

Elements for Export Controls of Man-Portable Air Defense Systems (MANPADS)

(Agreed at the WA Plenary, 1 December 2000)

Recognizing the threats posed by unauthorized proliferation and use of Man-Portable Air Defense Systems, especially to civil aviation, peace-keeping, crisis management and anti-terrorist operations, Participating States affirm that they apply strict national controls on the export of MANPADS.

1. Definitions and Scope.

- 1.1 MANPADS are herein defined as surface-to-air missile systems designed to be carried by an individual or by individuals, including complete systems, components, spare parts, models, training systems, and simulators. They include, but are not limited to, all man-portable variants of the Blowpipe, Hamlet, Javelin, Keiko, Mistral, RBS-70, RBS-70 Mk-2, Redeye, SA-7, SA-14, SA-16, SA-18, Starburst, Starstreak, Stinger, and Vanguard.
- 1.2. National export controls apply to the international transfer or retransfer of MANPADS, 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 export regulation and associated controls includes research, design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, servicing, modification, upgrade, modernization, operation, use, replacement or refurbishment, demilitarization, and destruction of MANPADS; technical data, software, technical assistance, demonstration, and training associated with these functions; and secure transportation, storage, and use.
- 1.3 Any activity related to MANPADS within the territory of the producing country is subject to national laws and regulations.

2. Export Control Evaluation Criteria.

2. 1. Decisions to permit MANPADS exports will be made by competent authorities of the exporting government, only to foreign governments or to agents authorized by the government.
- 2.2. MANPADS exports will be evaluated in light of Wassenaar Arrangement Initial Elements and Wassenaar document "Elements for Objective Analysis and Advice Concerning Potentially Destabilizing Accumulations of Conventional Weapons" and any subsequent amendments thereto.
- 2.3. Decisions to authorize MANPADS exports will take into account:
 - Potential for diversion or misuse in the recipient country;
 - The recipient government's ability and willingness to protect against unauthorized re-transfers, loss, theft and diversion; and
 - The adequacy and effectiveness of the physical security arrangements of the recipient government for the protection of military property, facilities, holdings, and inventories.

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

- not to re-export MANPADS except with the prior consent of the exporting government;
- 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 government of any instance of compromise, unauthorized use, loss, or theft of any MANPADS material.

2.5. In addition, the exporting government will satisfy itself of the recipient government's willingness and ability to implement effective measures for secure storage, handling, transportation, and use of MANPADS material, to prevent unauthorized access and use. The recipient government's national procedures designed to attain the requisite security include, but are not limited to, the following set of practices, or others that will achieve comparable levels of protection and accountability:

- Written verification of receipt of MANPADS shipments.
- Inventory by serial number initial shipments of all transferred firing mechanisms and missiles, if physically possible; and maintain written records of inventories.
- Physical inventory of all MANPADS subject to the transfer, at least once a month; account by serial number for MANPADS components expended or damaged during peacetime.
- Store MANPADS in a manner that ensures their physical security, but at a minimum store missiles and firing mechanisms in separate locations.
- Transport MANPADS in accordance with standards and practices for safeguarding munitions in transit, and at a minimum, transport missiles and firing mechanisms in separate containers.
- 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 governments.