

Guidelines for Sensitive Missile-Relevant Transfers

1. The purpose of these Guidelines is to limit the risks of proliferation of weapons of mass destruction (i.e. nuclear, chemical and biological weapons), by controlling transfers that could make a contribution to delivery systems (other than manned aircraft) for such weapons. The Guidelines are also intended to limit the risk of controlled items and their technology falling into the hands of terrorist groups and individuals. The Guidelines are not designed to impede national space programs or international cooperation in such programs as long as such programs could not contribute to delivery systems for weapons of mass destruction. These Guidelines, including the attached Annex, form the basis for controlling transfers to any destination beyond the Government's jurisdiction or control of all delivery systems (other than manned aircraft) capable of delivering weapons of mass destruction, and of equipment and technology relevant to missiles whose performance in terms of payload and range exceeds stated parameters. Restraint will be exercised in the consideration of all transfers of items within the Annex and all such transfers will be considered on a case-by-case basis. The Government will implement the Guidelines in accordance with national legislation.

2. The Annex consists of two categories of items, which term includes equipment and technology. Category I items, all of which are in Annex items 1 and 2, are those items of greatest sensitivity. If a Category I item is included in a system, that system will also be considered as Category I, except when the incorporated item cannot be separated, removed or duplicated. Particular restraint will be exercised in the consideration of Category I transfers regardless of their purpose, and there will be a strong presumption to deny such transfers. Particular restraint will also be exercised in the consideration of transfers of any items in the Annex, or of any missiles (whether or not in the Annex), if the Government judges, on the basis of all available, persuasive information, evaluated according to factors including those in paragraph 3, that they are intended to be used for the delivery of weapons of mass destruction, and there will be a strong presumption to deny such transfers. Until further notice, the transfer of Category I production facilities will not be authorised. The transfer of other Category I items will be authorised only on rare occasions and where the Government (A) obtains binding government-to-government undertakings embodying the assurances from the recipient government called for in paragraph 5 of these Guidelines and (B) assumes responsibility for taking all steps necessary to ensure that the item is put only to its stated end-use. It is understood that the decision to transfer remains the sole and sovereign judgement of the Government.

3. In the evaluation of transfer applications for Annex items, the following factors will be taken into account:

- A. Concerns about the proliferation of weapons of mass destruction;
- B. The capabilities and objectives of the missile and space programs of the recipient state;
- C. The significance of the transfer in terms of the potential development of delivery systems (other than manned aircraft) for weapons of mass destruction;
- D. The assessment of the end use of the transfers, including the relevant assurances of the recipient states referred to in sub paragraphs 5.A and 5.B below;

E. The applicability of relevant multilateral agreements.

F. The risk of controlled items falling into the hands of terrorist groups and individuals.

4. The transfer of design and production technology directly associated with any items in the Annex will be subject to as great a degree of scrutiny and control as will the equipment itself, to the extent permitted by national legislation.

5. Where the transfer could contribute to a delivery system for weapons of mass destruction, the Government will authorize transfers of items in the Annex only on receipt of appropriate assurances from the government of the recipient state that:

A. The items will be used only for the purpose stated and that such use will not be modified nor the items modified or replicated without the prior consent of the Government;

B. Neither the items nor replicas nor derivatives thereof will be re transferred without the consent of the Government.

6. In furtherance of the effective operation of the Guidelines, the Government will, as necessary and appropriate, exchange relevant information with other governments applying the same Guidelines.

7. The Government will :

A. provide that its national export controls require an authorisation for the transfer of non-listed items if the exporter has been informed by the competent authorities of the Government that the items may be intended, in their entirety or part, for use in connection with delivery systems for weapons of mass destruction other than manned aircraft ;

B. and, if the exporter is aware that non-listed items are intended to contribute to such activities, in their entirety or part, provide, to the extent compatible with national export controls, for notification by the exporter to the authorities referred to above, which will decide whether or not it is appropriate to make the export concerned subject to authorisation.

8. The adherence of all States to these Guidelines in the interest of international peace and security would be welcome.