

# U.S. Department of State

## Diplomacy in Action

### U.S. Policy on the Export of Unmanned Aerial Systems

Fact Sheet

Office of the Spokesperson

Washington, DC

April 19, 2018

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The President has approved a new policy on the export of unmanned aerial systems (UAS). This policy updates and replaces the previous policy announced February 17, 2015. This policy will apply to all U.S.-origin UAS transfers, whether under the authority of the United States Munitions List (USML) or the Commerce Control List (CCL).

This policy advances five primary objectives with respect to UAS transfers:

**Increases trade opportunities for U.S. companies:** We will remove barriers to the global UAS market and avoid ceding export opportunities to competitors where such self-imposed restrictions are unwarranted.

**Bolsters partner security and counterterrorism capabilities:** We will facilitate international partners' access to U.S. UAS in situations where it will enhance those partners' security and their ability to advance shared security or counterterrorism objectives.

**Strengthens bilateral relationships:** We will use UAS transfers as a means to strengthen U.S. security relationships when stronger bilateral ties and greater interoperability serve broader U.S. national security and foreign policy interests.

**Preserves U.S. military advantage:** We will work to prevent state or non-state actors from gaining capabilities that would undermine the safety and security of the United States and our allies and partners.

**Prevents the proliferation of weapons of mass destruction (WMD) delivery systems:** We will protect the integrity of international nonproliferation agreements and arrangements that prevent proliferators, non-state actors, and other programs of concern from acquiring missile technology and other technologies that would substantively advance their ability to deliver WMD, or otherwise lead to a transfer to potential adversaries of capabilities that would threaten the superiority of the U.S. military or the shared security or counterterrorism objectives of our allies and partners.

All potential military UAS transfers will be subject to Department of State-led assessment under the Conventional Arms Transfer (CAT) Policy and Department of Defense (DOD)-led assessment regarding technology security, as applicable. All UAS transfers, to include military UAS transfers, will be reviewed consistent with U.S. international nonproliferation commitments, including under the Missile Technology Control Regime.

#### Transfer Conditions:

**Armed UAS:** Transfers of armed UAS may be made via Direct Commercial Sales (DCS) or Foreign Military Sales (FMS), unless other guidance or restrictions relevant to that particular case requires the transfer to take place using FMS.

Recipients must agree as a condition of transfer not to arm armed UAS with a foreign system or unauthorized U.S. system without prior U.S. government authorization.

**Unarmed UAS:** Transfers of unarmed UAS may be made via Direct Commercial Sales (DCS) or Foreign Military Sales (FMS), unless other guidance or restrictions relevant to that particular case requires the transfer to take place using FMS. Recipients must agree as a condition of transfer not to arm, whether with U.S. or foreign equipment, a U.S.-origin UAS without United States Government permission.

**Civil UAS:** All Civil UAS will continue to be subject to the licensing requirements and policies of the Export Administration Regulations and will take into account the objectives outlined in this policy and the six non-proliferation factors in section 3 of the MTCR Guidelines.

#### **Provisions to Guard Against Proliferation and Ensure Proper Use:**

**End-Use Assurances for Military UAS:** Each recipient state shall agree to use U.S.-origin military UAS in accordance with applicable international law, applicable provisions of the Arms Export Control Act (AECA) and its implementing regulation, the International Traffic in Arms Regulations (ITAR), other relevant provisions of U.S. law, and for FMS cases, the transfer agreement. Specifically, each recipient state must agree not to transfer title to or possession of any defense article or related training or other defense service associated with a U.S.-origin military UAS so furnished to it to anyone not an officer, employee, or agent of that country.

Recipient nations must agree not to use or permit the use of a U.S.-origin military UAS for purposes other than those for which the UAS was furnished unless the consent of the United States Government has first been obtained. Prior to a potential transfer, the recipient country shall have agreed that it will maintain the security of the military UAS and its related components and will provide substantially the same degree of security protection afforded to such article or service by the United States Government. All military UAS systems will also be transferred only with appropriate technology security measures.

**End-Use Monitoring and Additional Security Conditions:** all military UAS transfers may be subject to enhanced end-use monitoring and may also be subject to additional security conditions. Transfers of U.S.-origin armed and MTCR Category I UAS shall require periodic consultations with the United States Government on their use of U.S.-origin UAS systems.

#### **Principles of Proper Use:**

To promote and ensure proper use of U.S.-origin military UAS, all FMS and DCS sales or transfers must include the following principles related to use:

Recipients are to use these systems in accordance with international law, including international humanitarian law and international human rights law, as applicable.

Armed UAS are to be used in operations involving the use of force only when there is a lawful basis for resorting to the use of force under international law, such as national self-defense.

Recipients are not to use UAS to conduct unlawful surveillance or use unlawful force against their domestic populations. As appropriate, recipients must provide UAS operators technical and doctrinal training on the use of such systems to reduce the risk of unintended injury or damage.

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