage and destruction of a Cuban civil aircraft on scheduled service in the Caribbean with the loss of 73 passengers and crew

A35-1: Acts of terrorism and destruction of Russian civil aircraft resulting in the deaths of 90 people — passengers and crew members