

2003 Evian Interim 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 a serious threat 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 28 November 2002, when a fully-loaded Israeli-chartered aircraft departing from Mombassa, Kenya narrowly missed a MANPAD projectile fired from the ground.³⁴⁹ 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.³⁵⁰ 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.³⁵¹ The G8 released *Enhanced Transport Security And Control Of Man-Portable Air Defence Systems (Manpads): A G8 Action Plan* at the Evian Summit³⁵² as well as reiterating the importance of the issue in the *Chairman’s Summary*, from which the above commitment is extracted.³⁵³

³⁴⁹ 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/org/news/2003/0301-sam-threat01.htm.

³⁵⁰ 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.

³⁵¹ Ibid.

³⁵² 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.

³⁵³ 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.

Assessment:

Score	Lack of Compliance -1	Work in Progress 0	Full Compliance +1
Canada		0	
France		0	
Germany		0	
Italy		0	
Japan		0	
Russia			+1
United Kingdom			+1
United States			+1
Overall		0.375	

Individual Country Compliance Breakdown:

1. Canada: 0

Canada showed a moderate level of compliance with its commitment to reducing MANPAD proliferation and improving control on stockpiles, mainly through reaffirmation of its commitment through multilateral forums such as the Asia-Pacific Economic Cooperation (APEC) Summit and the Wassenaar Arrangement Plenary, as well as arguing for the inclusion of MANPADS in the United Nations Conventional Arms Register (UNCAR). Nevertheless, the Canadian government has adopted few active state initiatives itself to counter MANPAD proliferation or to fully implement its multilateral obligations through domestic legislation.

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, 21 October 2003 in Bangkok, Thailand.³⁵⁴ This document outlined the organization's commitments to MANPADS non-proliferation which went even further than those agreed to by the G8 at the Evian Summit. Specifically, APEC nations, including Canada, 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".³⁵⁵ Furthermore, Canada, along with the other APEC members, promised to review its progress in achieving these goals at the next Summit in 2004, thereby suggesting a timetable in which progress should be made.³⁵⁶

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 12 December 2003 the WA Group passed a resolution endorsing "multilateral efforts to develop strict controls"³⁵⁷ on the transfer of MANPADS and included specific guidelines to

³⁵⁴ 2003 Leaders' Declaration. Asia-Pacific Economic Cooperation (Bangkok) October 21, 2003. Date of Access: 29 December 2003 www.apecsec.org.sg/apec/leaders__declarations/2003.html.

³⁵⁵ Ibid.

³⁵⁶ Ibid.

³⁵⁷ Ministerial Statement, Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access 6 January, 2004. www.wassenaar.org/2003Plenary/Ministerial%20Statement.doc.

evaluate members' compliance.³⁵⁸ 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”.³⁵⁹

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 23 July 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.³⁶⁰ 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 defense systems (MANPADS)” and looked forward to “further discussion within the FSC [Forum for Security Cooperation] on achieving this goal”.³⁶¹

Another major site of compliance by Canada is 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.³⁶² Such a measure is designed to encourage improved accountability and control of stockpiles through increased transparency. Finally, Agnes Pust, a Canadian expert, was a member of the UN Group of Governmental Experts which recommended that MANPADS be included in the UN Register of Conventional Arms.³⁶³

³⁵⁸ Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS). Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: Jan 6, 2004. www.wassenaar.org/2003Plenary/MANPADS_2003.htm.

³⁵⁹ 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.

³⁶⁰ 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.

³⁶¹ 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.

³⁶² 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.dfait-maeci.gc.ca/arms/intervene5-en.asp.

³⁶³ “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.

2. France: 0

As one of the major MANPADS producers,³⁶⁴ France's obligation for reducing proliferation and strengthening control of stockpiles is great. Nevertheless, the country has registered a reasonable level of compliance, though its efforts have been registered entirely through passive participation in multilateral forums rather than through active state initiative.

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.³⁶⁵

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"³⁶⁶ on the transfer of MANPADS and included specific guidelines to evaluate members' compliance.³⁶⁷

Furthermore, Maurice Bleicher 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.³⁶⁸ 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.

3. Germany: 0

Germany has registered a moderate-level of compliance with regard to its efforts towards MANPAD non-proliferation. This has been achieved mainly through multilateral cooperation with institutions such as the Wassenaar Arrangement on Export Controls for Conventional Arms

³⁶⁴ Richard Carlson III and Ian Davis, 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.

³⁶⁵ 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.

³⁶⁶ Ministerial Statement, Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: 6 January, 2004. www.wassenaar.org/2003Plenary/Ministerial%20Statement.doc.

³⁶⁷ Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS). Wassenaar Arrangement (Vienna) 12 December 2003. Date of Access: Jan 6, 2004. www.wassenaar.org/2003Plenary/MANPADS_2003.htm.

³⁶⁸ "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.

and Dual-Use Goods (WA) and the Organization for Security and Co-operation in Europe (OSCE). Nevertheless, Germany has undertaken few state initiatives itself to counter MANPAD proliferation or implement its multilateral obligations through domestic legislation.

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”.³⁶⁹ Since its founding, Germany has been actively involved with the WA. 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.³⁷⁰ These initiatives “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”.³⁷¹

Through the Organization for Security and Cooperation in Europe (OSCE) in cooperation with the Conflict Prevention Centre, Germany has worked hard to develop the *Handbook of Best Practices on Small Arms and Light Weapons*.³⁷² 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, 1 December 2003, at which MANPADS was a central agenda item. 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.³⁷³

4. Italy: 0

Italy has registered a moderate level of compliance with regards to its commitments to MANPAD non-proliferation, with all of its efforts being the result of multilateral action taken with other states.

³⁶⁹ Welcome to the Wassenaar Arrangement, The Wassenaar Arrangement (Vienna). Date of Access: 18 December 2003 www.wassenaar.org/welcomepage.html.

³⁷⁰ Elements for Export Controls of MANPADS - 2003. The United States Mission to the Wassenaar Arrangement (Vienna) 7 December 2003. Date of Access: 9 December 2003 www.usun-vienna.usia.co.at/wassenaar/public03b.html.

³⁷¹ 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

³⁷² “11th Ministerial Council 2003 – Handbook of Best Practices.” Organization for Security and Co-operation in Europe (Maastricht). Date of Access: 9 December 2003 www.osce.org/events/mc/netherlands2003/handbook.

³⁷³ 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 2003.³⁷⁴ 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. 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”.³⁷⁵

Furthermore, Italy, 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.³⁷⁶

5. Japan: 0

Japan has registered a moderate level of compliance with regards to its efforts towards MANPAD non-proliferation, principally achieved through multilateral cooperation with other states and institutions such as the UN, Asia-Pacific Economic Cooperation (APEC) and the Wassenaar Group. Nevertheless, the Japanese government has undertaken few state initiatives itself to counter MANPAD proliferation or to implement its multilateral obligations through domestic legislation. Japan has a heightened stake in these efforts as, along with the United States, Russia and China, it is among the world’s largest producers of MANPADS.

On 13 August 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.³⁷⁷ The report recommended that the Register, a voluntary-based reporting regime of all major bilateral transfers of conventional arms each year, be expanded to include MANPADS. In particular, the report called for MANPADS to be included under Category VII of the register, Missile and Missile Launchers, thus requiring members to voluntarily disclose all export sales and shipments of these weapons to other states.³⁷⁸ 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

³⁷⁴ 2003 Plenary Meeting of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies Date of Access: 04 January, 2004 www.wassenaar.org/2003Plenary/public_statement2003.htm.

³⁷⁵ 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.

³⁷⁶ 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.

³⁷⁷ “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.

³⁷⁸ Ibid.

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”.³⁷⁹

Japan also made a major contribution to MANPAD non-proliferation at the APEC Summit in Bangkok, Thailand on 21 October 2003, in which Japan in an influential and prominent member. At the multilateral meeting, Japan and APEC’s other 20 member-states adopted a resolution to severely reduce the proliferation and accessibility of MANPADS to non-state and rogue actors.³⁸⁰ 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. The issue of MANPADS was also secured on the agenda of the 2004 APEC Summit in Chile.³⁸¹

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 12 December 2003 plenary meeting to sharply tighten controls over the sale and proliferation of MANPADS.³⁸² 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.”³⁸³

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. 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.³⁸⁴

³⁷⁹ 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.

³⁸⁰ 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.

³⁸¹ Ibid.

³⁸² 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.

³⁸³ Ibid.

³⁸⁴ “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.

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 to block passage of the resolution at the June meeting. Nevertheless, subsequent diplomatic pressure leveraged by Russia caused the Ukraine to announce on 30 August 2003 that it was ready to discuss the initiative with Moscow.³⁸⁵

Russia also made a major contribution to MANPAD non-proliferation at the APEC Summit in Bangkok, Thailand on 21 October 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.³⁸⁶ 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."³⁸⁷

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, 1 December 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".³⁸⁸

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 12 December 2003, member-states, including Russia, 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. In specific, 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

³⁸⁵ Ibid.

³⁸⁶ 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.

³⁸⁷ 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/Qappec-missiles.RPzR_DOH.html.

³⁸⁸ 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/BI.nsf/arh/5FA4FABA39344F9643256DF0003508A3?OpenDocument.

controls encouraging member governments to impose export controls on certain unlisted items when necessary to support United Nations arms embargoes”.³⁸⁹

7. United Kingdom: +1

The United Kingdom is actively complying with its commitment to reducing MANPADS proliferation. This commitment is evidenced through its 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 on a case-by-case basis against Consolidated EU and National Arms Export Licensing Criteria.³⁹⁰ Through this measure, the UK has prevented the export of MANPADS to ‘undesirables’ end-clients. In addition to the UK’s commitment to “ensure strong national regulation of production, transfer and brokering”, the government has also adopted secondary legislation under the Export Control Act 2002: “The Government’s secondary legislation under the Export Control Act 2002, laid before Parliament on 31 October 2003, implements this commitment. 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. It represents a very significant step in preventing the involvement of UK persons in undesirable arms transfers”.³⁹¹ 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 of each MANPADS for the explicit purpose of restricting and controlling the spread of MANPADS.

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”.³⁹² 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 12 December 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

³⁸⁹ 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.

³⁹⁰ 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/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029391629&a=KArticle&aid=1068718479626.

³⁹¹ Ibid.

³⁹² Welcome to the Wassenaar Arrangement. The Wassenaar Arrangement (Vienna). Date of Access: 18 December 2003 www.wassenaar.org/welcomepage.html.

on certain unlisted items when necessary to support United Nations arms embargoes.³⁹³ Through these measures, the UK has been able to control diversion and the re-exportation of MANPADS.³⁹⁴

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.³⁹⁵ 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 Best Practices on Small Arms and Light Weapons* developed by the OSCE in cooperation with the Conflict Prevention Centre.³⁹⁶ The book is 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.

8. United States: +1

The United States has exhibited a strong effort in complying 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, and standing behind the expansion of the UN Register of Conventional Arms to include MANPADS.

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”.³⁹⁷ Along with the United Kingdom, the United States has recently pushed for the Arrangement to include MANPADS as a class of arms whose sale or transfer by a member-state would require full voluntary disclosure and reporting to the WA. These efforts took on a more concrete form at the WA Plenary Meeting on 12 December 2003 where all states agreed to the “Elements for Export Controls of Man-Portable Air Defense Systems”. 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-

³⁹³ Wassenaar Group to Tighten Controls on MANPADS. U.S. Department of State (Washington D.C.) 16 December 2003. Date of Access: 21 December 2003 usinfo.state.gov/topical/pol/terror/texts/03121208.htm.

³⁹⁴ 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/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029391629&a=KArticle&aid=1068718479626.

³⁹⁵ 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.

³⁹⁶ 11th Ministerial Council 2003 – Handbook of Best Practices. Organization for Security and Co-operation in Europe (Vienna). Date of Access: 9 December 2003 www.osce.org/events/mc/netherlands2003/handbook.

³⁹⁷ Welcome to the Wassenaar Arrangement. The Wassenaar Arrangement (Vienna). Date of Access: 18 December 2003 www.wassenaar.org/welcomepage.html.

use oriented controls encouraging member governments to impose export controls on certain unlisted items when necessary to support United Nations arms embargoes.³⁹⁸

At the APEC Summit in Thailand on 21 October 2003, the United States played an instrumental role in securing APEC's commitment to 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.³⁹⁹ 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. The issue of MANPADS was also secured on the agenda of the 2004 APEC Summit in Chile.⁴⁰⁰

In 2003, the United States participated in the Group of Governmental Experts on the U.N. Register of Conventional Arms, which produced a report outlining the need for changing key elements of the Register.⁴⁰¹ The group suggested that the Register, a voluntary reporting system for all major bilateral transfers of conventional arms each year, be expanded to include MANPADS. MANPADS are to be included under Category VII of the register, Missile and Missile Launchers, thus requiring members to voluntarily disclose all export sales and shipments of these weapons to other states.⁴⁰²

In recent months, the use of MANPADS by rogue elements targeting US military transports within Iraq have served to fuel the US effort against MANPADS even further. 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.⁴⁰³ 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.⁴⁰⁴ 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

³⁹⁸ Wassenaar Group to Tighten Controls on MANPADS, U.S. Department of State (Washington D.C.) 16 December 2003. Date of Access: 21 December 2003 usinfo.state.gov/topical/pol/terror/texts/03121208.htm.

³⁹⁹ 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.

⁴⁰⁰ Ibid.

⁴⁰¹ U.S. Official Urges More Effective U.N. Role in Arms Control. U.S. Embassy to Italy (Rome) 09 October 2003. Date of Access: 21 December 2003 www.usembassy.it/file2003_10/alia/A3100908.htm.

⁴⁰² "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.

⁴⁰³ 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. See also: "American Morning: Missing Missiles." CNN (Atlanta) 9 October 2003. Date of Access: 16 December 2003 edition.cnn.com/TRANSCRIPTS/0310/09/ltn.01.html.

⁴⁰⁴ 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.

highly receptive of Powell's suggestions and vowed to not only address the issue within its borders, but also outside of its borders with other Latin American states.

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