

## 2003 Evian Final Compliance Report Transport Security

### Commitment

2003-168: “Given the increasing number of MANPADS (Man-Portable Air Defense Systems) in world-wide circulation, we commit ourselves to reducing their proliferation and call upon all countries to strengthen control of their MANPADS stockpiles”.

### Background

The US-led ‘Global War on Terrorism’ is defined by the asymmetric threat that a small number of individuals armed with readily accessible weaponry can pose to even the most secure military and civilian targets. Few arms exemplify this trend more clearly than MANPADS — shoulder-fired missiles that allow a single individual to potentially bring down an entire aircraft. The critical security risk posed by MANPADS was made readily clear on November 28, 2002, when a fully-loaded Israeli-chartered aircraft departing from Mombassa, Kenya narrowly missed a MANPAD projectile fired from the ground.<sup>369</sup> In addition, Black Hawk and Chinook helicopters operating in the US-led Coalition occupation of Iraq since May 2003 have repeatedly become favoured targets of insurgents in MANPAD attacks.<sup>370</sup> To counter this prevailing threat to military and commercial air transport, the US has made the non-proliferation of MANPADS a

top priority of its anti-terror campaign, and a main item on President Bush’s agenda at the Evian G8 Summit. Recognizing the common risk posed by the continued proliferation of MANPADS from insecure national stockpiles (primarily in Russia and Afghanistan), G8 member-states eagerly endorsed Bush’s agenda.<sup>371</sup> The G8 released *Enhanced Transport Security And Control Of Man-Portable Air Defence Systems (Manpads): A G8 Action Plan* at the Evian Summit<sup>372</sup> as well as reiterating the importance of the issue in the *Chairman’s Summary*, from which the above commitment is extracted.<sup>373</sup>

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<sup>369</sup> Mark Phelps, Do SAMs Pose a Real Threat to Civil Aviation? Global Security (Alexandria, Virginia) January 2003. Date of Access: 29 December 2003 [[www.globalsecurity.org/news/2003/0301-sam-threat01.htm](http://www.globalsecurity.org/news/2003/0301-sam-threat01.htm)].

<sup>370</sup> Sandra I Erwin, “Man-Portable Missiles Imperil Both Military, Civilian Aircraft,” National Defense Magazine (Arlington, Virginia) August 2003. Date of Access: 3 January 2004 [[www.nationaldefensemagazine.org/article.cfm?Id=1166](http://www.nationaldefensemagazine.org/article.cfm?Id=1166)].

<sup>371</sup> Sandra I Erwin, “Man-Portable Missiles Imperil Both Military, Civilian Aircraft,” National Defense Magazine (Arlington, Virginia) August 2003. Date of Access: 3 January 2004 [[www.nationaldefensemagazine.org/article.cfm?Id=1166](http://www.nationaldefensemagazine.org/article.cfm?Id=1166)].

<sup>372</sup> Enhanced Transport Security and Control of Man-Portable Air Defence Systems (Manpads): A G8 Action Plan, 2003 Sommet d’Evian Official Website (Evian/Paris) 3 June 2003. Date of Access: 3 January 2003 [[www.g8.fr/evian/english](http://www.g8.fr/evian/english)].

<sup>373</sup> Chairman’s Summary, 2003 Sommet d’Evian Official Website (Evian/Paris) 3 June 2003. Date of Access: 3 January 2003 [[www.g8.fr/evian/english](http://www.g8.fr/evian/english)].

## Assessment

Score	Lack of Compliance -1	Work in Progress 0	Full Compliance +1
Canada			+1
France		0	
Germany			+1
Italy		0	
Japan		0	
Russia			+1
United Kingdom			+1
United States			+1
Overall			+0.63

## Individual Country Compliance Breakdown

### 1. Canada: +1

Canada showed a notably high level of compliance throughout the year with its commitment to reducing MANPAD proliferation and improving control on existing national stockpiles. Canada's compliance activities were centred about financing concrete measures to promote MANPAD non-proliferation in the Americas, the Pacific Rim and Europe and through supporting similar initiatives through multilateral forums such as the United Nations and the Wassenaar Arrangement.

On June 8, 2003, shortly after the Evian Summit, the Canadian Minister of Foreign Affairs Bill Graham announced that Canada would provide \$75 000 (CAD) to fund an initiative on establishing principles on the transfer of SALW (Small Arms and Light Weapons, which includes MANPADS) throughout the Organization of American States (OAS) region. The project, bringing together national governments and civil society members, is aimed at creating agreed upon norms and procedures for the transfer and sale of MANPADS to off-set the illicit trade in these weapons, particularly in South America. It serves as a clear demonstration the Canadian government's commitment to improving control of MANPADS stockpiles throughout the hemisphere.<sup>374</sup>

As one of 21 member-states of Asia-Pacific Economic Cooperation (APEC), Canada was party to the *2003 Leaders' Declaration* issued at its annual summit on October 21, 2003 in Bangkok, Thailand.<sup>375</sup> This document outlined the organization's commitments to MANPADS non-proliferation that went even further than those agreed to by the G8 at the Evian Summit. Specifically, APEC nations pledged to: "adopt strict domestic export controls on MANPADS; secure stockpiles; take domestic action to regulate production, transfer, and brokering; ban transfers to non-state end-users; and exchange information in support of these efforts." Furthermore, Canada, along with the other APEC members, promised to review its progress in

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<sup>374</sup> News Release: Graham Announces Human Security Projects in the Americas. Department of Foreign Affairs and International Trade (Ottawa) 9 June 2003. Date of Access: 15 May 2004 [webapps.dfait-maeci.gc.ca/minpub/Publication.asp?publication\_id=380158]

<sup>375</sup> 2003 Leaders' Declaration. Asia-Pacific Economic Cooperation (Bangkok) 21 October 2003. Date of Access: 29 December 2003 [www.apecsec.org.sg/apec/leaders\_\_declarations/2003.html].

achieving these goals at the next Summit in 2004, thereby suggesting a timetable against which progress should be made.<sup>376</sup>

Canada is also one of the 33 member-states of the Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. At its annual Plenary Meeting on December 12, 2003, the WA Group passed a resolution endorsing “multilateral efforts to develop strict controls”<sup>377</sup> on the transfer of MANPADS and included specific guidelines to evaluate members’ compliance.<sup>378</sup> In particular, the WA Group adopted non-proliferation measures that “included tightening controls over MANPADS, agreeing to enhance the transparency of small arms and light weapons transfers, establishing elements for national legislation on arms brokering, and adopting end-use oriented controls encouraging member governments to impose export controls on certain unlisted items when necessary to support United Nations arms embargoes.”<sup>379</sup>

Canada, as a member of the Organization for Security and Co-operation in Europe (OSCE), participated in the first *OSCE Forum for Security Co-operation* in July 2003. In a statement issued on July 23, 2003, member-states recognized the danger of even small numbers of MANPADS posed to military and civilian air transport and promised to “promote the application of effective and comprehensive export controls” and to urge states to propose projects to improve such areas as “stockpile security...reduction and disposal” and prevention of illicit trafficking.<sup>380</sup> Furthermore, Evelyn Puxley, the Canadian ambassador to the OSCE’s First Annual Security Review Conference in late June 2003, reaffirmed Canada’s commitment to ensure that “terrorists are denied to SALW [small arms and light weapons], including man-portable defence systems (MANPADS)” and looked forward to “further discussion within the FSC [Forum for Security Cooperation] on achieving this goal.”<sup>381</sup>

Finally, and most significantly, Canada provided the financing for an international conference on MANPADS held jointly by the Organization for Security and Cooperation in Europe (OSCE) and International Civil Aviation Organization (ICAO) in Vienna on January 23, 2004. The conference, attended by civil aviation and counter-terrorism experts from 40 of the OSCE

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<sup>376</sup> 2003 Leaders’ Declaration. Asia-Pacific Economic Cooperation (Bangkok) 21 October 2003. Date of Access: 29 December 2003 [[www.apecsec.org.sg/apec/leaders\\_\\_declarations/2003.html](http://www.apecsec.org.sg/apec/leaders__declarations/2003.html)].

<sup>377</sup> Ministerial Statement, Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: 6 January, 2004 [[www.wassenaar.org/2003Plenary/Ministerial%20Statement.doc](http://www.wassenaar.org/2003Plenary/Ministerial%20Statement.doc)].

<sup>378</sup> Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS), Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: 6 January 2004. [[www.wassenaar.org/2003Plenary/MANPADS\\_2003.htm](http://www.wassenaar.org/2003Plenary/MANPADS_2003.htm)].

<sup>379</sup> Wassenaar Group to Tighten Export Controls on MANPADS. The United States Embassy to Japan (Tokyo) 12 December 2003. Date of Access: 20 December 2003 [[japan.usembassy.gov/e/p/tp-20031217-06.html](http://japan.usembassy.gov/e/p/tp-20031217-06.html)].

<sup>380</sup> Decision No. 7/03 Man-Portable Air Defence Systems. Organization for Security and Cooperation in Europe (Vienna) 23 July 2003. Date of Access: 5 January 2004 [[www.osce.org/docs/english/fsc/2003/decisions/fed0307.pdf](http://www.osce.org/docs/english/fsc/2003/decisions/fed0307.pdf)].

<sup>381</sup> Statement by Ambassador Evelyn Puxley at the Plenary Session of the First Annual Security Review Conference, June 25, 2003, Organization for Security and Cooperation in Europe (Vienna) 27 June 2003. Date of Access: 10 January 2004 [[www.osce.org/documents/sg/2003/06/402\\_en.pdf](http://www.osce.org/documents/sg/2003/06/402_en.pdf)].

member-states, “focussed on how the international community and national governments could improve physical security at airports and counter the threat against civilian aircraft.”<sup>382</sup>

Another major site of compliance by Canada is through the United Nations and the speech delivered by the Canadian Delegation at the 58th session of the United Nations General Assembly First Committee on the UN Register on Conventional Weapons (UNCAR) on 20 October 2003. In the address, the Canadian Delegation stressed the danger of MANPADS to civil aviation and insisted that MANPADS be placed under the Category VII of the Register — Missiles and Missile Launchers — making it subject to annual UNCAR reporting.<sup>383</sup> Such a measure is designed to encourage improved accountability and control of stockpiles through increased transparency. Additionally, Agnes Pust, a Canadian expert, was a member of the UN Group of Governmental Experts that recommended that MANPADS be included in the UN Register of Conventional Arms.<sup>384</sup>

## 2. France: 0

As one of the major MANPADS producers,<sup>385</sup> France’s obligation for reducing proliferation and strengthening control of stockpiles is notable. Nevertheless, the country has registered only a reasonable level of compliance, almost exclusively through efforts on multilateral forums to promote non-proliferation in other countries rather than active state initiative to strengthen its own stockpiles. In addition, all of France’s compliance activities in the international arena have either been the result of extending pre-existing programs and commitments, or are in too premature a stage to judge whether they will come to fruition or not.

France has worked with regional partners in reducing proliferation and control of MANPAD stockpiles. In early 2004, France initiated jointly with Switzerland negotiations at the UN for drafting an international agreement on SALW (Small Arms and Light Weapons, which includes MANPADS) marking and traceability. While this process is not yet complete, it represents a concrete effort by France to reduce the proliferation of MANPADS to terrorist Organization and non-state end-users by establishing international instruments to monitor their sale and transfer.<sup>386</sup> Additionally, France continues to provide assistance to the Program for Cooperation and

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<sup>382</sup> OSCE hosts first-ever international workshop on threat of shoulder-fired missiles to civil aviation, Organization for Security and Cooperation in Europe (Vienna) 23 January 2004. Date of Access: May 14, 2004 [www.osce.org/news/show\_news.php?id=3823].

<sup>383</sup> Transparency in Armaments: United Nations Register on Conventional Arms (UNCAR), Department of Foreign Affairs and International Trade (Ottawa) 20 October 2003. Date of Access: 8 January 2004 [www.dfaitmaeci.gc.ca/arms/intervene5-en.asp].

<sup>384</sup> “Continuing Operations of the United Nations Register of Conventional Arms and its Further Development.” Secretary-General Report A/58/274 for the 58th Session of the General Assembly (New York) 13 August 2003. Date of Access: 13 December 2003 [www.smallarmsnet.org/issues/themes/unregister.pdf].

<sup>385</sup> Ian Davis and Roy Isbister (eds.), EU and US Cooperation on arms export controls in a post 9/11 world: A roundtable discussion organised by the British-American Security Information Council (BASIC) and Saferworld. BASIC/Saferworld (Washington D.C.) 23 January 2003. Date of Access: 20 December 2003 [www.basicint.org/pubs/Joint/EUUSemReport.pdf].

<sup>386</sup> Statement by the Foreign Ministry Spokesperson. Quai d’Orsay (Ministry of Foreign Affairs) (Paris) 19 March 2004. Date of Access: 15 May 2004 [www.diplomatie.gouv.fr/actu/article.gb.asp?ART=41101]. Document for Setting Up a Tracing Mechanism for Small Arms and Light Weapons (Franco-Swiss Initiative) Quai d’Orsay (Ministry of Foreign Affairs) (Paris) 10 January 2001. Date of Access: 1 May 2004 [www.diplomatie.gouv.fr/actual/dossiers/defense/annexe2.pdf]

Assistance for Security and Development in Africa (PCASED), an initiative of the Economic Commission of West African States (ECOWAS) and the African Union (AU).<sup>387</sup> The goal of PCASED is to implement a moratorium on the manufacture, export and import of SALW, including MANPADS in the 16 West African states that comprise ECOWAS.<sup>388</sup>

France, as a member of the Organization for Security and Co-operation in Europe (OSCE), participated in its first forum for Security Co-operation in 2003. In a decision issued on 23 July 2003, member states recognized the danger of even small numbers of MANPADS being appropriated by rogue actors, and promised to “promote the application of effective and comprehensive export controls” and urge states to propose projects to improve such areas as “stockpile security...reduction and disposal” and prevention of illicit trafficking.<sup>389</sup>

Furthermore, as one of the 33 member-states of the Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, France participated in its Plenary Meeting on 12 December 2003. In a ministerial statement issued that day, the WA Group endorsed “multilateral efforts to develop strict controls”<sup>390</sup> on the transfer of MANPADS and included specific guidelines to evaluate members’ compliance.<sup>391</sup>

Furthermore, Maurice Blecher of the French Ministry of Defence, was a member of the UN Group of Governmental Experts which was mandated to review the UN Register of Conventional Arms (UNCAR). On 13 August 2003, the Group issued their report, *Continuing Operations of the United Nations Register of Conventional Arms and its Further Development*, in which it recommended that MANPADS be included under Category VII of the UNCAR.<sup>392</sup> The effects of this recommendation would be to compel all states to voluntarily disclose all bilateral sales and transfers of MANPADS in order to encourage improved control and accountability over existing stockpiles through greater transparency.

Finally, on March 19, 2004 a Foreign Ministry spokesperson reaffirmed France’s “active policy to implement the UN Action Program on the fight against the illicit trafficking of light weapons

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<sup>387</sup> Statement by the Foreign Ministry Spokesperson. Quai d’Orsay (Ministry of Foreign Affairs) (Paris) 19 March 2004. Date of Access: 15 May 2004 [[www.diplomatie.gouv.fr/actu/article.gb.asp?ART=41101](http://www.diplomatie.gouv.fr/actu/article.gb.asp?ART=41101)]

<sup>388</sup> Program for Coordination and Assistance for Security and Development in Africa (PCASED), Federation of American Scientists (Washington D.C.), 2004. Date of Access: 15 May 2004 [[www.fas.org/nuke/control/pcased/](http://www.fas.org/nuke/control/pcased/)].

<sup>389</sup> Decision No. 7/03 Man-Portable Air Defence Systems. Organization for Security and Cooperation in Europe (Vienna) 23 July 2003. Date of Access: 5 January 2004 [[www.osce.org/docs/english/fsc/2003/decisions/fed0307.pdf](http://www.osce.org/docs/english/fsc/2003/decisions/fed0307.pdf)].

<sup>390</sup> Ministerial Statement, Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: 6 January, 2004 [[www.wassenaar.org/2003Plenary/Ministerial%20Statement.doc](http://www.wassenaar.org/2003Plenary/Ministerial%20Statement.doc)]

<sup>391</sup> Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS), Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: 6 January 2004. [[www.wassenaar.org/2003Plenary/MANPADS\\_2003.htm](http://www.wassenaar.org/2003Plenary/MANPADS_2003.htm)].

<sup>392</sup> “Continuing Operations of the United Nations Register of Conventional Arms and its Further Development.” Secretary-General Report A/58/274 for the 58th Session of the General Assembly (New York) 13 August 2003. Date of Access: 13 December 2003 [[www.smallarmsnet.org/issues/themes/unregister.pdf](http://www.smallarmsnet.org/issues/themes/unregister.pdf)].

(SALW)”<sup>8</sup>, an allusion to the 2001 UN Program of Action on Small Arms and Light Weapons which includes measure to combat MANPAD proliferation.<sup>393</sup>

### 3. Germany: +1

Germany has registered full compliance with regard to its commitment to MANPAD non-proliferation. This has been achieved mainly through multilateral cooperation with institutions such as the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods (WA) and the Organization for Security and Co-operation in Europe (OSCE). The implementation of these agreements in the domestic legislation and within the EU (including the new members from Eastern Europe) is demonstrative of Germany’s concerted effort to reducing MANPAD proliferation.<sup>394</sup> Nevertheless, it should be noted that the majority of Germany’s compliance with the MANPAD initiative had taken place between June-December 2003, with little compliance activity occurring since these dates.

The WA was “established by thirty-three states in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies.”<sup>395</sup> In December 2003, Germany and its fellow Wassenaar signatories ratified a key document, *Elements for Export Control of Man-Portable Air Defense Systems*, which outlined specific initiatives to be adopted for dealing with, *inter alia*, stockpile management and countering the proliferation of MANPADS around the world.<sup>396</sup> These initiatives “included tightening [export] controls over MANPADS, agreeing to enhance the transparency of small arms and light weapons transfers, establishing elements for national legislation on arms brokering, and adopting end-use oriented controls encouraging member governments to impose export controls on certain unlisted items when necessary to support United Nations arms embargoes.”<sup>397</sup> Unlike many other countries, Germany has actively incorporated its WA/G8 commitments into domestic legislation. With regards to the ‘transparency’ component, the federal government has expanded its export control lists to include MANPADS, meaning that the sale and transfer of these items will be closely monitored by Berlin and certain end-users will be barred from exporting them.<sup>398</sup> Furthermore,

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<sup>393</sup> Statement by the Foreign Ministry Spokesperson. Quai d’Orsay (Ministry of Foreign Affairs) (Paris) 19 March 2004. Date of Access: 15 May 2004 [[www.diplomatie.gouv.fr/actu/article.gb.asp?ART=41101](http://www.diplomatie.gouv.fr/actu/article.gb.asp?ART=41101)].

<sup>394</sup> Bericht der Bundesregierung über ihre Exportpolitik für konventionelle Rüstungsgüter im Jahre 2002, German Federal Government (Berlin) 17 December 2003. Date of Access: May 10 2004 [[www.bundesregierung.de/Anlage597538/Ruestungsexportsbericht-2002.pdf](http://www.bundesregierung.de/Anlage597538/Ruestungsexportsbericht-2002.pdf)] p.10. National Export Controls in the areas of War Weapons, other Armaments and Dual-Use Goods that can be used for Conventional Weapons Purposes, Federal Foreign Office (Berlin) January 2004. Date of Access: May 10 2004 [[www.auswaertigesamt.de/www/en/aussenpolitik/aussenwirtschaft/nationale\\_exportkontrolle\\_html#3](http://www.auswaertigesamt.de/www/en/aussenpolitik/aussenwirtschaft/nationale_exportkontrolle_html#3)].

<sup>395</sup> Welcome to the Wassenaar Arrangement, The Wassenaar Arrangement (Vienna) 3 February 2004. Date of Access: 8 May 2004 [[www.wassenaar.org/welcomepage.html](http://www.wassenaar.org/welcomepage.html)].

<sup>396</sup> Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS), Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: 6 January 2004. [[www.wassenaar.org/2003Plenary/MANPADS\\_2003.htm](http://www.wassenaar.org/2003Plenary/MANPADS_2003.htm)].

<sup>397</sup> Wassenaar Group to Tighten Export Controls on MANPADS. The United States Embassy to Japan (Tokyo) 12 December 2003. Date of Access: 20 December 2003 [[japan.usembassy.gov/e/p/tp-20031217-06.html](http://japan.usembassy.gov/e/p/tp-20031217-06.html)].

<sup>398</sup> VuB SV 02 08 - Schutz der öffentlichen Ordnung: Kriegswaffen: Anlage zum Gesetz über die Kontrolle von Kriegswaffen: Kriegswaffenliste Teil B. Zoll: Federal Customs Administration (A Division of the Federal Ministry of Finance) (Berlin) 2004. Date of Access: 1 May 2004 [[www.zoll-d.de/e0\\_downloads/a1\\_vorschriften/a0\\_gesamtliste\\_gesetze/kriegswaffenliste\\_teil\\_b.pdf](http://www.zoll-d.de/e0_downloads/a1_vorschriften/a0_gesamtliste_gesetze/kriegswaffenliste_teil_b.pdf)] p.1.

with the expansion of the EU eastward, Germany has expressed a strong desire to implement WA regulations (i.e. export policy) in the new member states in order to facilitate the harmonization of a pan EU foreign and security policy.<sup>399</sup>

As a member of the Organization for Security and Co-operation in Europe (OSCE), Germany was an active participant at the first *OSCE Forum for Security Co-operation (FSC)* in July 2003. Included in a statement issued on July 23, 2003, OSCE members recognized the threat even a small handful of MANPADS could potentially pose to military and civilian air transport, in particular in association with terrorist organizations. As such, the OSCE FSC committed to “promote the application of effective and comprehensive export controls” and to urge states to propose projects to improve such areas as “stockpile security...reduction and disposal” and prevention of illicit trafficking.<sup>400</sup>

In addition, through the OSCE FSC, in concert with the Conflict Prevention Centre, Germany, along with eleven other nations, has worked hard to develop the *Handbook of Best Practices on Small Arms and Light Weapons*.<sup>401</sup> The book is essentially a manual for governments, parliamentarians, non-governmental organizations (NGOs) and international organizations, outlining strict legislation and counter-proliferation programs regarding MANPADS and other small arms. Topics covered in the book include: national procedures for stockpile management and security, export control, tracing systems and licensing guidelines. In addition, Germany was also an active participant at the OSCE’s Ministerial Council Meeting in Maastricht on December 1, 2003, where MANPADS was a key item on the agenda. In an address to the member-states of the OSCE at the ministerial, German Foreign Affairs Minister Joschka Fischer warmly endorsed the organization’s efforts to curb MANPAD proliferation and suggested that “the non-proliferation of MANPADS and the securing of conventional munitions stockpiles” could be a future niche for the OSCE in countering asymmetric terrorist threats.<sup>402</sup>

#### **4. Italy: 0**

Italy has registered a disappointing level of compliance with regards to its commitments to MANPAD non-proliferation with most of its efforts taking the form of rhetoric at multilateral forums, and even in this arena, it is other member-states frequently taking the initiative with Italy merely seconding or reaffirming their stance. Furthermore, there is little evidence of how Italy intends to translate commitments made at these forums into domestic legislation or other action.

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<sup>399</sup> Bericht der Bundesregierung über ihre Exportpolitik für konventionelle Rüstungsgüter im Jahre 2002, German Federal Government (Berlin) 17 December 2003. Date of Access: May 10 2004 [www.bundesregierung.de/Anlage597538/Ruestungsexportsbericht-2002.pdf] p.9-10.

<sup>400</sup> Decision No. 7/03 Man-Portable Air Defence Systems. Organization for Security and Cooperation in Europe (Vienna) 23 July 2003. Date of Access: 5 January 2004 [www.osce.org/docs/english/fsc/2003/decisions/fed0307.pdf].

<sup>401</sup> 11th Ministerial Council 2003 – Handbook of Best Practices. Organization for Security and Co-operation in Europe (Vienna) 1-2 December 2003. Date of Access: 9 December 2003 [www.osce.org/events/mc/netherlands2003/handbook].

<sup>402</sup> Statement by Mr Joschka Fischer, Federal Minister for Foreign Affairs, at the OSCE Ministerial Council, Maastricht, 1 December 2003, Federal Foreign Office (Berlin) 1 December 2003. Date of Access: 2 January 2004 [www.auswaertiges-amt.de/www/en/ausgabe\_archiv?archiv\_id=5151].

Italy participated in 2003 Plenary Meeting of the Wassenaar Arrangements on Export Controls for Conventional Arms and Dual-Use Goods and Technologies in Vienna, 10–12 December 2003. The 2003 Plenary approved a number of major initiatives, which broke important new ground for the Wassenaar Arrangement (WA) and make significant contributions to the fight against terrorism by means of WA export controls.<sup>403</sup> At the heart of these efforts were several new initiatives to intended to counter the proliferation of MANPADS, which “included tightening controls over MANPADS, agreeing to enhance the transparency of small arms and light weapons transfers, establishing elements for national legislation on arms brokering, and adopting end-use oriented controls encouraging member governments to impose export controls on certain unlisted items when necessary to support United Nations arms embargoes.”<sup>404</sup> Furthermore, Italian Ambassador Claudio Moreno was thanked for his leadership during the WA’s annual assessment in the plenary meeting’s public statement.<sup>405</sup> Nonetheless, there exists as equal dearth of information as to how Rome intends to translate such WA commitments into domestic legislation or concrete action, as there is to support its compliance activity vis-à-vis its G8 MANPAD commitments.

Italy, as a member of the Organization for Security and Co-operation in Europe (OSCE), participated in its first Forum for Security Co-operation (FSC) in 2003. In a decision issued on July 23, 2003, member states recognized the danger of even small numbers of MANPADS being appropriated by rogue actors, and promised to “promote the application of effective and comprehensive export controls” and to urge states to propose projects to improve such areas as “stockpile security...reduction and disposal” and prevention of illicit trafficking.<sup>406</sup> Italy also seconded a UK-sponsored resolution relating tom MANPADS at the 413<sup>th</sup> plenary meeting of the FSC on February 11, 2004. The resolution called on the Forum, and, thus, the OSCE, to endorse the Wassenaar Arrangement’s decision on the *Elements for Export Controls of MANPADS*.<sup>407</sup>

## 5. Japan: 0

Japan’s fulfillment of its MANPAD commitment from the 2003 G8 Evian Summit has come primarily in the form of policy rhetoric from multilateral forums with few concrete actions taken on the part of Tokyo to reduce MANPAD proliferation. Japan has affirmed time and again the necessity to curtail the number and accessibility of MANPADS vis-à-vis non-state and rogue actors in UN, ASEAN, and APEC summits, and with the Wassenaar Arrangement (WA). Nevertheless, its status as one of the world’s largest MANPAD producers helps to explain why

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<sup>403</sup> Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS), Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: 6 January 2004. [[www.wassenaar.org/2003Plenary/MANPADS\\_2003.htm](http://www.wassenaar.org/2003Plenary/MANPADS_2003.htm)].

<sup>404</sup> Wassenaar Group to Tighten Export Controls on MANPADS. The United States Embassy to Japan (Tokyo) 12 December 2003. Date of Access: 20 December 2003 [[japan.usembassy.gov/e/p/tp-20031217-06.html](http://japan.usembassy.gov/e/p/tp-20031217-06.html)].

<sup>405</sup> Public Statement – 2003 Plenary Meeting, Wassenaar Arrangement (Vienna) 10-12 December 2003. Date of Access: 23 December 2003 [[www.wassenaar.org/2003Plenary/public\\_statement2003.htm](http://www.wassenaar.org/2003Plenary/public_statement2003.htm)].

<sup>406</sup> Decision No. 7/03 Man-Portable Air Defence Systems. Organization for Security and Cooperation in Europe (Vienna) 23 July 2003. Date of Access: 5 January 2004 [[www.osce.org/docs/english/fsc/2003/decisions/fed0307.pdf](http://www.osce.org/docs/english/fsc/2003/decisions/fed0307.pdf)].

<sup>407</sup> 413th Plenary Meeting of the Forum: Agenda. Organization for Security and Cooperation in Europe (OSCE) 11 February 2004. Date of Access: 13 May 2004 [[www.osce.org/documents/fsc/2004/02/2078\\_en.pdf](http://www.osce.org/documents/fsc/2004/02/2078_en.pdf)]

Tokyo has adopted few actions itself to implement these promises<sup>408</sup>; MANPADS non-proliferation has largely been marginalized from the country's foreign and defense policy priorities.

On August 13, 2003, the Group of Governmental Experts on the United Nations Register of Conventional Arms delivered its report to the UN Secretary-General, penned in part by Mitsuro Donowaki, Special Assistant to Japan's Minister of Foreign Affairs.<sup>409</sup> The report recommended that the Category VII of the Register, a voluntary-based reporting regime of all major bilateral transfers of conventional arms each year, be expanded to include MANPADS — requiring members to voluntarily disclose all export sales and shipments of these weapons to other states.<sup>410</sup> On 20 October 2003, Mr. Donowaki addressed the 58th General Assembly on the matter of the Group's report, stating that “Japan has been one of the strongest supporters of the Register from the time of its establishment” and that Tokyo welcomed its expansion to include MANPADS. He also stated that “by including MANPADS, the misuse of which by terrorists has become a matter of global concern after the 9.11 incident, the Register will be made more relevant to all regions.”<sup>411</sup>

Japan also made a major rhetorical commitment to regional MANPAD non-proliferation at the Asia-Pacific Economic Cooperation (APEC) Summit in Bangkok, Thailand on October 21, 2003.<sup>412</sup> At the multilateral meeting, Japan and APEC's other 20 member-states agreed to “implement strict domestic export controls on MANPADS; secure existing stockpiles; regulate MANPADS production, transfer, and brokering; ban transfers to non-state end-users; and exchange information in support of these efforts.” The issue of MANPADS was also secured on the agenda of the 2004 APEC Summit in Chile.<sup>413</sup> Japan made a similar policy commitment at the Association of South-East Asian Nations (ASEAN) Regional Forum on June 18, 2003, in Phnom Penh. In the Chairman's Summary member-states noted “the threat posed to commercial and general aviation by man-portable air defense systems (MANPADS) in terrorist hands and the importance of curbing the proliferation of these weapons.” They also made note of the G8's

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<sup>408</sup> “Asian and Pacific Leaders Pledge to Control Shoulder-Fired Missiles,” *Arms Control Today: News Brief* (Washington D.C.: Arms Control Association) November 2003. Date of Access: 10 May 2004 [[www.armscontrol.org/act/2003\\_11/newsbriefs.asp](http://www.armscontrol.org/act/2003_11/newsbriefs.asp)].

<sup>409</sup> “Continuing Operations of the United Nations Register of Conventional Arms and its Further Development.” Secretary-General Report A/58/274 for the 58th Session of the General Assembly (New York) 13 August 2003. Date of Access: 13 December 2003 [[www.smallarmsnet.org/issues/themes/unregister.pdf](http://www.smallarmsnet.org/issues/themes/unregister.pdf)].

<sup>410</sup> “Continuing Operations of the United Nations Register of Conventional Arms and its Further Development.” Secretary-General Report A/58/274 for the 58th Session of the General Assembly (New York) 13 August 2003. Date of Access: 13 December 2003 [[www.smallarmsnet.org/issues/themes/unregister.pdf](http://www.smallarmsnet.org/issues/themes/unregister.pdf)].

<sup>411</sup> Statement by H.E. Mr. Mitsuro Donowaki Alternative Representative of Japan on the Report of the 2003 Group of Governmental Experts on the United Nations Register of Conventional Arms to the 58th Session of General Assembly. The Ministry of Foreign Affairs of Japan (Tokyo) 20 October 2003. Date of Access: December 15, 2003 [[www.mofa.go.jp/announce/speech/un0310-14.html](http://www.mofa.go.jp/announce/speech/un0310-14.html)].

<sup>412</sup> Bangkok Declaration of Partnership for the Future (Chairman's Summary). Asia-Pacific Economic Cooperation (APEC) Summit (Bangkok) 21 October 2003. Date of Access: 10 May 2004 [[www.fas.org/asmp/campaigns/MANPADS/APECBangkokDeclaration.pdf](http://www.fas.org/asmp/campaigns/MANPADS/APECBangkokDeclaration.pdf)].

<sup>413</sup> New APEC Initiatives on Counter Terrorism: APEC Commits to Enhancing Counter Terrorism Capacity. The United States Embassy to Japan (Tokyo) 21 October 2003. Date of Access: 19 December 2003 [[japan.usembassy.gov/e/p/tp-20031022a7.html](http://japan.usembassy.gov/e/p/tp-20031022a7.html)].

initiative regarding the same matter on which this compliance report is based.<sup>414</sup> In the case of both the APEC and ASEAN commitments, there exists little evidence concerning how Japan intends to translate these statements into concrete action.

The last major site of Japanese compliance with its MANPADS non-proliferation obligations is found in the work of the Wassenaar (WA) Group. The 33 nations party to the Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, which includes Japan, agreed at their December 12, 2003 plenary meeting to sharply tighten controls over the sale and proliferation of MANPADS.<sup>382</sup> The WA Group expressly called for actions that “included tightening controls over MANPADS, agreeing to enhance the transparency of small arms and light weapons transfers, establishing elements for national legislation on arms brokering, and adopting end-use oriented controls encouraging member governments to impose export controls on certain unlisted items when necessary to support United Nations arms embargoes.”<sup>415</sup> A similar proposal by the ‘1267 Committee,’ struck by the UN Security Council, was also endorsed by Japan Permanent Representative to the UN, Mr. Koichi Haraguchi, in the *Security Council Meeting on Threats to International Peace and Security Caused by Terrorist Acts*, held on January 12, 2004.<sup>416</sup> In both cases, there exists a dearth of evidence for how Japan intends to translate these international commitments into domestic action and legislation.

## 6. Russia: +1

Russia has actively complied with its G8 commitment towards MANPAD non-proliferation. The majority of its compliance activities have been achieved through active multilateral cooperation with other states and institutions such as the UN and the Wassenaar Group, as well as promoting MANPAD non-proliferation within the CIS and former Soviet Union. This commitment is of particular concern for the Russia Federation as it is among the world’s largest producers of MANPADS while also suffering from chronic security breaches and thefts from its arms stockpiles.<sup>417</sup>

The Russian Federation was a strong advocate of MANPAD non-proliferation at the meeting of the CIS Council of Defense Ministers in June 2003 in Kazakhstan. Russia tabled a resolution at the twelve-nation summit to tighten controls over the transfer of Igla- and Strela-type MANPADS and for all CIS member-states to share information about all bilateral sales of MANPADS, including those sold after the collapse of the USSR. The measure was initially opposed by the Ukraine, Azerbaijan, Georgia, and Uzbekistan, who all attempted to block passage of the resolution at the June meeting. Nevertheless, subsequent diplomatic pressure

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<sup>414</sup> Chairman’s Summary: Tenth ASEAN Regional Forum: Phnom Penh. Ministry of Foreign Affairs (Tokyo) 18 June 2003. Date of Access: 10 May 2004 [[www.mofa.go.jp/region/asia-paci/asean/conference/arf/state0306.html](http://www.mofa.go.jp/region/asia-paci/asean/conference/arf/state0306.html)].

<sup>415</sup> Wassenaar Group to Tighten Export Controls on MANPADS. The United States Embassy to Japan (Tokyo) 12 December 2003. Date of Access: 20 December 2003 [[japan.usembassy.gov/e/p/tp-20031217-06.html](http://japan.usembassy.gov/e/p/tp-20031217-06.html)].

<sup>416</sup> Statement By H.E. Mr. Koichi Haraguchi Permanent Representative Of Japan At The Security Council Meeting On Threats To International Peace And Security Caused By Terrorist Acts, Ministry of Foreign Affairs (Tokyo) 12 January 2004. Date of Access: 10 May 2004 [[www.mofa.go.jp/announce/speech/un2004/un0401.html](http://www.mofa.go.jp/announce/speech/un2004/un0401.html)]

<sup>417</sup> Dr. Loren B. Thompson, MANPADS: Scale and Nature of the Threat. Lexington Institute and Georgetown University (Washington D.C.) 12 November 2003. Date of Access: 19 May 2004 [[www.lexingtoninstitute.org/defense/111203MANPADS.pdf](http://www.lexingtoninstitute.org/defense/111203MANPADS.pdf)].

leveraged by Russia caused the Ukraine to announce on 30 August 2003 that it was ready to discuss the initiative with Moscow.<sup>418</sup> The United States has been working closely with Russia to eliminate MANPAD stockpiles in the CIS and considers Moscow to be its principal agent and partner in this project in the region.<sup>419</sup>

Russia also made a major contribution to MANPAD non-proliferation at the APEC Summit in Bangkok, Thailand on October 21, 2003. At the multilateral meeting, leaders of 21 Asia-Pacific economies including Russia's President Vladimir Putin adopted a resolution to severely reduce the proliferation and accessibility of MANPADS to non-state and rogue actors.<sup>420</sup> Leaders agreed to implement strict domestic export controls on MANPADS, secure existing stockpiles, regulate MANPADS production, transfer, and brokering; ban transfers to non-state end-users; and exchange information in support of these efforts. Participants also agreed "to counter the emerging threat of MANPADS to civil aviation."<sup>421</sup>

As a member of the Organization for Security and Co-operation in Europe (OSCE), the Russian Federation was an active participant at the first *OSCE Forum for Security Co-operation (FSC)* in July 2003. Included in a statement issued on July 23, 2003, OSCE members recognized the threat even a small handful of MANPADS could potentially pose to military and civilian air transport, in particular in association with terrorist organizations. As such, the OSCE FSC committed to "promote the application of effective and comprehensive export controls" and to urge states to propose projects to improve such areas as "stockpile security...reduction and disposal" and prevention of illicit trafficking.<sup>422</sup>

In addition, through the OSCE FSC, in concert with the Conflict Prevention Centre, the Russian Federation, along with eleven other nations, has worked hard to develop the *Handbook of Best Practices on Small Arms and Light Weapons*.<sup>423</sup> The book is essentially a manual for governments, parliamentarians, non-governmental organizations (NGOs) and international organizations, outlining strict legislation and counter-proliferation programs regarding MANPADS and other small arms. Topics covered in the book include: national procedures for stockpile management and security, export control, tracing systems and licensing guidelines.

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<sup>418</sup> "Ukraine Ready to Consider Russia's Proposal on Tightening MANPAD Sales," Pravda (Moscow) 30 July 2003. Date of Access: 03 January 2004 [[www2.pravda.com.ua/en/archive/2003/july/30/news/2.shtml](http://www2.pravda.com.ua/en/archive/2003/july/30/news/2.shtml)].

<sup>419</sup> FY 2003 Performance and Accountability Highlights: Strategic Goal #1: Regional Stability: Man-Portable Air Defense Systems (MANPADS). US Department of State: Bureau of Resource Management (Washington D.C.) December 2003. Date of Access: 17 May 2004 [[www.state.gov/m/rm/rls/perfrpt/2003hlts/html/28736.htm](http://www.state.gov/m/rm/rls/perfrpt/2003hlts/html/28736.htm)].

<sup>420</sup> Wassenaar Group to Tighten Export Controls on MANPADS. The United States Embassy to Japan (Tokyo) 12 December 2003. Date of Access: 20 December 2003 [[japan.usembassy.gov/e/p/tp-20031217-06.html](http://japan.usembassy.gov/e/p/tp-20031217-06.html)].

<sup>421</sup> P. Parameswaran, "APEC leaders to impose controls on shoulder-launched missiles," Agence France-Presse (AFP) (Paris) 17 October 2003. Date of Access: 03 January 2004 [[quickstart.clari.net/qs\\_se/webnews/wed/ca/Qapac-missiles.RPzR\\_DOH.html](http://quickstart.clari.net/qs_se/webnews/wed/ca/Qapac-missiles.RPzR_DOH.html)].

<sup>422</sup> Decision No. 7/03 Man-Portable Air Defence Systems. Organization for Security and Cooperation in Europe (Vienna) 23 July 2003. Date of Access: 5 January 2004 [[www.osce.org/docs/english/fsc/2003/decisions/fed0307.pdf](http://www.osce.org/docs/english/fsc/2003/decisions/fed0307.pdf)].

<sup>423</sup> 11th Ministerial Council 2003 – Handbook of Best Practices. Organization for Security and Co-operation in Europe (Vienna) 1-2 December 2003. Date of Access: 9 December 2003 [[www.osce.org/events/mc/netherlands2003/handbook](http://www.osce.org/events/mc/netherlands2003/handbook)].

The issue of MANPAD non-proliferation was also a key agenda item at the Organization for Security and Cooperation in Europe (OSCE)'s Ministerial Council Meeting in Maastricht on December 1, 2003. In his statements at the meeting, Russian Minister of Foreign Affairs Igor Ivanov praised the high-profile the organization has afforded the issue of MANPADS. Ivanov also stated that "the Organization [OSCE], unquestionably, has considerable potential in the military-political field. The adoption of the decisions on MANPADS and the liquidation of excess stocks of ammunition may serve as evidence of this. We welcome these steps as a weighty contribution to strengthening the regulatory base [for MANPADS] of the OSCE."<sup>424</sup>

Russia is also a signatory to the Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, an agreement amongst 33 states to disclose all bilateral sales and transfers of conventional weapons. At a ministerial meeting of the Wassenaar Group held on December 12, 2003 (presided over by the Russian Federation),<sup>425</sup> member-states agreed to develop strict controls on the transfer of Man-Portable Air Defense Systems (MANPADS) that continue to pose one of the most serious threats to the safety of international civil aviation. Specifically, the initiatives to which they committed themselves "included tightening controls over MANPADS, agreeing to enhance the transparency of small arms and light weapons transfers, establishing elements for national legislation on arms brokering, and adopting end-use oriented controls encouraging member governments to impose export controls on certain unlisted items when necessary to support United Nations arms embargoes."<sup>426</sup> The Russian Federation has already begun to implement these commitments, with diplomats at the Russian Ministry of Foreign Affairs reporting that "Russia started registering serial numbers of all available MANPADS last year; MANPADS production, storage and exports are also being watched more closely than before."<sup>427</sup>

## **7. United Kingdom: +1**

The United Kingdom has fully complied with its commitment to reducing the proliferation of MANPADS. This is evidenced through its substantive efforts to change domestic legislation, the UK's involvement in the Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and the Organization for Security and Cooperation in Europe (OSCE).

According to Foreign Minister Denis MacShane, the government of the UK has been assessing export license applications, including those pertaining to MANPADS, on a case-by-case basis

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<sup>424</sup> Statement by Russian Minister of Foreign Affairs Igor Ivanov at the 11th OSCE Ministerial Council Meeting, Maastricht, December 1, 2003, Ministry of Foreign Affairs (Moscow) 1 December 2003. Date of Access: 2 January 2003 [[www.in.mid.ru/B1.nsf/arh/5FA4FABA39344F9643256DF0003508A3?OpenDocument](http://www.in.mid.ru/B1.nsf/arh/5FA4FABA39344F9643256DF0003508A3?OpenDocument)].

<sup>425</sup> "G8 countries need Russia's anti-terrorist experience," Pravda (Moscow) 20 February 2004. Date of Access: 19 May 2004 [[newsfromrussia.com/world/2004/02/20/52415.html](http://newsfromrussia.com/world/2004/02/20/52415.html)].

<sup>426</sup> Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS), Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: 6 January 2004. [[www.wassenaar.org/2003Plenary/MANPADS\\_2003.htm](http://www.wassenaar.org/2003Plenary/MANPADS_2003.htm)].

<sup>427</sup> "G8 countries need Russia's anti-terrorist experience," Pravda (Moscow) 20 February 2004. Date of Access: 19 May 2004 [[newsfromrussia.com/world/2004/02/20/52415.html](http://newsfromrussia.com/world/2004/02/20/52415.html)].

against Consolidated EU and National Arms Export Licensing Criteria.<sup>428</sup> Through this measure, the UK has prevented the export of MANPADS to ‘undesirable’ end-clients. In addition to the UK’s commitment to “ensure strong national regulation of production, transfer and brokering,”<sup>429</sup> the government has also adopted secondary legislation under the Export Control Act 2002,<sup>430</sup> laid before Parliament on October 31, 2003. According to the Foreign and Commonwealth Office, “this legislation introduces controls on the brokering of all equipment on the UK’s military list, including MANPADS, where any part of the transaction is carried out in the United Kingdom.”<sup>431</sup> The secondary legislation essentially affords the government unhindered access to information pertaining to the numbers of MANPADS produced in the UK, who they are produced by, who they are produced for, and information pertaining to the time of delivery for the explicit purpose of restricting and controlling the spread of MANPADS. The UK government has also reserved the right to “decide over the next few months whether anything further needs to be done to control brokering of [MANPADS]” in order to fulfill its G8 commitments.<sup>432</sup>

This strict export licensing regime is further buttressed by the terms of the Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The WA was “established by thirty-three states in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies”.<sup>433</sup> The UK’s export criteria is thus informed by the “Elements for Export Controls of Man-Portable Air Defense Systems” agreed to by the WA on December 12, 2003. Under this new document, the participating states are obligated to: tighten controls over MANPADS, agree to enhance the transparency of small arms and light weapons transfers, establish elements for national legislation on arms brokering, and adopt end-use oriented controls encouraging member governments to impose export controls.<sup>434</sup>

The United Kingdom has also been pursuing efforts to combat MANPADS through its membership at the OSCE. In June 2003, members of the OSCE met in Vienna where MANPADS was one of the main foci of discussions.<sup>435</sup> It was agreed that the threat of MANPADS must be addressed by the OSCE. Since this meeting, the intentions of the UK and other members have been translated into concrete measures. Most notable is the *Handbook of*

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<sup>428</sup> Man-Portable Air Defense Systems: Strengthening Export Controls. Foreign and Commonwealth Office (London) 18 November 2003. Date of Access: 1 December 2003 [www.fco.gov.UK].

<sup>429</sup> Ibid.

<sup>430</sup> Export Control Act 2002. The United Kingdom Parliament (London) 2002. Date of Access: 10 May 2004 [www.legislation.hmso.gov.uk/acts/acts2002/20020028.htm]

<sup>431</sup> Man-Portable Air Defense Systems: Strengthening Export Controls. Foreign and Commonwealth Office (London) 18 November 2003. Date of Access: 1 December 2003 [www.fco.gov.uk].

<sup>432</sup> Man-Portable Air Defense Systems: Strengthening Export Controls. Foreign and Commonwealth Office (London) 18 November 2003. Date of Access: 1 December 2003 [www.fco.gov.uk].

<sup>433</sup> Welcome to the Wassenaar Arrangement. The Wassenaar Arrangement (Vienna) 4 February 2004. Date of Access: 1 May 2004 [www.wassenaar.org/welcomepage.html].

<sup>434</sup> Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS), Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: 6 January 2004. [www.wassenaar.org/2003Plenary/MANPADS\_2003.htm].

<sup>435</sup> OSCE Security Conference Considers Fresh Options, Organization for Security and Co-operation in Europe (Vienna). 27 June 2003 Date of Access: 9 December 2003 [www.osce.org/news/generate.php3?news\_id=3382].

*Best Practices on Small Arms and Light Weapons* developed by the United Kingdom and eleven other nations, in concert with the OSCE and the Conflict Prevention Centre.<sup>436</sup> The book is a manual for governments, parliamentarians, nongovernmental organizations (NGOs) and international organizations, outlining strict legislation and counter-proliferation programs regarding MANPADS and other small arms. Topics covered in the book include: national procedures for stockpile management and security, export control, tracing systems and licensing guidelines.

## **8. United States: +1**

The United States, more than any other G8 member-state, has fully complied with its commitment to counter the proliferation of MANPADS. This has been achieved by playing a proactive role in the Wassenaar Arrangement (WA), encouraging APEC leaders to cooperate with the global effort against MANPADS, standing behind the expansion of the UN Register of Conventional Arms to include MANPADS, and drafting legislation in March of 2004 which encourages “the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems to commercial aviation.”<sup>437</sup>

Since May 2003, the use of MANPADS against military transports and helicopters by insurgents opposed to the US-occupation of Iraq has served to further fuel the US effort against these weapons. Thus, in light of these attacks and in fear of their increasing frequency, the US is making a concerted effort to collect and destroy MANPADS in Iraq and is continuing ‘buy-back’ programs in Iraq as well as other states in Asia.<sup>438</sup> It should be noted however, the effectiveness of these buy-back programs have been questioned owing to the fact the US military only offers a reward of USD\$500 for every MANPAD submitted, versus the USD\$5,000 such a weapon averages on the black market.<sup>439</sup>

In addition, the US has also directed efforts towards MANPAD proliferation in Latin America. Secretary of State Colin Powell held talks with Nicaraguan President Enrique Bolanos in November 2003 where he addressed the need for Nicaragua and other Latin American countries to secure and lower their stocks of MANPADS. Powell suggested such actions would not only benefit the safety of Latin Americans, but would also contribute significantly to the wider global struggle against MANPADS. President Bolanos was highly receptive to Powell’s suggestions

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<sup>436</sup> 11th Ministerial Council 2003 – Handbook of Best Practices. Organization for Security and Co-operation in Europe (Vienna) 1-2 December 2003. Date of Access: 9 December 2003 [www.osce.org/events/mc/netherlands2003/handbook].

<sup>437</sup> Commercial Aviation MANPADS Defense Act of 2004 (HR 4056). Library of Congress (Washington, D.C.) 30 March 2004. Date of Access: 10 May 2004 [thomas.loc.gov/cgi-bin/query/z?c108:H.R.4056:].

<sup>438</sup> “Transcript: U.S. Seeks International Solution to Airline Security,” Washington File, US Department of State (Washington D.C.) 27 July 2003. Date of Access: 13 December 2003 [usembassy-australia.state.gov/hyper/2003/0827/epf310.htm].

<sup>439</sup> “American Morning: Missing Missiles,” Cable News Network (CNN) (Atlanta) 9 October 2003. Date of Access: 16 December 2003 [edition.cnn.com/TRANSCRIPTS/0310/09/ltm.01.html].

and vowed to not only address the issue within its borders, but also outside of its borders with other Latin American states.<sup>440</sup>

According to a recent report from the State Department, the United States is “also engaged on a bilateral basis with countries that have a combination of excess MANPADS stocks, poor controls, and a demonstrable risk of proliferation to terrorist groups or other undesirable end-users.”<sup>441</sup> With funding from the State Department’s Nonproliferation, Antiterrorism, Demining and Related Projects (NADR), the Small Arms and Light Weapons Destruction Program is facilitating initiatives to destroy obsolete military weapons. In particular, the program targets weapons that could pose a lethal threat to civil aviation when appropriated by terrorist organizations. The countries participating in the bilateral MANPADS reduction programs have yielded significant results: the destruction of nearly 6000 MANPADS in Bosnia-Herzegovina; Cambodia’s entire 233 MANPADS arsenal; 45 MANPADS in Liberia; and 7922 MANPADS in eight states in Africa, Eastern Europe, and Latin America since the beginning of 2003.<sup>442</sup> In addition, the House Resolution 2800 (S1426), *Foreign Operations Appropriations, FY 2004 Bill*, seeks to provide the NADR Small Arms and Light Weapons Destruction Program an operating budget of USD\$4,000,000 for the fiscal year ending on 30 September 2004.<sup>443</sup> At the time of the writing of this report, this bill was awaiting final vote in both houses of Congress before becoming law.<sup>444</sup>

With further reference to domestic legislation, in March 2004, the United States House of Representatives introduced the *Commercial Aviation MANPADS Defense Act of 2004*. Although the bill has yet to be promulgated, it has received unanimous support from the House and has already passed through the first leg of committee approval. The international elements of the bill aim to both limit the availability and transfer of MANPADS and promote the destruction of excess, obsolete and illicit MANPAD stockpiles, both in the US and abroad. Similar to the G8 commitment, the bill calls for the president and other relevant actors to achieve these twin goals through “strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties.” The bill also calls for the US President to deliver a report to the relevant congressional committees on the progress of these mandated actions within 180 days of it becoming law, and for the Secretary of State to provide a similar briefing to such committees annually thereafter.<sup>445</sup>

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<sup>440</sup> Remarks with Nicaraguan President Enrique Bolanos Before Their Working Dinner. US Department of State (Washington D.C.) 3 November 2003. Date of Access: 18 December 2003 [www.state.gov/secretary/rm/2003/25916.htm].

<sup>441</sup> Transcript: Bolton Says Proliferation of WMD Becoming Riskier. US Department of State (Washington D.C.) 30 March 2004. Date of Access: 10 May 2004 [usembassy.state.gov/posts/in4/wwwhpr033104e.html]

<sup>442</sup> Ibid.

<sup>443</sup> Senate Rpt.108-106 - Foreign Operations, Export Financing, And Related Programs Appropriation Bill, 2004: Department of States: Nonproliferation, Antiterrorism, Demining, and Related Programs. Committee Reports for the 108th Congress (Washington D.C.) February 2004. Date of Access: 1 May 2004 [www.congress.gov/cgi-bin/cpquery/?&dbname=cp108&&r\_n=sr106.108&sel=TOC\_149478&].

<sup>444</sup> Status of FY2004 Appropriations Bills, Library of Congress (Washington D.C.) 5 February 2004. Date of Access: 2 May 2004 [thomas.loc.gov/home/approp/app04.html].

<sup>445</sup> Commercial Aviation MANPADS Defense Act of 2004 (HR 4056). Library of Congress (Washington, D.C.) 30 March 2004. Date of Access: 10 May 2004 [thomas.loc.gov/cgi-bin/query/z?c108:H.R.4056:].

The WA was “established by thirty-three states in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies.”<sup>446</sup> Along with the UK, the United States has recently pushed for the WA to include MANPADS as a class of arms whose sale or transfer by a member-state would require full voluntary disclosure and reporting. These efforts took on a more concrete form at the WA Plenary Meeting on December 12, 2003, where all states agreed to the *Elements for Export Controls of Man- Portable Air Defense Systems*.<sup>447</sup> Under this new agreement, the participating states are obligated to: “tighten controls over MANPADS, agree to enhance the transparency of small arms and light weapons transfers, establish elements for national legislation on arms brokering, and adopt end-use oriented controls encouraging member governments to impose export controls on certain unlisted items when necessary to support United Nations arms embargoes.”<sup>448</sup>

Lastly, at the APEC Summit in Thailand on October 21, 2003, the United States played an instrumental role in prompting APEC to adopt a similar commitment to the WA in countering the MANPAD threat. Before the meeting adjourned, President Bush pushed for the adoption of a resolution to significantly reduce the proliferation and accessibility of MANPADS to non-state and rogue actors.<sup>449</sup> APEC leaders agreed to “implement strict domestic export controls on MANPADS, secure existing stockpiles, regulate MANPADS production, transfer, and brokering; ban transfers to non-state end-users; and exchange information in support of these efforts.”<sup>450</sup>

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<sup>446</sup> Welcome to the Wassenaar Arrangement, The Wassenaar Arrangement (Vienna) 3 February 2004. Date of Access: 8 May 2004 [[www.wassenaar.org/welcomepage.html](http://www.wassenaar.org/welcomepage.html)].

<sup>447</sup> Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS), Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: 6 January 2004. [[www.wassenaar.org/2003Plenary/MANPADS\\_2003.htm](http://www.wassenaar.org/2003Plenary/MANPADS_2003.htm)].

<sup>448</sup> Wassenaar Group to Tighten Export Controls on MANPADS. The United States Embassy to Japan (Tokyo) 12 December 2003. Date of Access: 20 December 2003 [[www.japan.usembassy.gov/e/p/tp-20031217-06.html](http://www.japan.usembassy.gov/e/p/tp-20031217-06.html)].

<sup>449</sup> New APEC Initiatives on Counter Terrorism: APEC Commits to Enhancing Counter Terrorism Capacity. The United States Embassy to Japan (Tokyo) 21 October 2003. Date of Access: 19 December 2003 [[japan.usembassy.gov/e/p/tp-20031022a7.html](http://japan.usembassy.gov/e/p/tp-20031022a7.html)].

<sup>450</sup> 2003 Leaders' Declaration. Asia-Pacific Economic Cooperation (Bangkok) 21 October 2003. Date of Access: 29 December 2003 [[www.apecsec.org.sg/apec/leaders\\_\\_declarations/2003.html](http://www.apecsec.org.sg/apec/leaders__declarations/2003.html)].