



ASSEMBLY — 36TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 15: Aviation Security Programme

**THREAT TO CIVIL AVIATION POSED BY MAN-PORTABLE AIR
DEFENCE SYSTEMS (MANPADS)**

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

In the light of the threat posed to civil aviation by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket propelled grenades, the Council presents a draft Assembly Resolution aimed at strengthening the aviation community's efforts to address this serious threat. It presents proposals for amendment of Resolution A35-11 taking into account the latest developments in the United Nations, such as adoption of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons and the United Nations Global Counter-Terrorism Strategy, as well as regional and national initiatives.

Action: The Assembly is invited to review, amend as required, and adopt the revised Assembly Resolution on the threat to civil aviation posed by man-portable air defence systems (MANPADS) which appears in the Appendix to this working paper.

<i>Strategic Objectives:</i>	This working paper will further Strategic Objective B by enhancing global aviation security through strengthening security measures to counter the threat to civil aviation posed by MANPADS.
<i>Financial implications:</i>	No additional resources required. The proposals in this paper are aimed at States. The work involved for the Secretariat is expected to be undertaken within the resources available under Aviation Security Programme of the Draft Budget 2008-2010. If necessary, use would be made of voluntary contributions from States to the ICAO Aviation Security Plan of Action.
<i>References:</i>	Doc 9848, <i>Assembly Resolutions in Force</i> (as of 8 October 2004)

1. INTRODUCTION

1.1 In 2004, the 35th Session of the ICAO Assembly adopted Resolution A35-11: *Threat to civil aviation posed by man-portable air defence systems*. In the light of developments and international efforts to curb the illicit spread of MANPADS, in particular the latest developments in the United Nations such as adoption of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons and the United Nations Global Counter-Terrorism Strategy by Member States, a revised version of Resolution A35-11 is presented in the Appendix to this paper for consideration and adoption by the Assembly.

2. DEVELOPMENTS IN THE UNITED NATIONS SYSTEM

2.1 The United Nations General Assembly resolution 58/241 on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects started the process that led to the adoption, on 8 December 2005, of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. For the purpose of this instrument, “small arms and light weapons” will mean any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or other replicas.

2.2 The purpose of this instrument is to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. The purpose is also to promote and facilitate international cooperation and assistance in marking and tracing and to enhance the effectiveness of, and complement, existing bilateral, regional and international agreements to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

2.3 For the purpose of identifying and tracing illicit small arms and light weapons, at the time of manufacture of each small arm or light weapon under their jurisdiction or control, States will be required to maintain a unique marking, in order to permit identification by all States of the country of manufacture. States will also ensure that accurate and comprehensive records are established for all marked small arms and light weapons within their territory. States should also maintain the manufacturing records for at least 30 years, and all other records, including records of import and export, for at least 20 years.

2.4 The instrument contains a number of provisions relating to cooperation in tracing, which is defined as “systematic tracking of illicit small arms and light weapons found or seized on the territory of a State from the point of manufacture or the point of importation through the lines of supply to the point at which they became illicit”.

2.5 The instrument calls upon Contracting States to consider rendering technical, financial and other assistance in building national capacity in the areas of marking, record keeping and tracing in order to support the effective implementation of this instrument by States. It also encourages initiatives within the framework of the United Nations Programme of Action to Prevent and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, that mobilize the resources and expertise of, and where appropriate cooperation with, relevant regional and international organizations to promote the implementation of this instrument by States.

2.6 The United Nations General Assembly, on 8 September 2006, adopted Counter-Terrorism Strategy, which is a unique global instrument that will enhance national, regional and international efforts to counter terrorism. The Strategy emphasizes the need to combat illicit arms trade, in particular small arms and light weapons, including MANPADS. Member States have agreed to a common strategic approach to fight terrorism, not only by sending a clear message that terrorism is unacceptable but also resolving to take practical steps individually and collectively to prevent and combat it. These steps include a wide range of measures ranging from strengthening State capacity to counter terrorist threats, to better coordinating United Nations System's counter-terrorism activities.

3. OTHER DEVELOPMENTS

3.1 In order to strengthen joint efforts to counter the threat to civil aviation operations posed by MANPADS, the Asia-Pacific Economic Cooperation (APEC), the Organization of American States (OAS), the Organization for Security and Cooperation in Europe (OSCE) and States have taken a number of initiatives such as the holding of seminars, workshops, special meetings and development of guidelines on controls and security of MANPADS and exchange of information.

3.2 State letter AS 8/14-07/33 was sent on 15 May 2007 requesting that all Contracting States provide information on steps that have been taken to meet the terms of Assembly Resolution A35-11, in particular what necessary measures have been taken to exercise strict and effective controls on the import, export, transfer or retransfer, as well as storage of MANPADS; and whether the principles defined in the *Elements for Export Controls of MANPADS* of the *Wassenaar Arrangement* are being applied. Information received from Contracting States will be issued in an Addendum to this working paper.

APPENDIX

DRAFT ASSEMBLY RESOLUTION ON THE THREAT TO CIVIL AVIATION POSED BY MAN-PORTABLE AIR DEFENCE SYSTEMS (MANPADS)

Resolution 15/

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 United Nations General Assembly resolutions 61/66 on the illicit trade in small arms and light weapons in all its aspects, 60/77 on prevention of the illicit transfer and unauthorized access to and use of man-portable air defence systems, 61/71 on assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them and 60/288 on the United Nations Global Counter Terrorism Strategy;

Noting the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88) and 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;

Noting with satisfaction 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; and

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

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 and stockpile management of MANPADS and associated training and technologies, as well as limiting the transfer of MANPADS production capabilities;

2. *Calls upon* all Contracting States to cooperate at the international, regional and sub-regional levels with a view to enhancing and coordinating international efforts aimed at implementing countermeasures carefully chosen with regard to their effectiveness and cost, and combating 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 implement the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons as referred to in the United Nations General Assembly resolution 61/66 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;

6. *Directs* the Council to request the Secretary General to monitor on an on-going basis the threat to civil aviation posed by MANPADS and to continuously develop appropriate countermeasures to this threat and periodically request Contracting States to inform the Organization regarding the status of implementation of the resolution and the measures taken to fulfil its requirements; and

7. *Declares* that this resolution supersedes Resolution A35-11.

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