

# CONFERENCE REPORT: RECOMMENDATIONS and RESOURCES

Forum  
on the  
Arms Trade

## Annual Conference 2022

April 12: **Alternative approaches** to arms in challenging security dilemmas  
April 14: Tackling the arms trade and security assistance contribution to **corruption**  
April 20: Empowering Congress and the Executive to promote **human rights**

Arms Control  
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The Forum on the Arms Trade's 2022 annual conference tackled issues that have long been on the agenda for those promoting a more responsible arms trade, exploring in depth the sticking points and providing specific recommendations for progress on key topics.

Over the three sessions of the conference, more than 170 unique individuals participated in the virtual event from 27 countries: Argentina, Austria, Canada, Ethiopia, France, Georgia, Germany, Ghana, Greece, India, Iraq, Ireland, Jamaica, Japan, Mauritius, Mexico, Nepal, Netherlands, Pakistan, Romania, Serbia, Somalia, Sweden, Switzerland, Turkey, United Kingdom, and the United States.

The conference was co-sponsored by the Arms Control Association, Center for Civilians in Conflict (CIVIC), the Security Assistance Monitor at the Center for International Policy, Democracy for the Arab World Now (DAWN), and the Stimson Center.

The Forum is based at the Arms Control Association, which also serves as the Forum's fiscal sponsor. The Arms Control Association, the Center for Civilians in Conflict, and the Security Assistance Monitor are partners of the Forum. Philanthropic support for events such as these is currently provided by the Carnegie Corporation of New York and Rockefeller Brothers Fund.

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## April 12: Alternative approaches to arms in challenging security dilemmas

### Panelists:

- **Nancy Okail**, President and CEO, Center for International Policy
- **Anna Stavrianakis**, Professor of International Relations, University of Sussex
- **Sarah Leah Whitson**, Executive Director, Democracy for the Arab World Now (DAWN)
- **Stephen Miles**, President, Win Without War (moderator)

### Video

Video is available on the Forum website ([link](#)) and can also be watched directly at <https://youtu.be/NQ1esALRVy8>



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### Recommendations

As a follow up to this session, panelists provided the following recommendations. *The Forum on the Arms Trade does not itself take positions, but does provide a mechanism for the sharing of experts' ideas. Inclusion here does not indicate endorsement or agreement by the Forum, other panelists, or event so-sponsors.*

### **Nancy Okail, President and CEO, Center for International Policy**

#### Recommendations:

- **Reorient the approach.** We need to first think more deeply about how we frame the problem of arms trade oversight. Many of the solutions for improving oversight and accountability are already there. Before moving forward we need to first better understand why existing regulations are not functional as well as the enabling structures that allow for the expansion of arms sales despite all the evidence of atrocities they cause.
- **Challenge conventional assumptions.** As we forge new regulations, we should know that oversight is important but be wary of the argument that more or improved regulations are the key to progress. Focusing on regulation alone without considering authoritarian regimes' manipulation of the intended use of arms may cause further harm, as it lends procedural credibility to state violence deemed "legitimate" by disingenuous governments. To this point, interrogating the language and underlying assumptions about the use of force is crucial. For example, the "misuse" of arms, implies two aspects: that there is a "proper" use of arms, usually defined by a defined target group (which is a slippery slope under authoritarian regimes); and that the harm caused by arms is confined to their immediate use, which is certainly not the case. The aberration is arms being used for a single confined purpose do not have a multiplier effect. Instead of hyperfocusing on laws and policies in isolation, we should orient solutions to address the real problem:

pervasive militarism that stems from and impacts the environment, economics, culture/identity, borders, human rights, and geopolitical power.

- **Redefine the concept of security.** The perception that defense spending is necessary for security traditionally beats arguments for more oversight or divestment from the defense industry. Fear is a compelling motivator. However, we know that arms and militarism do not enhance security; this approach is actually ecologically, socially, and economically destabilizing. We should work to expose the real security threats to national and individual safety: pandemics, poverty, climate change, and corruption, which enables radicalization and violence to fester. Building a border wall to restrict climate refugees rather than investing in renewable energy is framed as “enhancing security,” when in reality we are wasting time and resources on reactionary, ineffective approaches to security. We also need to look beyond just immediate humanitarian costs to include the opportunity costs of investing in war over other more generative industries and activities.
- **Strengthen domestic accountability measures, keeping interests and incentives in mind.** We should work to strengthen accountability measures, including congressional oversight incentives (“flip the script” on arms sales) and enforcement of arms control policies. However, to be effective, solutions should be framed in a way that is beneficial to the interests of legislators and their constituents. It is not enough to point out that selling arms is bad; we need to make a clear case, for example, that investing in green energy manufacturing instead of the defense industry will create more, better paying jobs and be better for the world. Alternatively, we should work to make the production and proliferation of arms for profit more risky for arms manufacturers if their products are being misused. Taking the lead from the Mexican government which is currently suing the United States for violence in Mexico caused by US-produced handguns, we need to raise the cost of injustice and oppression for those responsible for (and profiting from) perpetuating it.
- **Participate in an international approach.** Any approach to limit arms proliferation and hold countries accountable will require an integrated global effort. A collaborative, international approach also would also help cajole outliers and has the potential to provide political cover to politicians interested in enhancing oversight, but who face domestic opposition. In this regard, it is also important to assess recipient abusive governments in the context of their geopolitical relations. They do not act on their own. Regimes that are supportive of abusive governments other than through the arms trade should also be held accountable as enablers of violence. This holistic approach would improve the likelihood that more powerful countries like the US comply with global norms.

#### Resources:

- Nancy Okail, “[US aid to Egypt and the wider failures of American security assistance](#),” Responsible Statecraft, February 11, 2022.
- Mexico legal case: See [case](#) and recent Forum [event](#), plus [BBC](#) reporting.
- “[Global Climate Wall How the world’s wealthiest nations prioritise borders over climate action](#),” Transnational Institute (TNI) October 2021.
- Forum’s Congressional legislation [tracker](#)
- [Security Assistance Monitor](#)

**Anna Stavrianakis, Professor of International Relations, University of Sussex**

Recommendations:

- **For Parliament:** transform the Committees on Arms Export Controls into a standing Select Committee. Its current status as a super-committee has several structural limitations: an indirect membership constituted via four component committees; cumbersome quoracy rules; and the lack of a dedicated staff or a paid Chair elected by all MPs. These weaknesses are a major obstacle to effective democratic scrutiny and control of arms exports. Transforming the Committees into a standing Select Committee requires a change under the standing orders (the parliamentary rules), either through a government motion or a debate by the four Committees who compose its membership. This would be an important step to increase Parliamentary oversight and scrutiny of UK arms export licenses, which would facilitate accountability.
- **For civil society:** complement a strategy of correcting misinformation with greater emphasis on recruiting trusted community figures to challenge the dominant narratives around arms exports. The problem is not lack of information or expertise, but low resonance of the issues around arms exports. *Who* gives the message is as important as *what* the message is. There are a range of un-implemented recommendations that have been made over the years that could contribute to dislodging a pro-export orientation to policy e.g. ending the subsidies on arms production and export – who could make this message be heard, and by whom?

Resources:

- Anna Stavrianakis, “[Missing In Action: UK arms export controls during war and armed conflict](#),” World Peace Foundation, March 2022.\_
- Sam Perlo-Freeman, “[Special Treatment: UK Government support for the arms industry and trade](#),” November 2016.\_
- ATT Expert Group, “[Domestic accountability for international arms transfers: law, policy and practice](#),” August 2021.
- Mwatana for Human Rights, “[Made in Europe, Bombed in Yemen](#),” December 2019.\_

**Sarah Leah Whitson, Executive Director, Democracy for the Arab World Now (DAWN)**

Recommendations (to the U.S. Arms Control Community):

- **Strengthen Arms Control Commitments:**
  - **Pursue arms control treaty commitments for the US government**, including ratification of the Mine Ban Treaty; signing of the Convention on Cluster Munitions; renewal of the Non-Proliferation Treaty and Arms Reduction Treaty with Russia.
  - **Urge U.S. ratification of the Rome Statute** and joining of the International Criminal Court
  - **Expand new global arms control protections:** including support for a declaration on explosive weapons in populated Areas and a lethal autonomous weapons (killer robots) treaty

- **End U.S. Arms Transfers to Abusive Governments:**
  - **Revitalize demands for U.S. compliance with:**
    - International human rights and humanitarian law obligations;
    - Section 502B of the Foreign Assistance Act (codified at 22 U.S.C. § 2304(a)–(i)), prohibiting arms transfers to abusive governments; and
    - The Leahy Laws, including section 620M of the Foreign Assistance Act of 1961, 22 U.S.C. 2378d, and Section 362 of Title 10 of the U.S. Code, that restrict military assistance to abusive military units.
  - **Shift advocacy away from demands that the US “condition” arms sales** to abusive governments for “human rights reforms”, a failed strategy that has not worked and perpetuates the myth of arms sales as a tool of leverage for reform.
  - **Center voices of impacted people:** include in research and advocacy voices of those who have been or will be tangibly impacted by U.S. arms transfers: any analysis of the ramifications of such arms transfers is incomplete without first-hand testimony to how this aid will impact people on the ground.
- **Impose Meaningful Restrictions on Lobbying** by Defense Industry and Foreign Weapons Purchasers, including on Hiring Former Government or Military Officials.
  - **Pass the "For the People Act of 2021"** (H.R.1/S.1): Congress should pass the Act and implement its regulations, especially those pertaining to abusive foreign governments and the much-needed reforms of the Foreign Agents Registration Act.
  - **Improve lobbying transparency regulations:** Congress should integrate two separate sets of legal transparency requirements: the Lobbying Disclosure Act and the Foreign Agents Registration Act.
  - Ban hiring of, or provision of services by, former government officials by defense and foreign government lobbyists.

Resources:

- On Conditionality: [Conditionality as a Tool for Human Rights Advocacy: Workshop Report and Recommendations - DAWN](#) and [Aid Conditionality - DAWN](#).
- On government corruption: [The Human Rights vs. National Security Dilemma Is a Fallacy](#), *Foreign Policy*, January 10, 2022.
- On Lobbying Reform: “[The Lobbyist Hall of Shame](#),” DAWN.

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## April 14: Tackling the arms trade and security assistance contribution to corruption

### Panelists:

- **Mira Resnick**, Deputy Assistant Secretary of State for Regional Security in the Bureau of Political-Military Affairs
- **Michael Picard**, consultant, Transparency International - Defence & Security
- **Jodi Vittori**, Professor of Practice and co-chair, Global Politics and Security program, Georgetown University School of Foreign Service
- **William Hartung**, Senior Research Fellow, Quincy Institute for Responsible Statecraft (moderator)

### Video and other resources

Video is available on the Forum website ([link](#)) and can also be watched directly at <https://youtu.be/-kAADACDkgQ>

Deputy Assistant Secretary of State for Regional Security in the Bureau of Political-Military Affairs Mira K. Resnick's remarks are available on the State Department website as "Countering Corruption in Security Cooperation" at <https://www.state.gov/countering-corruption-in-security-cooperation/>



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*Middle East Eye* published, "US must push for transparency in UAE defence sector, experts urge," April 14, 2022, extensively quoting panelists at <https://www.middleeasteye.net/news/us-greater-transparency-uae-defence-sector-experts>

### Recommendations

As a follow up to this session, civil society panelists provided the following recommendations. *The Forum on the Arms Trade does not itself take positions, but does provide a mechanism for the sharing of experts' ideas. Inclusion here does not indicate endorsement or agreement by the Forum, other panelists, or event so-sponsors.*

### Michael Picard, consultant, Transparency International - Defence & Security

#### Recommendations:

In order to bolster anti-corruption efforts and good governance concerning the US Government's use of private military and security companies (PMSCs), the United States must:

- **Reinforce its baseline anti-corruption measures in government contracting.** This means fully implementing existing laws governing PMSCs, standardizing anti-corruption measures used by different agencies in PMSC contracting, and developing new measures that focus scrutiny on beneficial ownership, subcontractor networks, and corporate partnerships.
- **Expand monitoring and reporting on its own PMSC use.** There is no comprehensive number from the US Government on how many PMSCs it contracts. This makes it very hard to assess the extent of corruption risks and other issues concerning PMSCs. Above all, the Department of Defense and Department of State need to coordinate the manner in which they track their own PMSC use, and make these statistics available to Congress and to the public.
- **More international engagement.** International norms have failed to keep up with the growth and normalization of the private military security industry. There’s a lot of foot-dragging in international efforts to build a meaningful normative framework. As the industry’s largest supplier and consumer, the US must use its clout to push for greater international cohesion concerning PMSC use in accordance with international law.
- **Enhance coordination between agencies and efforts on PMSC issues.** This could be an interagency working group led by a senior official who can coordinate the implementation and streamlining of US laws and regulations between agencies, and lead international advocacy efforts. In the past, this was done by a relatively senior Pentagon official, who was cut during the Trump years. This role should be brought back.

Resources:

- [“Private Security Contractors: DOD Needs to Better Identify and Monitor Personnel and Contracts,”](#) GAO-21-255, General Accountability Office (GAO), July 2021.
- [CENTCOM quarterly contractor census](#)

**Jodi Vittori, Professor of Practice and co-chair, Global Politics and Security program, Georgetown University School of Foreign Service**

Recommendations:

All forms of secret and/or anonymous contracts associated with government procurement are at heightened risk for susceptibility to corruption. As defense procurement scandals in places such as Saudi Arabia and South Africa demonstrate, anonymous side “sweetener” contracts to defense deals known as defense offset agreements are not only susceptible to corruption but also undermine larger efforts at peace and security. With the Russian invasion of Ukraine and its associated sanctions on oligarchs, the Western world is waking up to the threat anonymity poses in limited liability companies, real estate transactions, hedge funds, family offices, and so on. **Secret and/or anonymous agreements associated with defense procurement should be recognized as at least as susceptible to corruption and kickbacks as other forms of anonymous financial transactions.** While some defense procurement agreements must remain secret, the side agreements associated with those contracts—especially those indirectly linked to those contracts—should not be.

Specific recommendations for bringing light to these secret contracts include opening US-associated contracts to public scrutiny. Congress should legislate changes to defense offset contracts that require public disclosure of summaries of these agreements, pricing details, and the beneficial owners of any associated contracts and subcontracts, regardless of the size of the offset agreement. What information Congress currently receives is classified confidential; instead, this information should be publicly available. Exceptions to public disclosure could be made on national security grounds subject to the approval of those exceptions by the associated Congressional Committees (usually the House Foreign Affairs and Senate Foreign Relations committees).

While the United States is the world's largest arms exporter, offset agreements are a global arms trade concern. For that reason, as part of the United States' commitment to mitigate corruption as part of its Summit for Democracy Year of Action, the United States should rally international support to recognize the detrimental effects of corruption associated with arms exports and help establish much stronger international norms and institutions to manage corruption risks, including those associated with offset agreements.

Resources:

- [“Mitigating Patronage and Personal Enrichment in U.S. Arms Sales,”](#) Carnegie Endowment for International Peace, May 2021

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## April 20: Empowering Congress and the Executive to promote **human rights**

### Panelists:

- **Senator Patty Murray** (D-Wash.), introductory remarks (recorded)
- **Annie Shiel**, Senior Advisor for U.S. Policy and Advocacy, Center for Civilians in Conflict (CIVIC)
- **Rachel Stohl**, Vice President of Research Programs, Stimson Center
- **Lauren Woods**, Director, Security Assistance Monitor
- **Kate Kizer**, foreign policy columnist (moderator)

### Video

Video is available on the Forum website ([link](#)) and can also be watched directly at <https://youtu.be/ON9pMitmDfc?t=135>

Senator Murray's introductory message, as a standalone video, is available at <https://youtu.be/kkiJfRQQ5KU>



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### Recommendations

As a follow up to this session, panelists provided the following recommendations. *The Forum on the Arms Trade does not itself take positions, but does provide a mechanism for the sharing of experts' ideas. Inclusion here does not indicate endorsement or agreement by the Forum, other panelists, or event so-sponsors.*

### **Annie Shiel, Senior Advisor for U.S. Policy and Advocacy, Center for Civilians in Conflict (CIVIC)**

#### Recommendations:

#### Congress should:

- Better use and enforce existing laws that are often underutilized by Congress and ignored by the executive branch, such as Section 502B of the Foreign Assistance Act and application of the Leahy laws to arms transfers.
- Enact legislation that adds new requirements for the executive branch in terms of how it makes arms transfer decisions, including but not limited to: explicitly requiring the executive branch to consider human rights and civilian harm issues when it makes arms transfer decisions, including by prohibiting sales to governments with specific records of violating human rights and international humanitarian law; using legislation to clarify the application of the Leahy law to arms transfers; and requiring that end-use monitoring actually monitor the use of US weapons in human rights violations and civilian harm, which despite its name, end-use monitoring does not currently do. The SAFEGUARD

Act, Values in Arms Export Act, and Stop Arming Human Rights Abusers Act are all valuable examples of this approach.

- Enact legislation that takes back Congressional power over arms sales by “flipping the script” on arms transfer powers. The National Security Powers Act, introduced by Senators Murphy, Lee, and Sanders, and the National Security Reforms & Accountability Act, its companion in the House led by Congressman McGovern, would require Congress to affirmatively authorize arms sales for a subset of riskier items.

#### Resources:

- On using existing Law: “[Human Rights, Civilian Harm, and Arms Sales: A Primer on U.S. Law and Policy](#),” American Bar Association (ABA) and the Center for Civilians in Conflict (CIVIC), February 2022.
- An agenda for new legislation: “[Great Responsibility: A Legislative Reform Agenda for U.S. Arms Transfers and Civilian Harm](#),” CIVIC and Stimson Center, October 2020.
- One-pager on what Congress can do: “[U.S. Arms Transfers: Legislative Reform Agenda](#),” CIVIC.
- On “flip the script”: “[Time to flip the script on congressional arms sales powers](#),” *The Hill*, March 2020.

#### **Rachel Stohl, Vice President of Research Programs, Stimson Center**

#### Recommendations:

- The Biden Administration must urgently complete and implement a new Conventional Arms Transfer Policy that elevates human rights and international humanitarian law as key considerations in U.S. arms transfers. Vitaly, the policy should commit the United States to more rigorous pre-and post-transfer risk assessments, especially for human rights of IHL breaches, and reduce the burden of proof required to withhold ongoing or future arms transfers.
- Re-sign and ratify the Arms Transfer Treaty. President Trump announced in 2019 that the United States would withdraw from the Arms Trade Treaty (ATT) and would no longer seek the agreement’s ratification, falsely claiming that the instrument infringed on U.S. sovereignty and domestic gun rights. The Treaty is an invaluable mechanism regulating the international trade in conventional arms creating global standards that help promote international peace and security, and the United States, as a matter of national interest, should urgently re-engage to see it implemented.
- Re-institute a U.S. ban on the United States’ development, production, and use of anti-personnel landmines. Landmines are internationally recognized as posing a disproportionate threat to civilians, especially children, long after the hostilities that may have catalyzed their deployment have ceased. Many others have questioned their tactical value to U.S. military operations. President Biden should fulfill his campaign promise and recommit the United States to ending their use and development.

Resources:

- [“Toward A More Responsible US Arms Trade Policy: Recommendations for the Biden-Harris Administration,”](#) *Just Security*, January 19, 2021.
- [“Improving U.S. Conventional Arms Policies?”](#) *Arms Control Today*, January/February 2021.
- [“The US Just Gave Great Legitimacy to Landmines,”](#) *InkStick*, February 10, 2020.
- [“Two Years Later, President Trump’s Landmine Policy Remains,”](#) FCNL, January 31, 2022.
- [“Trump Un-signs The Arms Trade Treaty: How Did We Get Here?”](#) *War on the Rocks*, May 3, 2019.

**Lauren Woods, Director, Security Assistance Monitor**

Recommendations:

- **Provide public reporting on direct commercial sales notifications:** Unlike foreign military sales, direct commercial sales are not made public at the time of the notification, meaning billions of dollars in proposed arms transfers each year are moving forward without public knowledge. While the federal government does have a legal obligation to protect proprietary commercial information or trade secrets that have been cited as preventing improved public disclosure of commercial sales, the civic interest at stake provides the federal government with ample legal justification for improved transparency. The Department of State should disclose congressional notifications for direct commercial sales as is standard practice for foreign military sales, and include specifics about the defense article or service being proposed for license, details on the recipient, and the anticipated dollar value of the sale.
- **Provide detailed yearly reporting on U.S. security assistance and cooperation:** In addition to arms sales, the United States provides hundreds of millions of dollars in defense articles, services, and direct grant support to foreign security institutions through U.S. security assistance programs. Accordingly, the Departments of State and Defense should provide annual and publicly available reporting on funds obligated and expended each fiscal year on U.S. security assistance by assistance/cooperation program and country, with explanations for the purpose of assistance. These reports should cover all assistance and cooperation programming authorized under titles 22 and 10 of the U.S. Code.

Resources:

- [Forum on the Arms Trade](#) resources
- [Security Assistance Monitor](#) databases
- [“Human Rights, Civilian Harm, and Arms Sales: A Primer on U.S. Law and Policy,”](#) American Bar Association (ABA) and the Center for Civilians in Conflict (CIVIC), February 2022.