

APEC Guidelines on Controls and Security of Man-Portable Air Defense Systems (MANPADS)

APEC Leaders agreed in October 2003 to strengthen joint efforts to curb terrorist threats against mass transportation and confront the threat posed by terrorists' acquisition and use of man-portable air defense systems (MANPADS) against international aviation. In furtherance of this effort, APEC economies have agreed to adhere individually to the following guidelines for export control and security of MANPADS, and exchange information, when and as appropriate, in support of the efforts.

1. Scope

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

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

Any activity related to MANPADS within the territory of the producing economy is subject to domestic laws and regulations.

2. Domestic Control Measures

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

- When receiving MANPADS, written verification of receipt of MANPADS shipments.
- Inventory by serial number of the initial shipments of all transferred firing mechanisms and missiles, if physically possible; and maintenance of written records of inventories.
- Physical inventory of all MANPADS subject to transfer, at least once a month; account by serial number for MANPADS components expended or damaged during peacetime.

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

3. Export Control Conditions and Evaluation Criteria

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

General licences are inapplicable for exports of MANPADS; each transfer is subject to an individual licensing decision.

Exporting economies will not make use of non-governmental brokers or brokering services when transferring MANPADS, unless specifically authorized to on behalf of the economy.

In order to authorise MANPADS exports, both exporting and importing economies will take into account:

- The need to protect against potential for diversion or misuse in economies;
- The need to ensure appropriate measures to protect against unauthorized re-transfers, loss, theft and diversion; and
- The need to ensure adequate and effective physical security arrangements for the protection of military property, facilities, holdings, and inventories.

Prior to authorizing MANPADS exports, the exporting economy will assure itself of the recipient economy's guarantees:

- not to re-export MANPADS except with the prior consent of the exporting economy;
- to afford requisite security to classified material and information in accordance with applicable bilateral agreements, to prevent unauthorized access or compromise;
- to inform promptly the exporting economy of any instance of compromise, unauthorized use, loss, or theft of any MANPADS material.

In addition, the exporting economy will satisfy itself of the recipient economy's willingness and ability to implement effective measures for secure storage, handling, transportation, use of MANPADS material, and disposal or destruction of excess stocks to prevent unauthorized access and use. The recipient economy's domestic procedures designed to attain the requisite security include, but are not limited to, the above set of practices mentioned in paragraph 2, or others that will achieve comparable levels of protection and accountability: