

United States Senate

WASHINGTON, DC 20510

January 12, 2006

The Honorable Condoleezza Rice
Secretary of State
US Department of State
Washington, DC 20520

Dear Madame Secretary:

We write to encourage your support for adding strong arms export criteria to the United Nations Program of Action on the illicit trade of small arms and light weapons set to be discussed at the United Nations in January and July 2006. Despite some progress in combating the illicit proliferation of small arms and light weapons, more must be done to prevent such transfers that supply terrorist organizations, fuel deadly conflicts and human rights violations, and inhibit economic development.

In the last 15 years, the massive proliferation of arms – particularly assault rifles and shoulder-fired missiles – has led to devastating consequences for civilians around the world. Encouraged by the easy access to arms in the post-Cold War environment, insurgents, guerrilla movements, and repressive regimes initiated or prolonged scores of conflicts in Africa, Latin American, Asia, and the Middle East. Hundreds of thousands have died, including American citizens. Many more men, women, and children have been maimed, forced to flee their homes, and lost their livelihoods.

A significant source of arms to conflict zones and to known human rights violators continues to be irresponsible arms exports, which often fuel the illicit arms trade. While the United States has export controls intended to prevent arms transfers to abusive regimes or countries at war, other countries lack similar controls. For example, several countries from Europe to the Middle East to Asia reportedly sent thousands of dollars worth of small arms and light weapons to the government of Sudan in 2002 or 2003. At the time, the United States and the European Union had an arms embargo on the government of Sudan due to its civil war and persistent human rights violations. In addition, many countries continue to export small arms and light weapons without verifying the authenticity of proposed end-users, which has led to the illegal supply of those arms to U.S. designated foreign terrorist organizations.

The United States has long recognized the devastating effects of irresponsible arms exports. It has adopted some of the strictest arms export laws and policies in the world and supported strong arms export control standards in multilateral agreements within the Wassenaar Arrangement and the Organization for Security Cooperation in Europe, among others. The United States, however, has yet to promote strong, delineated arms export standards in the United Nations Program of Action.

In its current form, the Program of Action lacks the specificity it needs to more effectively urge governments to export arms responsibly. Even though governments have agreed in the Program to export arms consistent with relevant international law, this global agreement neglects to define those specific criteria, and governments have different understandings of the status and implications of relevant international law. The current varying or vague arms export criteria defined in regional and multilateral instruments further confuse government understanding, contributing to irresponsible transfers with devastating effects.

We, therefore, urge you to push for strong, specific arms export criteria in or supplement the United Nations Program of Action. Guided by the United States' own arms export standards, we encourage you to push for strict criteria that include the prevention of: 1) arms transfers that are likely to violate international or regional treaties, including arms embargoes; 2) arms transfers that are likely to be used for terrorism and gross human rights violations; 3) arms transfers that will negatively effect internal or regional peace and security; and, 4) arms transfers that can be diverted for any of the above purposes.

While the addition of strong, specific arms exports criteria to the United Nations Program of Action is no panacea, they would be an important tool to pressure governments to refrain from exporting arms to deadly conflict zones and U.S. designated foreign terrorist organizations. We urge you to support and push for strong export criteria during the January and July 2006 United Nations Review Conference negotiations.

Thank you for your attention to this urgent matter.

Sincerely,

Jimme Kristin

Patrick Leahy

Tom Harkin

Frank R. Lautenberg

Barbara Boxer

Sam Alaker

Mark

Dick Durbin

Joe Biden

Mark Dayton

Robert U. Menendez

Bull Dog

Carl Levin

James M. Jeffords