

Conventional Arms

Background

The arms trade is a multibillion-dollar business and the United States remains the world's largest exporter—concluding nearly \$13 billion in arms transfer agreements and completing 45.6% of all global arms deliveries in 2005. As the United States conducts its war on terrorism, it has used arms transfers to win support for U.S. policies. In many cases, weapons have been provided to states that the United States has criticized for human rights violations, authoritarian regimes, and links to terrorist organizations. Since 2001, the United States has even supplied military assistance to nine countries in which children were recruited or used as soldiers by government security forces or government-sponsored armed groups.

Conventional weapons, including small arms, enter the black market through a variety of routes: intentional violation of regional or international sanctions and embargoes; looting of national arsenals; theft and loss from government and military stocks and from civilian owners; sale for cash by soldiers; individuals buying weapons legally and reselling them illegally; and craft production (a crude, small-scale, hand-made version of weapons production). These weapons fuel or reignite conflicts, provide tools for criminal violence, disrupt peacebuilding and development, and appeal to terrorists, insurgents, and criminals.

Man-portable Air Defense Systems (MANPADS)

MANPADS are lightweight guided missiles designed for use by small teams of soldiers against fast, low-flying military aircraft. Their key characteristics—portability, ease of use, and lethality—also make them attractive to terrorists and insurgents, who have used them repeatedly against military aircraft and civilian airliners. Efforts to prevent terrorist acquisition and use of MANPADS began shortly after their invention in the late 1960s, but these efforts were largely ad hoc and halfhearted until 2002, when al Qaeda-affiliated terrorists attempted to shoot down an Israeli airliner departing from a Kenyan airport. Since then, the United States has led a rigorous global effort to improve stockpile security, export controls, and airport perimeter security; develop anti-missile systems for commercial aircraft; recover loose missiles; and destroy surplus missiles in insecure foreign stockpiles.

Cluster Munitions and Landmines

International humanitarian law prohibits the use of some types conventional weapons, many of which are included in the Convention on Certain Conventional Weapons. Antipersonnel landmines and cluster munitions are two weapons the United States needs to take additional action to control due to their indiscriminate nature and lasting effects on civilian communities. The United States remains a non-signatory to the Ottawa Landmine Convention, which bans the use of antipersonnel landmines.

Export Control “Reform”

The United States has a sophisticated arms export control process, including a thorough export licensing system. For nearly a decade, advocates of defense trade “reform,” including the U.S. defense industry, have attempted to relax export controls. In 2002, the Bush administration undertook a secretive review of defense trade policy known as National Security Presidential Directive (NSPD) 19. According to a 2002 fact sheet, the focus of the review included modifying

key laws and regulations (including technology transfer policies) to improve interoperability and “facilitate the ability of the U.S. military to benefit from commercial developments and international cooperation.” After a dramatic showdown with outgoing House International Relations Committee Chairman Henry Hyde (R-IL), the Bush administration decided to shelve the initiative. The Aerospace Industry Association has recently announced that it will renew its efforts to “reform” the U.S. export control system—possibly in ways that would minimize Congressional involvement—and has made such reform a priority over the next two years.

Talking Points

- **The United States concluded nearly \$13 billion in worldwide arms transfer agreements in 2005 and completed 45.6% of all global arms deliveries in 2005.**

The U.S. has provided weapons to countries with poor human rights records, authoritarian regimes, and links to terrorist organizations.

- **Approximately 648 million small arms and light weapons are in circulation worldwide.**

Misuse of these weapons causes hundreds of thousands of deaths and injuries per year, stymies development, and deprives needy populations of economic opportunities. The global legal small-arms trade is worth \$4 billion annually and the illicit market is worth an additional \$1 billion each year.

- **Hundreds of thousands of children are used as soldiers in at least 20 countries and territories.**

The armed forces (or government-sponsored armed groups) in 11 of these countries have used children as soldiers, and the U.S. government has supplied nine of them with military assistance since 2001.

- **Current U.S. efforts to eliminate the threat from illicit MANPADS are laudable but insufficient. Additional measures, including the development of launch control technology, should be pursued immediately.**
- **The International Campaign to Ban Landmines estimates that 15,000–20,000 people are maimed or killed by landmines each year and that millions more suffer from the agricultural, economic, and psychological impact of the weapons.**

More than 150 nations, including close U.S. allies, have banned antipersonnel mines—but not the United States. The U.S. is one of only 13 countries that produce or reserve the right to produce antipersonnel mines.

- **Thirty four countries and 85 companies are known to have produced more than 210 different types of cluster munitions; the U.S. stockpiles over one billion cluster sub-munitions.**

Prior Legislation

Most conventional arms control efforts occur within international organizations rather than at the national level. Thus, congressional action on the conventional arms trade has often consisted of “Dear Colleague” letters and written communication to the administration. Several letters

addressing small arms and an international arms trade treaty were circulated within Congress and sent to members of the Bush administration in 2006. The following legislative efforts were also undertaken:

Cluster Munitions

Controlling cluster munitions is a new issue for Congress. Israel's use of cluster munitions in Lebanon during the war in the summer of 2006 brought renewed attention to the deadly consequences of these weapons. Sens. Dianne Feinstein (D-CA) and Patrick Leahy (D-VT) introduced an amendment to the FY 2007 Defense Appropriations bill aimed at preventing the hundreds of unnecessary civilian deaths and injuries caused every year by unexploded cluster bombs. Their September 2006 amendment would have prohibited funds for the purchase, use, or transfer of cluster bombs until the Department of Defense adopts rules of engagement to ensure that cluster bombs are not used in or near any concentration of civilians. The amendment failed 30-70.

Conventional Weapons Threat Reduction

In December 2006, the Senate passed S. 2566 (the Lugar-Obama initiative) as part of H.R. 6060. The initiative expands the United States' efforts at cooperative destruction of conventional weapons while bolstering weapons of mass destruction interdiction efforts conducted by the State Department. In particular, the bill authorizes the State Department to utilize funds "for the elimination or safeguarding of MANPADS and other conventional weapons," although it does not specify the amount of funds that should be utilized.

Landmines

For the first time in almost ten years, the U.S. seems poised to restart production of antipersonnel mines. Budget documents reveal that the Defense Department planned to make a decision in December 2005 on whether to begin production of a new landmine called Spider. Congress delayed the decision by including a provision in the FY 2006 Defense Appropriations bill that requires the Secretary of the Army to conduct a review of new landmine technologies and report on the possible indiscriminate effects of these new systems before any production decision is made. In August 2006, Sens. Patrick Leahy (D-VT) and Arlen Specter (R-PA) introduced the "Victim-activated Landmine Abolition Act of 2006" (S. 3768), and Reps. McGovern (D-MA) and English (R-PA) introduced a companion bill, H.R. 6178, on September 26. The bills prohibit the United States from procuring landmines and other victim-activated weapons under any circumstances. Their passage would freeze the production of all victim-activated weapons, including landmines, and halt the Bush administration's plans to produce new antipersonnel mine systems such as Spider.

MANPADS

Since 2002, lawmakers have passed several laws that address the MANPADS threat. P.L. 108-11 directs Department of Homeland Security (DHS) to prepare a program plan for the development of an anti-missile system for commercial aircraft. P.L. 108-458 directs the President to pursue international agreements on export controls and destruction of surplus and illicit MANPADS; calls on the Federal Aviation Administration to establish a process for quickly certifying missile defense systems for commercial aircraft; and requests reports from DHS and State on their respective counter-MANPADS efforts. Various appropriations bills have provided more than

\$200 million for DHS's anti-missile system program and more than \$30 million for securing and destroying surplus and illicit MANPADS.

Small Arms

In 2001, Sens. Feinstein (D-CA), Leahy (D-VT), and Akaka (D-HI) introduced the Security and Fair Enforcement in Arms Trafficking Act of 2001 (S. 1555), a bill to increase congressional ability to stop any U.S. small-arms weapon export that could be used to commit human rights abuses, support terrorism, destabilize democratically elected governments, or undermine international stability. The bill primarily consisted of "sense of Congress" resolutions, but the provision requiring that the threshold for congressional notification of proposed Category 1 firearms exports be lowered from \$14 million to \$1 million was enacted into law as part of H.R. 1646. In 2004, Sens. Feinstein, Leahy, and Akaka introduced S. 2627, a bill to strengthen legal controls over small-arms and light weapons exports and remedy the deficiencies in U.S. conventional weapons export policy. The bill included "sense of Congress" resolutions as well as reports on foreign cooperation with U.S. small-arms programs. No sections of S. 2627 were enacted into law.

Legislative Recommendations for 2007

- Ban cluster munitions.

Sen. Feinstein (D-CA) has announced that she will introduce legislation to ban the use of federal funds for cluster bombs until the Defense Department has articulated a new policy that will minimize civilian death and suffering from these weapons.

- Closely monitor defense export reform.

Prevent the defense industry and the administration from developing and implementing changes to the U.S. defense export system that would bypass congressional oversight or weaken export controls.

- End military assistance to countries using child soldiers.

A bill will be introduced at the beginning of the first session of the 110th Congress that will prohibit five categories of U.S. military assistance to countries using child soldiers and encourage governments to disarm, demobilize, and rehabilitate child soldiers from government forces and government-supported paramilitaries.

- Ban landmines.

Sens. Leahy (D-VT) and Specter (R-PA) and their House colleagues should reintroduce the Victim-activated Landmine Act in the early months of the 110th Congress.

- Develop launch control technology for MANPADS.

Congress should establish an independent research body to conduct a feasibility study of possible launch control devices and fast-track the most promising technology.

- Increase monitoring of small arms.

A comprehensive small-arms bill is anticipated that may clarify the mandate of the Export Control and Related Border Security Assistance (EXBS) program to include small arms and light weapons; require U.S. troops to gather information about small arms and light weapons

(including MANPADS) that have been collected and/or destroyed in Iraq and Afghanistan; and establish comprehensive transparency mechanisms for small-arms transfers.

Additional Resources

Center for Defense Information

<http://www.cdi.org/>

Federation of American Scientists: Arms Sales Monitoring Project

<http://fas.org/asmp/>

Friends Committee on National Legislation: Conventional Weapons

<http://www.fcnl.org/weapons/>

U.S. Campaign to Ban Landmines

<http://www.banminesusa.org/>