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Spring 2022

Eliminating Arms Sales to Human Rights Abusers

Advocacy Asks and Strategies for
the Episcopal Church

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UNIVERSITY OF VIRGINIA

FRANK BATTEN SCHOOL OF LEADERSHIP AND PUBLIC
POLICY, CLASS OF 2022

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EXECUTIVE SUMMARY

The United States routinely sells weapons to nations engaged in deadly conflicts, seemingly without discrimination between high- and low-risk customers and without regard to recipient countries' human rights records. The Episcopal Church's Office of Government Relations is looking to evaluate what impact they can have on the federal level to reduce or outright eliminate conventional weapons transfers to states who will use them to commit human rights violations. This report provides the client with a solid overview of current legal arms transfer authorization frameworks, details the current expert-led consensus on how to improve the situation, evaluates multiple policy advocacy strategies, and finally details which policy asks are feasible and practical while also providing some advice on basic implementation strategies.

Policy Problems Addressed In This Report:

1. What are sensible, feasible policy asks the organization can bring to the table to reduce U.S. arms sales to particularly bad actors? Are there specific limitations or conditions that the client should prioritize when talking to stakeholders?
2. How should the client go about engaging in advocacy on this issue and what goals should they work towards? What are some effective avenues the client can pursue and/or what steps should they take to achieve key policy priorities?

Issue Background: The U.S. government is subject to a variety of laws, both domestic and international, governing the manufacture, stockpiling, sale, and transfer of conventional weapons, especially to human rights violators. The most important of these laws include the Arms Export Control Act, the 1961 Foreign Assistance Act, and the Leahy Laws, all of which include provisions for revoking transfer approval to bad actors who use U.S.-made weapons to commit human rights violations. However, these laws and regulatory frameworks contain substantial legal gaps, are subject to uneven enforcement, and lack any real transparency and accountability measures.

The Church's Position: Over the years, various Church leaders have advocated for strict limitations or the complete elimination of the use of weapons. Most relevantly, General Convention passed a resolution in 1994 "deploring the sale and export of conventional arms of war" and urging Congress to enact legislation that prohibits the sale and export of such arms, both domestically and internationally. This resolution gives the Office a clear and explicit long-term policy framework on which to base advocacy asks: the Church's end goal is to prohibit the sale and export of conventional arms of war entirely, both domestically and internationally.

Core Issues and Policy Options: Expert consensus on the core issues facing arms control advocates concerned with the human rights impact has generally coalesced around three major areas of concern: risk assessment concerns, since the risk of conflict escalation or a recipient committing human rights violations with U.S.-provided weapons is not a consistent deterrent for exportation approval despite multiple legal attempts to assure its prioritization; the data and policy evaluation vacuum that exists for both government officials and the public; and the fact that there is little to no external accountability or oversight power, leaving Congress with little real control over Executive Branch authorization of arms sales and exportation.

Given the Office's current capacities and limitations, this report focuses on advocacy options and recommendations that a) prioritize strengthening and enforcing existing arms control laws and b) grow the Office of Government Relations' capacity to advocate in this policy space. There are four main "baskets" of policy options that OGR could potentially prioritize to work governmental levers around weapons sales and human rights: asks to increase reporting transparency, asks aimed at strengthening the current arms sales regulatory approval process, new conditionality-based policy asks, and limitation-based proposals.

Recommendations: After evaluating these advocacy asks based on their legal feasibility, political viability, effectiveness at achieving the Church's core policy goals, and the sustainability of the advocacy ask, the report divides its recommendations into two roadmaps: short-term and long-term policy priorities.

In the short-term, the report recommends that OGR prioritize transparency and regulatory-based advocacy asks, with an eye towards 1) asking legislators to implement standard reporting and oversight reporting mechanisms, and 2) asking both Congress and relevant Executive Branch agencies to exercise stricter enforcement of existing sales vetting and authorization procedures. Regarding capacity-building, OGR should work to create internal "best practices" guidelines to guide future advocacy on specific arms transfer policy proposals and a checklist of community mobilization goals that will help OGR educate and mobilize constituents on arms control issues.

In the long-term, the Office should focus on achieving more permanent conditional or limitations-based advocacy asks, including 1) asking key legislators and executive branch officials to introduce bills and regulations aimed towards conditioning or limiting continued arms sales on responsible use and adherence to certain human rights conditions, and 2) setting long-term advocacy goals of achieving the full cessation of conventional arms sales and achieving a uniform regulatory structure to condition arms sales and exportation based on their potential human rights impact. More broadly, the Office needs to work on building their institutional capacity to engage in policy advocacy in order to maximize impact.

The report also contains two additional recommendations: one, that OGR staff to push for the Episcopal Church to pass a new resolution at General Convention (next meeting in July 2022) that includes a re-affirmation of the 1994 resolution's agenda and updated language accounting for cyber-based weaponry and lethal autonomous and semi-autonomous systems. Two, that OGR petition General Convention for a budget increase for the purpose of either hiring an additional staff member or providing allocations for outside consultant work, since the client identified the lack of staff as a sizable operational gap and impediment to achieving desired advocacy impact.

Implementation Guidance: Finally, the report lays out some basic guidance on recommendation implementation strategies and steps OGR can take to set and work towards achieving long-term goals. These implementation strategies include identifying coalition opportunities and building relationships, building OGR's advocacy capacity by creating a network of outside experts, notes on how the Office might go about establishing a general guidance framework to guide policy decisions around arms sales, and thoughts on community outreach and mobilization tactics.

INTRODUCTION

The United States routinely sells weapons to nations engaged in deadly conflicts, seemingly without discrimination between high- and low-risk customers and without regard to whether or not these nations have horrendous human rights records or are engaged in deadly conflict. This lack of discrimination is dangerous; irresponsible arms transfers and weapons misuse cause widespread, acute suffering around the world, and these violating governments have used American weapons to oppress and terrorize their own people, commit human rights abuses, conduct brutal civil wars, and, in some cases, fight Americans with their own weapons.¹

With the Biden administration's recent approval of a \$2.5 billion arms deal to the Philippines²—a nation currently embroiled in International Criminal Court investigations over President Duterte's brutal "war on drugs"—and a \$650 million weapons deal to Saudi Arabia last November,³ just months after President Biden indicated that he would end U.S. military support for Saudi Arabia's "offensive operations" in Yemen, the human rights community is concerned that President Biden is not living up to his promises to center human rights in U.S. foreign policy.

The Episcopal Church's Office of Government Relations is looking to evaluate what impact they can have on the federal level to reduce or outright eliminate arms sales to states who will use them to commit human rights violations. This report is aimed at providing the client with a solid overview of the current situation regarding arms sales, detailing the current expert-led consensus on how to improve the situation, evaluating multiple policy advocacy strategies, and finally detailing which policy asks are feasible and practical while also providing some advice on basic implementation strategies.

PROBLEM STATEMENT

Transferring weapons to foreign countries, while financially lucrative and sometimes politically valuable, often props up authoritarian regimes with appalling human rights records (such as Saudi Arabia and Egypt) while exacerbating regional conflict. It also comes with a variety of unintended negative externalities for the United States and the world at large, including but not limited to bad actors transferring U.S.-made weapons to terrorist groups, like Saudi Arabia giving U.S.-made weapons to al Qaeda-linked fighters,⁴ intensifying conflict, and causing American troops to encounter hostile forces armed with American-made weapons the United States sold to allies—

¹ Thrall, A. Trevor, and Caroline Dorminey. "Risky Business: The Role of Arms Sales in U.S. Foreign Policy." Cato Institute. March 13, 2018. <https://www.cato.org/policy-analysis/risky-business-role-arms-sales-us-foreign-policy>.

² Aspinwall, Nick. 2021. "U.S. to Sell Philippines Arms despite No Human Rights Reforms." Nikkei Asia. February 24, 2021. <https://asia.nikkei.com/Politics/International-relations/Biden-s-Asia-policy/U.S.-to-sell-Philippines-arms-despite-no-human-rights-reforms>.

³ "Biden Administration Approves \$650m Weapon Sale to Saudi Arabia." Al Jazeera. November 4, 2021. <https://www.aljazeera.com/news/2021/11/4/biden-administration-approves-650m-weapon-sale-to-saudi-arabia>.

⁴ Elbagir, Nima, et al. "Sold to an Ally, Lost to an Enemy: U.S. Arms Sold to Saudi Arabia and UAE End up in Wrong Hands." CNN, February 2019. <https://www.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/>.

such as what happened in Somalia in 1991 or with the Taliban after the fall of Afghanistan in 2021.⁵ U.S.-backed arms sales also help fuel global corruption (40% of which originates in the international arms trade)⁶ and, more importantly, routine civilian casualties in places of active conflict like Yemen, Egypt, and Nigeria.⁷

Given these grim realities, it is worth getting a more comprehensive understanding of the issue to understand what feasible arms control advocacy goals look like for religious institutions such as the Episcopal Church. This project aims to look at three core issues (what U.S.-made weapons are being sold and used, what the human cost of using these weapons is, and what political levers exist within the U.S. government regarding weapons sales to human rights violators) and structure a path forward within the moral framework of Episcopalian theology for effective religious-based advocacy in this space.

To do so, this report will aim to answer two questions:

3. What are sensible, feasible policy asks the organization can bring to the table to reduce U.S. arms sales to particularly bad actors? Are there specific limitations or conditions that the client should prioritize when talking to stakeholders?
4. How should the client go about engaging in advocacy on this issue and what goals should they work towards? What are some effective avenues the client can pursue and/or what steps should they take to achieve key policy priorities?

CLIENT OVERVIEW AND GOALS

The Office of Government Relations (OGR) represents the official policy priorities of the Episcopal Church to the United States government in Washington, D.C. They aim to shape and influence federal policy and legislation on critical issues, “highlighting the voices and experiences of Episcopalians and Anglicans globally.” Their work is grounded in the resolutions of the General Convention and Executive Council, the legislative and governing bodies of the Church. The Office structures the majority of their work around five central policy priority areas: environmental protection, refugee and immigration policy, anti-poverty initiatives, human rights and peacebuilding, and racial justice.⁸

OGR staff have a robust communication network between themselves, constituents, and policy changemakers, but face a major operational gap: as a small team staffed by less than ten people,

⁵ Ali, Idrees, Patricia Zengerle, and Jonathan Landay. “Planes, Guns, Night-Vision Goggles: The Taliban’s New U.S.-Made War Chest.” *Reuters*, August 19, 2021. <https://www.reuters.com/business/aerospace-defense/planes-guns-night-vision-goggles-talibans-new-us-made-war-chest-2021-08-19/>.

⁶ Feinstein, Andrew, Paul Holden, and Barnaby Pace. “Corruption and the Arms Trade | SIPRI Yearbook 2011: Armaments, Disarmament, and International Security.” *SIPRI*. 2011. <https://www.sipri.org/yearbook/2011/01>.

⁷ LaForgia, Michael, and Walt Bogdanich. “Why Bombs Made in America Have Been Killing Civilians in Yemen.” *The New York Times*, May 16, 2020. <https://www.nytimes.com/2020/05/16/us/arms-deals-raytheon-yemen.html>.

⁸ “About Us.” *The Episcopal Church: Office of Government Relations*. <https://www.episcopalchurch.org/ministries/office-government-relations/about-us/>.

Office staff do not necessarily have the resources to devote to researching and addressing lower priority issues; their advocacy on such topics is thus significantly less effective than it could be and inhibits the Office's ability to actively shape the public narrative and control the legislative agenda. As such, OGR's goals for this report are to determine a fuller picture of what sensible advocacy goals look like in this policy space and where the Office can make the greatest impact.

CLIENT CAPACITY: OGR'S ROLE IN THE ADVOCACY AND LEGISLATIVE PROCESS

OGR is a small office that nonetheless has a large advocacy impact. As the official policy advocacy and government relations arm of the American Episcopal Church, the Office has connections and outreach capacity that other organizations of their size do not. In addition to their connections with federal regulators, coalition interest groups, and executive branch officials, they also operate the Episcopal Public Policy Network (EPPN), a grassroots network dedicated to educating and preparing normal Episcopalians to engage in direct advocacy work on key policy issues.

The bulk of OGR's operations revolve around advocating for key Church policy priorities to the federal government through policy analysis, meetings with congressional officials, leading and participating in issue visibility campaigns in coalition with other groups (holding press conferences, issuing statements, sending out constituent 'action alerts' via the EPPN urging Episcopalians to contact their representatives on issues, etc), and facilitating meetings between Anglican/Episcopal leadership and government officials.

However, as an Office they are subject to three very important limitations:

1. **Lack of Ability to Set Policy:** It is not the Office's job to set policy priorities. The Church, via General Convention resolutions and Executive Council statements, sets official policies and takes stances on political issues. OGR's job is simply to advocate for positions the Church has taken and policy-based programs they operate to the best of their ability.
2. **Limited Scope of Options:** OGR is strictly a government relations office, not a legal or service-based one. Litigation isn't an option, though they have in the past signed onto amicus briefs and advocated on behalf of the Church in certain limited types of legal proceedings. They also currently have no capacity to create and propose draft legislative language to federal officials given the lack of staff time and legal expertise to do so.
3. **Limited Resources:** OGR operates on an annual budget of just under \$1 million and fewer than ten people working in the office at any given time, with only three full-time permanent employees, a few part-time staff, and two interns.⁹ Given the Office's size, each full-time advisor has a large policy portfolio to juggle and must prioritize their time and energy wisely.

Any policy recommendations must therefore keep the Office's limited capacity in mind while also emphasizing the unique assets they can leverage in creative and strategic ways.

⁹ "Episcopal Church 2022 Budget (Approved)." *The Episcopal Church*.
<https://www.episcopalchurch.org/wp-content/uploads/sites/2/2021/11/EC-2022-budget-approved-EC-10282021.pdf>.

ISSUE BACKGROUND

To effectively contextualize policy recommendations, I would like to first detail a bit of the history and political context of U.S. arms sales to foreign countries, giving a basic overview of current U.S. arms sales details and current international and domestic rules that currently regulate these sales. I will also discuss the Episcopal Church's official stances on this issue.

U.S. ARMS SALES: WHAT ARE WE SELLING, WHO ARE WE SELLING TO, AND WHY?

In the 16 years between 2002 and 2018, the United States sold over \$200 billion in major conventional weapons to 169 countries; by 2018, the U.S. was the leading exporter of weapons worldwide and had captured 36% of the global arms market (compared to 21% for Russia and 6.8% for France, the two next-highest ranking countries),¹⁰ and remains the top arms exporter today. These sales encompass everything from conventional rifles and ammunition to F-16 fighter jets and precision missiles. The top five recipient countries of U.S. weapons over the past 3-5 years all also happen to be routine human rights violators: Saudi Arabia, Israel, Egypt, Afghanistan, and Iraq.¹¹

Experts generally agree that there are three main arguments given for why the United States engages in conventional arms sales: the perceived national security and foreign policy benefits, political strategic considerations, and economic profit. According to the CATO Institute, advocates “argue that arms sales bolster American security by enhancing the military capabilities of allies, provide leverage over the behavior and policies of client nations, and boost the American economy while strengthening the defense industrial base.”¹² However, as CATO analysts and several other experts have pointed out, claims of arms sales generating legitimate economic benefits are rarely founded in factual analysis,¹³ the strategic benefit of arms sales is often of limited value,¹⁴ and they often generate a wide range of additional negative externalities for both the United States and recipient countries.¹⁵

¹⁰ Thrall, A Trevor, Jordan Cohen, and Caroline Dorminey. “Power, Profit, or Prudence? U.S. Arms Sales since 9/11.” *Strategic Studies Quarterly* 14 (2): 100-126. Summer 2020.

¹¹ “U.S. Arms Exports Data.” 2021. *Campaign Against Arms Trade*. June 3, 2021. <https://caat.org.uk/data/countries/united-states/us-arms-exports/>.

¹² Refer to Footnote 3

¹³ Caverley, Jonathan. “Dispelling Myths About U.S. Arms Sales and American Jobs.” *Carnegie Endowment for International Peace*. <https://carnegieendowment.org/2021/05/18/dispelling-myths-about-u.s.-arms-sales-and-american-jobs-pub-84521>.

¹⁴ Dunne, Frederic and Michele Wehrey. “From Hardware to Holism: Rebalancing America's Security Engagement With Arab States.” *Carnegie Endowment for International Peace*. May 18, 2021. <https://carnegieendowment.org/2021/05/18/from-hardware-to-holism-rebalancing-america-s-security-engagement-with-arab-states-pub-84520>.

¹⁵ World Peace Foundation. “On the Front Lines: Conflict Zones and U.S. Arms Exports.” *World Peace Foundation*. March 23, 2022. <https://sites.tufts.edu/reinventingpeace/2022/03/23/on-the-front-lines-conflict-zones-and-us-arms-exports/>.

Despite pledging to make human rights central to America's foreign policy,¹⁶ the Biden administration continues to sell weapons to states with multiple recent human rights violations, including the Philippines, Egypt, Saudi Arabia, and Israel. Instead of charting a new path forward and aggressively working to center human rights in international arms control conversations, Biden is instead continuing Trump-era policies and arms deals involving human rights abusers. An example of one such deal is the 2019 \$23 billion weapons deal with the UAE, who has used U.S.-made bombs (leading to many civilian deaths) during their operations in the Yemeni Civil War.¹⁷

THE UNITED STATES AND INTERNATIONAL ARMS CONTROL TREATIES

The majority of existing international arms control treaties are related to nuclear non-proliferation; while somewhat connected to laws governing the sale and use of conventional weapons, these initiatives often ran parallel to work in that space. However, there are a few important international treaties and frameworks for OGR to consider when advocating for arms control measures.

The Episcopal Church has explicitly voiced their support for two specific arms control treaties: the 1997 Anti-Personnel Landmines Convention and the 2008 Convention on Cluster Munitions. Both conventions prohibit the “use, development, production, acquisition, stockpiling and transfer” of weapons whose existence was deemed to be particularly heinous and harmful to civilians and were important landmark agreements in the fight to minimize the negative human impact of the international arms trade.¹⁸ While they are limited to certain types of “high-risk” weapons, these treaties showcase an international desire to at least consider the human impact of armed conflict.

The United States, as one of the few states who has not ratified either Convention, is not legally subject to their terms, and has rarely even showcased a willingness to participate in international conversations about adherence.¹⁹ However, the U.S. does have exportation moratorium language included in various appropriations bills and executive branch agency policy frameworks (such as the Defense Security Cooperation Agency's Security Assistance Manual), so potential advocacy wiggle room does exist on that front. This is especially true given that Biden promised to roll back Trump-era changes regarding landmine use, though he has yet to fulfill those promises.²⁰

¹⁶ Lewis, Simon, and Humeyra Pamuk. “Biden Put Rights at Heart of U.S. Foreign Policy. Then He Pulled Punches.” *Reuters*, September 13, 2021. <https://www.reuters.com/world/asia-pacific/biden-put-rights-heart-us-foreign-policy-then-he-pulled-punches-2021-09-13/>.

¹⁷ Haltiwanger, John. “Biden Promised a Foreign Policy Centered on Human Rights, but Is Continuing Trump-Era Policies and Practices.” *Business Insider*. April 16, 2021. <https://www.businessinsider.com/biden-promised-to-prioritize-human-rights-but-continues-trump-policies-2021-4>.

¹⁸ “Convention on Cluster Munitions.” *The United Nations*. n.d. <https://www.un.org/disarmament/convention-on-cluster-munitions/>.

¹⁹ “United States Cluster Munition Ban Policy.” *Landmine and Cluster Munition Monitor*. November 24, 2020. <http://www.the-monitor.org/en-gb/reports/2020/united-states/cluster-munition-ban-policy.aspx>.

²⁰ Egel, Naomi and Adam Bower. “Undermining Norms? How the Antipersonnel Mine Ban Has Endured in U.S. Policy.” *Just Security*. July 14, 2021. <https://www.justsecurity.org/77412/undermining-norms-how-the-antipersonnel-mine-ban-has-endured-in-us-policy/>.

The other major international framework to take into consideration is the 2013 Arms Trade Treaty (ATT), the first global treaty to regulate a wide variety of conventional weapons. Before going into effect in 2014, there were more international laws regulating the banana trade than the arms trade.²¹ The aim of the ATT was to implement a clear, consistent set of international standards that must be met before states authorize international weapons transfers; countries who ratified it would have to establish national regulations regulating arms dealers and the transfer of “conventional arms and components.” However, it would not control the domestic use of weapons in any country.

While negotiations surrounding its creation often revolved around national security and reducing the black market arms trade, one of the treaty’s core goals was to reduce the human suffering caused by illegal and irresponsible arms transfers (and promote accountability and transparency by state parties concerning transfers of conventional arms.”²² The ATT’s passage was supported by many prominent religious organizations and leaders, including the World Council of Churches²³ and (notably, for OGR’s work) former Archbishop Desmond Tutu.²⁴

Following a consistent pattern of withdrawing from international treaties and governing bodies, President Trump announced in 2019 that the U.S. would withdraw from the ATT, which the U.S. signed but had yet to ratify. Fortunately, several of the provisions in the ATT were already U.S. law at the time of withdrawal, including vital regulatory structures such as the ATT’s export assessment framework recommendations. Whether the United States re-enters the ATT or not, the framework provided by its passage provides a valuable path forward for arms control advocacy.

DOMESTIC ARMS CONTROL LAWS AND CURRENT SALES APPROVAL FRAMEWORKS

The arms sales approval and exportation process is domestically governed principally by three laws: the 1976 Arms Export Control Act (AECA), the 1997 Leahy Laws, and the 1961 Foreign Assistance Act.²⁵ Congress theoretically has the authority to cancel arms deals under this law and has an explicit framework/process for doing so; however, it is important to note that Congress has never successfully blocked an arms sale and as a result, attempts to do so are infrequent.²⁶

²¹ Olabuenaga, Pablo. “Why the Arms Trade Treaty Matters – and Why It Matters That the U.S. Is Walking Away.” *Just Security*. May 8, 2019. <https://www.justsecurity.org/63968/why-the-arms-trade-treaty-matters-and-why-it-matters-that-the-us-is-walking-away/>.

²² Abramson, Jeff, and Greg Webb. “U.S. to Quit Arms Trade Treaty | Arms Control Association.” *Arms Control Association*. May 2019. <https://www.armscontrol.org/act/2019-05/news/us-quit-arms-trade-treaty>.

²³ Fykse Tveit, Olav. “Churches and the International Arms Trade Treaty: Limitations and Possibilities.” *World Council of Churches*. October 21, 2011. <https://www.oikoumene.org/resources/documents/churches-and-the-international-arms-trade-treaty-limitations-and-possibilities>.

²⁴ Control Arms. “Archbishop Desmond Tutu Supports Interfaith Declaration on ATT.” *Control Arms*. November 21, 2011. <https://controlarms.org/blog/archbishop-desmond-tutu-supports-interfaith-declaration-on-att/>.

²⁵ Thrall, A. Trevor, and Jordan Cohen. “Explaining U.S. Arms Sales.” *Cato Institute*. June 18, 2020.

²⁶ Cohen, Jordan. “Biden’s Conventional Arms Transfer Policy Review Could Be a Turning Point.” *War on the Rocks*. November 29, 2021. <https://warontherocks.com/2021/11/bidens-conventional-arms-transfer-policy-review-could-be-a-turning-point/>.

The primary law governing arms exports is the Arms Export Control Act (AECA) of 1976, in which Congress authorized the President—implemented primarily through the State Department, the Commerce Department, and Department of Defense—to control the import and export of “defense articles and services.” Exportation of these articles is only permitted if the U.S. government issues a license to an individual or organization to do so, and the law also includes restrictions on the production and exportation of certain types of weapons. In order to comply with the requirements laid out in AECA, the government must do a risk assessment in order to confirm that sales are unlikely to produce unwanted security or human rights outcomes.²⁷ However, AECA’s uneven implementation has left many vulnerabilities and inefficiencies open for exploitation;²⁸ most notably, these gaps have created the assumption and near inevitability of sales approval, a clear gap in American capacity to assess and address corruption risks²⁹ and an inability to restrict sales to human rights violators.³⁰

The second major law governing arms exports is the Foreign Assistance Act (FAA), which created the current foreign aid system by reorganizing the structure of existing foreign assistance programs, distinguishing between military and non-military aid, and creating the U.S. Agency for International Development (USAID) to implement non-military assistance programs. The FAA contains two main provisions to protect human rights in U.S. arms transfers, neither of which are utilized very often: a termination of ongoing arms transfers to countries and units who have been implicated in severe human rights abuses, and a blanket prohibition for future sales.³¹

Between a lack of willpower to actually enforce the human rights obligations of the FAA and a lack of transparency regarding aid usage, the U.S. government systemically fails to prioritize human rights when thinking about foreign aid. However, the status quo has significantly changed in recent years regarding aid documentation, reporting, and public accountability. Transparency laws have seen success in recent years after failing on multiple occasions;³² the Rubio-Cardin Foreign Aid Transparency and Accountability Act of 2016, for example, finally cleared both houses of Congress after multiple years of debate and was signed into law by President Obama.³³

The final important regulatory structure in place to prevent arms sales to human rights violators are the “Leahy Laws.” Named after their author, Senator Patrick Leahy, these provisions prohibit

²⁷ Refer to Footnote 3

²⁸ Ensign, Emma. “GAO Finds Gap in U.S. Export Controls.” *Arms Control Association*. August 2009. <https://www.armscontrol.org/act/2009-07/gao-finds-gap-us-export-controls>.

²⁹ Gavin, Harvey. “Major Gaps in American Corruption Risk Assessments for Arms Sales.” *Transparency International Defense & Security*. January 14, 2020. <https://ti-defence.org/america-arms-export-anti-corruption-controls-terrorist-attack-threat/>.

³⁰ Thrall, Trevor and Caroline Dorminey. “A New Framework for Assessing the Risks from U.S. Arms Sales.” *War on the Rocks*. June 13, 2018.

³¹ “Human Rights, Civilian Harm, and Arms Sales: A Primer on U.S. Law and Policy.” *Center for Civilians in Conflict*. February 2022.

³² Currier, Cora. “Obama Administration Helped Kill Transparency Push on Military Aid.” *ProPublica*. August 17, 2013.

³³ Saldinger, Adva. “U.S. Congress Approves Long-Sought Foreign Aid Transparency Act.” *Devex*. July 7, 2016.

the U.S government from using funds to assist foreign security forces who are implicated in “the commission of gross violations of human rights (GVHR).”³⁴ These laws apply to two agencies, the State Department and the Department of Defense, and are implemented using a case-by-case vetting process conducted by the departments. Congress supports the Leahy vetting procedures through directed allocations built into annual State and DOD appropriations bills.³⁵ The Leahy laws are a solid foundation for this work and relatively effective at *identifying* human rights violators, but regularly fail to prevent future sales to violators even after they have been identified. Effective implementation and oversight is challenged by, among other things, a lack of streamlined vetting procedures, disparate governance structures, and a lack of executive willpower.³⁶

Other relevant agencies to keep in mind are the U.S. Trade Office and Treasury Department, who have wide leeway over crafting and implementing trade embargos and sanctions implementation; OGR should also be aware that the National Defense Authorization Act (NDAA) often includes specific language aimed at restricting risky weapons transfers. The FY22 NDAA, for example, has several amendments aimed at strengthening the monitoring of U.S. security assistance and improving the Leahy Laws’ effectiveness.³⁷

THE EPISCOPAL CHURCH: OFFICIAL POSITIONS ON ARMS SALES

As a religious institution, The Episcopal Church primarily views arms transfers, especially within the context of armed conflict, as a moral issue. Human life and safety is sacred and should be protected by working to minimize and end conflict worldwide. These beliefs have wide-ranging implications for the Office’s arms control policy advocacy efforts, which should be grounded in official Church policy as much as possible. To that end, there are several relevant General Convention Resolutions (GCRs) for OGR to consider before crafting policy response.

Over the years, various Church leaders have advocated for strict limitations or the complete elimination of the use of weapons. As an official body, the Church has a long-standing tradition of supporting nuclear non-proliferation and disarmament, as seen in GCRs such as 1988-B013, 1994-D122, 1997-D022, and 2009-D060, and conventional weapons are no different. However, most of these resolutions are older, and the subject has rarely been brought up since 2000; the last GCR directly addressing arms control was a 2009 resolution urging for a ban on the “use, export, stockpiling, and production” of cluster munitions.³⁸

³⁴ Bureau of Democracy, Human Rights, and Labor. “Leahy Law Fact Sheet.” *United States Department of State*. January 20, 2021.

³⁵ Serafino, Nina M. “‘Leahy Law’ Human Rights Provisions and Security Assistance: Issue Overview.” *Congressional Research Service*. January 29, 2014. <https://sgp.fas.org/crs/row/R43361.pdf>

³⁶ McNerney, Michael J., et. al. “Improving Implementation of the Department of Defense Leahy Law.” *RAND Corporation*. 2017. https://www.rand.org/pubs/research_reports/RR1737.html.

³⁷ Ferran, Lee. “Curbing Dangerous U.S. Arms Sales: House NDAA Is A Win For Oversight, Accountability.” *Breaking Defense*. October 1, 2021. <https://breakingdefense.com/2021/10/curbing-dangerous-us-arms-sales-house-ndaa-is-a-win-for-oversight-accountability/>.

³⁸ “Acts of Convention: Resolution #2009-D078.” *The Archives of the Episcopal Church*. 2009. https://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2009-D078.

The most straightforward resolution on the subject is 1994-A104, in which the General Convention went on record as “deploring the sale and export of conventional arms of war” and urged Congress to enact legislation that prohibits the sale and export of such arms, both domestically and internationally.³⁹ This resolution gives the Office a clear and explicit policy framework on which to base advocacy asks: the Church’s end goal is to prohibit the sale and export of conventional arms of war entirely, both domestically and internationally. Since the Church passed that resolution, the issue has directly come up twice more: during the fight to ban the sale, stockpiling, and usage of antipersonnel mines internationally⁴⁰ and the aforementioned fight to ban cluster munitions.⁴¹ These resolutions were short and specifically tailored to those specific types of weapons, but provide useful language OGR can use to guide its response to the usage and sales of other weapons of war.

There is one final GCR with appropriate and relevant language to consider: a 1991 resolution regarding the violence in the Middle East that explicitly says that the Church “deplores the reintroduction of weapons of all kinds into the Middle East by any nation” and calls upon the U.S. government to “take all appropriate action to develop means to restrict and control all international arms sales and distribution.”⁴² Again, this language provides valuable guidance regarding how OGR should pursue advocacy; again, the Church’s official policy on the matter appears to be the restriction and ultimate elimination of arms sales entirely.

The Church has consistently reiterated its support for peaceful conflict resolution and respect for human rights⁴³ and also adopted a policy of divestment from military contractors in 2003, though little progress has actually been made since that resolution was passed.⁴⁴ However, there is also nuance to the Church’s stance on armed conflict, particularly in the realm of self-defense or protection of innocents; for example, a 2012 GCR affirms that sovereign states have a “binding moral responsibility...to protect their populations from mass atrocities, including genocide, war crimes, ethnic cleansing, and crimes against humanity” while also “strongly discourag[ing] the abuse of this norm to rationalize military actions.”⁴⁵ That resolution provides a valuable moral framework for OGR to evaluate arms control advocacy priorities more generally, especially given

³⁹ “Acts of Convention: Resolution #1994-A104.” *The Archives of the Episcopal Church*. 1994. https://episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=1994-A104

⁴⁰ “Acts of Convention: Resolution #1994-C023.” *The Archives of the Episcopal Church*. 1994. https://episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=1994-C023

⁴¹ “Acts of Convention: Resolution #2009-D078.” *The Archives of the Episcopal Church*. 2009. https://episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2009-D078

⁴² “Acts of Convention: Resolution #1991-D186.” *The Archives of the Episcopal Church*. 1991. https://episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=1991-D186

⁴³ “Acts of Convention: Resolution #1991-A160.” *The Archives of the Episcopal Church*. 1991. https://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=1991-A160

⁴⁴ Executive Council Resolution EXC042003.18.” *The Archives of the Episcopal Church*. 2003. https://www.episcopalarchives.org/cgi-bin/executive_council/EXCresolution.pl?exc_id=EXC042003.18.

⁴⁵ “Acts of Convention: Resolution #2012-A016.” *The Archives of the Episcopal Church*. 2012. https://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2012-A016

its explicit charge to OGR to advocate for the ability of states to carry out the Responsibility to Protect (R2P) Doctrine.

While resolution text remains in force and useful for policy advocacy initiatives as long as the language is relevant (regardless of how much time has passed), it is worth noting that the Office is, at this time, primarily relying on GCRs written thirty years ago to govern advocacy strategies. While the current language on conventional arms sales is strong, explicit, and straightforward, it is also somewhat dated and does not necessarily encompass the entirety of the issue given the advancement of technology over the past thirty years, particularly in the realm of cyberwarfare tools and artificial intelligence-assisted weaponry. The Church has also seen significant leadership turnover since those resolutions were passed; a re-affirmation of the values and policy goals expressed in these older resolutions would be useful to guide OGR's work.

CONSEQUENCES OF THE PROBLEM

As the CATO Institute's experts point out, historically the United States "has sold weapons to almost any nation that wanted to buy them—suggesting that the risk assessment process is rigged to not find risk."⁴⁶ This is most obvious in cases where the U.S. provides arms to areas and groups at risk of conflict escalation; as William Hartung noted, there were 50 active conflicts in the world in 1994 and the U.S. provided arms to at least one side in 45 of those 50 conflicts.⁴⁷ These numbers have sadly not improved in the last twenty years.

The lack of congressional prioritization of arms exportation regulation and long track record of law evasion by the executive branch has huge consequences for the U.S., recipient countries, and civilians around the globe. Various weapons sales and provided training services may not necessarily threaten the United States militarily (though they often do), but they are routinely used by recipient countries to engage in atrocities and mass violence against civilian populations. For example, the suffering and human cost of the Yemeni Civil War—which has claimed over 100,000 lives in the past seven years—has certainly been exacerbated and prolonged by the United States transferring arms to Saudi Arabia and the Saudi-led intervention coalition. The exploitation of these loopholes also harms U.S. human rights promotion efforts abroad and encourages U.S. complicity in human atrocities that have little sway over domestic political opinion.

WHAT ARE THE EXPERTS SAYING?

Most experts agree that the United States can do a lot more to reduce the security and human rights risks resulting from weapons sales. Expert consensus on the core issues facing arms control advocates particularly concerned about human rights impact is somewhat varied, but has generally coalesced around three major areas of concern:

1. The risk of a recipient committing human rights violations with U.S.-provided weapons is not a consistent deterrent for U.S. arms exportation approval despite multiple legal attempts

⁴⁶ Refer to Footnote 3

⁴⁷ Hartung, William D. "Nixon's Children: Bill Clinton and the Permanent Arms Bazaar," *World Policy Journal*: 12(2): 26. Summer 1995.

to ensure its prioritization; neither is the risk of conflict escalation and/or perpetuation of conflict.^{48 49 50}

2. A data and policy evaluation vacuum exists for both government officials and members of the public; there is limited transparency and a lack of efficacy analysis related to arms sales. This information is largely unavailable to the public, spread out over multiple agencies and reporting streams, and lacks critical information like “end-use monitoring” reports of how recipient nations use and misuse American weapons once they obtain them.^{51 52}
3. Congress has little real control over Executive Branch authorization of arms sales and exportation and is normally relegated to an “advise and consent” role in the process.⁵³ Under former President Trump, for example, Congress failed five times to block weapons sales to Saudi Arabia;⁵⁴ even as Congress has sought to exercise their authority in the aftermath of Jamal Khashoggi’s murder and the Kingdom’s gross human rights violations related to their conduct in the Yemeni Civil War, the Biden administration is still proceeding with a \$650 million sale of missiles and missile launchers after a “routine” pause to re-evaluate the sale.⁵⁵

These points have been consistently stated by a wide range of academic and government experts even as their reports, case studies, and practical evaluations are evaluated through a variety of different metrics. To achieve the greatest impact with their limited capacity, this report will primarily focus on how OGR might address these consensus issues rather than some of the other issues detailed earlier in the report.

POTENTIAL ADVOCACY OPTIONS: A QUICK OVERVIEW

After the broad review of existing laws and regulations covered earlier in this report and understanding both the realistic capabilities of the client and the limited scope of this report, a

⁴⁸ Dick, Shannon, and Rachel Stohl. “Global Arms Trade: Setting an Example for Responsible Policy.” *Stimson Center*. November 7, 2019. <https://www.stimson.org/2019/global-arms-trade-setting-example-responsible-policy/>.

⁴⁹ Refer to Footnote 30

⁵⁰ Refer to Footnote 3

⁵¹ Vittori, Jodi. “Mitigating Patronage and Personal Enrichment in U.S. Arms Sales.” *Carnegie Endowment for International Peace*. May 18, 2021. <https://carnegieendowment.org/2021/05/18/mitigating-patronage-and-personal-enrichment-in-u.s.-arms-sales-pub-84526>.

⁵² Fleurant, Aude. “Declining Transparency in Reporting on Arms Trade and Military Spending: Some Observations.” *Forum on the Arms Trade*. May 17, 2016. <http://www.forumarmstrade.org/2/post/2016/05/declining-transparency-in-reporting-in-arms-trade-and-military-spending-some-observations.html>.

⁵³ Stark, Alexandra. “Should Congress Play a Role in Arms Sales?” *Lawfare*. July 26, 2020. <https://www.lawfareblog.com/should-congress-play-role-arms-sales>.

⁵⁴ Abramson, Jeff. “Congress Fails to Block Saudi Arms Sales.” *Arms Control Association*. January 2022. <https://www.armscontrol.org/act/2022-01/news/congress-fails-block-saudi-arms-sales>.

⁵⁵ Whitson, Sarah Leah. “Congress Must Halt Biden’s Arms Sales to Saudi Arabia.” *Foreign Policy*. December 6, 2021. <https://foreignpolicy.com/2021/12/06/congress-saudi-arabia-arms-sales-biden-mbs-trump-sanders-rand-paul/>.

determination has been made to focus on advocacy options that a) prioritize strengthening and enforcing existing arms control laws and b) grow the Office of Government Relations' capacity to advocate in this policy space. Other options will be discussed and recommended as necessary; however, they will be discussed as lower-priority or long-term goals.

There are four main “baskets” of policy options that OGR could potentially prioritize to work governmental levers around weapons sales and human rights: asks to increase reporting transparency, asks aimed at strengthening the current arms sales regulatory approval process, new conditionality-based policy asks, and limitation-based proposals.

Increasing Reporting Transparency and Public Accountability: To effectively advocate for the reduction and elimination of arms sales to human rights violators, OGR (and coalition partners) must have an accurate picture of what arms are being sold, how much is being sold, who it's being sold to, and the usage statistics of the weapons being sold. Mechanisms like the Foreign Assistance Dashboard are a great start, but they are woefully incomplete and do not provide enough reporting details or sales transparency for OGR to effectively advocate on the issue. The federal government has several viable ways to accurately report or track the sales, exportation, and delivery of conventional arms; however, that information either isn't being reported or is spread out among several different agencies and reporting mechanisms. There is also a lack of consistency in how things are defined and counted; the information might be technically correct, but due to non-standardized definitions and counting techniques it is impossible to determine accurate arms transfer information.

OGR could thus ask legislators to implement a GAO-style report clarifying definitions and detailing all weapons sales regardless of funding sources, or require all sales to be reported via a standardized reporting system like the Foreign Assistance Dashboard. Ideally, these reports or dashboards would also detail how recipient states use weapons they receive from the U.S. Policymakers need to know that information as well since the government is supposed to approve sales on a use-case basis. If recipients use weapons for offensive purposes when they were sold with the intention of only being used for defensive purposes, there needs to be a way to report and reflect that violation in the vetting process and adjust the risk assessment determination accordingly.

Strengthening Existing Regulatory Approval Processes: It's clear that the legal and regulatory framework to reduce arms sales to human rights violators exists in a significant capacity but is lacking in effective administration and enforcement. Policies and approval assessments governing conventional arms manufacturing, sales, and exportation are spread across multiple executive agencies, congressional committees, and regulatory streams and are often difficult to enforce or exercise meaningful oversight over. Additionally, there is an assumption of sales approval rather than an assumption of denial, which creates pressure to authorize a sale even when the risk assessment indicates it should not be approved.

OGR could choose to prioritize advocacy asks that strengthen and enforce existing vetting and sales approval procedures such as the Arms Control Export Act Risk Assessment, the Leahy Laws

human rights requirements, and/or the State Department's Conventional Arms Transfer Policy requirements;⁵⁶ the passage of new rules is largely an unproductive use of time and energy if those rules will not be followed once passed. Such policy asks could include enforcing current vetting procedures more strictly, implementing regular reviews of sales transfer certificates as part of the administrative risk assessment process (and creating approval revocation measures), or revising the vetting process to explicitly require denial of a sale when a risk assessment details a recipient's engagement in genocide, war crimes, crimes against humanity, and systemic violence against civilians.

Conditioning Future Sales on Responsible Use: OGR could also choose to prioritize policy asks that link continued arms sales approval to states adhering to certain conditions, such as responsible use of weapons already received or improving their human rights records both in and outside of war. From the Church's perspective, the United States government has a moral obligation to only give weapons to partners that have been closely vetted and will use those weapons responsibly (ie, in self-defense or defense of innocent civilians). Likewise, the federal government should have enforceable accountability measures in place to act as sufficient deterrents against recipient states using U.S.-made and sold weapons irresponsibly or inhumanely on civilian populations.

One useful way of engaging these accountability measures is by requiring that all future sales approvals be linked to a state proving, based on agreed-upon quantifiable metrics, that they have used previously-received weapons responsibly. If recipient states break the rules, approval should be automatically revoked and no further arms sales would be authorized until state leaders are able to prove they have sufficiently improved.

Arms Sales Limitation Proposals: The Church's ultimate long-term policy goal is to eliminate arms sales entirely. OGR could choose to focus their attention on achieving this mission through prioritizing the limitation or full cessation of sales of conventional arms, specifically weapons of indiscriminate use and force, and/or arms sales to "high-risk" recipients (states that have either committed gross human rights violations previously or are at high risk of doing so if we provide them with the weapons to do so).

These policy asks might manifest themselves in a variety of ways: for example, petitioning Congress to decrease and ultimately phase out federal subsidies for arms exports in the Foreign Aid Budget and NDAA, advocating for sales limitations on delivery mechanisms (military aircraft, rocket launchers, etc.) rather than ammunition, or restructuring current regulations to limit or ban the sale of "offensive" weapons (as defined by the Department of Defense and various national security cooperation agreements) to any recipient that does not have a proven track record of respecting and protecting human rights.

⁵⁶ Bureau of Political-Military Affairs. "Conventional Arms Transfer Policy." *United States Department of State*. December 17, 2018. <https://www.state.gov/conventional-arms-transfer-cat-policy/>.

CRITERIA FOR EVALUATION

I will be evaluating potential policy options based on four criteria:

1. **Legal Feasibility:** Arms control is a legally convoluted policy area governed by domestic law, executive branch regulations, and international treaties; to be an effective advocate, the Office needs to be informed on the legal barriers they may face. Additionally, since OGR's work is governed by official Church policy, it is often limited in how and what they can advocate for. This criterion will answer *whether the policy option is consistent with the current legal framework on weapons sales as well as the values and canons of the Episcopal Church, as laid out in the resolutions of General Convention and the Executive Council, or whether new laws and resolution language would need to be passed.*
2. **Political Viability:** Another vital criterion to consider is *whether the "ask" is politically acceptable to the various stakeholders that hold political, economic, and social power.* These stakeholders span multiple spaces and include relevant legislators, executive branch agencies and officials, arms manufacturers, the U.S. military, the Episcopal Church as an institution, and OGR's Episcopal constituents, both domestically and abroad. Outside advocacy groups and non-governmental organizations (NGOs) focused on arms control issues as well as other religiously-based governmental relations offices are also valuable groups whose opinions should be considered. To inform my evaluation, I will be considering introduced legislative bills, previous evidence of successful sanctions implementation, and other such metrics.
3. **Effectiveness:** Even though the phrase "every little bit helps" applies, the goal should be to maximize OGR's limited resources to achieve the most impact. Given the Office's limited time, personnel, and resources, it is imperative that the recommended policy priorities are effective at achieving their intended outcome goals. Some options might have a more outsized impact than others, or some might be far more difficult to implement in practice, limiting their effectiveness as a policy ask. Therefore, I will also be evaluating each priority option based on *how effective the policy option is at achieving OGR's intended goal of decreasing human suffering caused by U.S.-sold weapons.*
4. **Sustainability:** The final criteria is related to sustainability of impact. Again, the Office's time and resources are limited, so the most useful options for them to pursue are those that will have a measurable long-term impact and that wouldn't necessarily need to be part of an annual advocacy push (for example, in the annual NDAA reauthorization). Thus, the question becomes *how well the advocacy ask maintains its beneficial effects long-term.* To evaluate this criterion, I will be looking at whether the policy option is a one-time or renewable ask, whether the option is easily maintained once initial implementation occurs, and what costs and benefits might be incurred by relevant parties that OGR might have to consider when advocating.

EVALUATION

Transparency-based Proposals:

1. *Legal Feasibility*: New laws or regulations would have to be passed to implement this, which is no longer a guarantee even though such transparency proposals often have a high degree of bipartisan support and have seen success in the past. **Medium feasibility.**
2. *Political Viability*: Theoretically, transparency and accountability are always high priorities for Congress, who want to ensure U.S. tax dollars are being utilized appropriately. Additionally, there is significant successful precedent: the Foreign Assistance Transparency and Accountability Act of 2016. However, passage of new legislation is constantly uncertain due to the current political makeup of Congress. It shouldn't be difficult, but I wouldn't discount the issues OGR might face (especially given the low priority of this issue due to the emergence of the Ukraine-Russia conflict). **High viability.**
3. *Effectiveness*: While greater transparency would greatly increase the effectiveness of weapons sales reduction advocacy long-term (due to the difficulty in knowing what would successfully reduce sales without transparency), ultimately transparency doesn't actually change the bottom line sales numbers. It has no actual measurable impact on human suffering, only on our knowledge of it. **Low effectiveness.**
4. *Sustainability of Impact*: This would be a very low-cost, sustainable ask that adds few additional commitments to OGR staff responsibilities. Once reporting measures are implemented, they rarely go away. Additionally, these reports and transparency measures would likely be integrated into already existing reporting mechanisms, simply making something that already exists more robust. **High sustainability.**

Regulatory Proposals:

1. *Legal Feasibility*: Laws are already on the books and the regulatory framework is already in place (Arms Control Export Act, Foreign Assistance Act, Leahy Laws, etc), so asking for stricter vetting procedures and a more robust review system is fairly easy. Additionally, existing church canons already allow for OGR to advocate for policy asks aimed at reducing sales to actors who will likely violate human rights with their usage; no new language is immediately necessary. **High legal feasibility.**
2. *Political Viability*: there are several Congressmembers on both sides of the aisle who regularly advocate for greater accountability and enforcement of existing laws. Additionally, However, OGR would need to tread carefully on the issue and frame their proposals in a way that does not aggravate political actors who would see a detrimental financial impact in their home states if weapons manufacturing and sales were to decrease. **Medium viability.**
3. *Effectiveness*: The long-term impact of advocating for stricter regulatory and approval processes is hard to evaluate against the end goal of "limiting arms sales abroad." Theoretically, stricter enforcement of existing vetting procedures and implementing processes such as regular reviews of sales approval certificates should be fairly effective at reducing arms sales. However, due to the lack of government transparency regarding

arms sales it would be difficult for OGR to track whether the stricter regulations are actually having a discernable human rights impact. Additionally, weapons sales will likely still be approved to states/areas in conflict and perpetuate unnecessary human suffering.

Medium effectiveness.

4. *Sustainability of Impact*: for the Office's purposes, this option is fairly sustainable; once the vetting process or trading regulations have been strengthened and implemented, OGR's main responsibility would be monitoring to ensure the tighter regulations are adhered to. That imposes somewhat of a burden on the International Policy Representative, who would be primarily responsible for tracking regulatory enforcement the same way they would for overall legislative tracking, but it is a generally "low cost" time burden. ***Medium sustainability.***

Conditionality Proposals:

1. *Legal Feasibility*: Current Church policy and secular legal frameworks support conditioning further arms sales to states. However, while there's precedent for writing bills that condition continued sales on certain usage requirements (Israel, for example), there's generally little active enforcement of or regular review of these conditions. Thus, even if laws to condition sales were passed, a lack of enforcement largely inhibits any degree of usefulness those laws would have. ***Medium feasibility.***
2. *Political Viability*: Presidents and legislators often rhetorically refer to the need to limit weapons sales to state actors who violate human rights; there is also precedent for the Executive Branch and Congress effectively leveraging this assistance to achieve a measurable human rights impact. However, the U.S. also continues to sell weapons to states who flagrantly violate these conditions (Israel, Saudi Arabia, etc). International arms sales are a politically-charged topic, and one that needs to be dealt with carefully to hold political actors accountable for their words and promises. ***Medium viability.***
3. *Effectiveness*: Conditioning arms sales based on measurable improvements to human rights concerns would be generally effective at limiting the transfer of weapons of war into areas of conflict and actors perpetuating that conflict. ***High effectiveness.***
4. *Sustainability of Impact*: Such asks, if achieved, are unlikely to be "one and done" asks; the federal government rarely "permanently" conditions sales, and enforcement of the asks would have to be constantly monitored to ensure the U.S. government is actually adhering to the conditions they set out. ***Low sustainability.***

Limitation Proposals:

1. *Legal Feasibility*: The Executive Branch has a lot of collective legal leeway to act independently on this matter (ex: the temporary halt on weapons sales to UAE and Saudi Arabia in 2021). However, since many rules regarding arms transfers are often baked into various annual appropriations bills (NDAA, Foreign Assistance Act, annual budget bill, etc), the Office's ability to effectively advocate for actual limitation is hampered by the disparate nature of funding approval. The Church has also given OGR broad approval to

advocate for general limitation and cessation of weapons sales, though such approval should probably be re-affirmed. **Medium legal feasibility.**

2. **Political Viability:** Unfortunately, unless OGR is looking at specific types of high-risk weapons (certain cyber decryption keys or particularly destructive weapons technology primarily governed by international law, such as landmines), limitation of international weapons sales is often very difficult to achieve for a variety of reasons. The most notable of these reasons is that legislators rarely want to harm their political relationships with ally recipient countries, especially those located in the Middle East. While asks like “Saudi Arabia shouldn’t be sold any more weapons due to their conduct in the Yemeni Civil War” are in line with stated Church goals, they’re ultimately largely political non-starters (at least, in the short-term). **Low political viability.**
3. **Effectiveness:** If successfully implemented, this option would have a high degree of effectiveness. The Church’s core goal is keeping weapons of war out of the hands of bad actors, particularly in areas of conflict or at risk of conflict escalation; advocating for limitations proposals is thus the most directly effective way of achieving that goal. **High effectiveness.**
4. **Sustainability of Impact:** Sustainability of this policy option rests entirely on how the ask is achieved. If a “permanent ban” on a certain type of weapon or a “full cessation of arms sales to [state] ‘for the duration of the conflict’” is achieved, this option is highly sustainable. If, as is more likely, a limitation or cessation of sales is temporary or achieved through an annually reauthorized bill whose language could be amended or cut at any time, it becomes a much less sustainable ask given the Office’s limited time and resources. **Medium sustainability.**

OUTCOMES MATRIX

	Transparency	Regulations	Conditioning	Limitations
Legal Feasibility	Medium	High	Medium	Medium
Political Viability	High	Medium	Medium	Low
Effectiveness	Low	Medium	High	High
Sustainability	High	Medium	Low	Medium

POLICY RECOMMENDATIONS

For my recommendations, I will again note that all are good options that should be pursued. Instead of necessarily picking one over the other, I will be prioritizing options first based on a) what OGR can pursue and prioritize now, in the short term, without additional manpower or guidance from Church leaders, and then b) what OGR can pursue and prioritize as long-term goals, after receiving additional assistance or waiting for a window of opportunity to open up in Congress. This ensures

that the Office's limited resources aren't wasted on impossible or infeasible advocacy asks over achievable asks, while also recognizing that all policy options should remain on the table.

SHORT-TERM POLICY PRIORITIES

In the short-term, I recommend that OGR prioritize transparency and regulatory-based advocacy asks, with an eye towards the following specific concerns:

1. ***Asking legislators to either implement a GAO-style arms sales report or require all agencies to report all sales authorization and delivery details via a standard searchable reporting database.*** These sales and export logs need to be accessible in one location, such as the Foreign Assistance Dashboard or an annual report, and need to account for all sales and exports in a given fiscal year regardless of funding source or authorizing agency. OGR should emphasize that Congress has a responsibility to protect human rights by exercising oversight over these sales and ensuring U.S. taxpayer dollars are being used responsibly and in keeping with our values; in order to do that job, both Congress and the public should be able to easily access key details on the types of weapons the U.S. government authorizes and delivers to foreign countries.
 - a. Minimally, the public needs to know at least key five details: the country recipient, the type and quantity of training and equipment, the dollar amount of aid delivered, the purpose and goals of the program, and, if possible, details on where, when, and how any U.S.-sold weapons were actually used once in the hands of foreign actors.
2. ***Asking Congress and the Executive Branch agencies to exercise stricter enforcement of existing sales vetting and authorization procedures, with a focus towards revoking sales approval for routine human rights violators.*** This includes but is not limited to a greater prioritization of the Leahy Laws and the Arms Control Export Act risk assessment, with a regular review and re-assessment of risk assessment approval certificates. This recommendation also encompasses previously discussed advocacy asks such as changing review/vetting criteria if the current assessment criteria is not effective at achieving its intended purpose of reducing sales to harmful actors.
3. ***Creating internal Office guidelines to guide future advocacy on specific arms sales and human rights proposals.*** Given the Church's prioritization of humanitarian assistance and conflict prevention, the ultimate goal is stopping tools of war from ever reaching areas of conflict in the first place. However, the nature and dynamics of the conflict also matter, necessitating the ability to assess the best course of action before making advocacy asks. Therefore, OGR should create an internal "best practices" guide to help guide understanding of whether a specific proposal is worth expending time and resources to achieve.
4. ***Creating a checklist of community mobilization goals that the Office needs to achieve in order to educate and mobilize constituents on arms control issues.*** This could look like the creation of one-pagers, issue toolkits, action alerts or emails through the EPPN, or time taken during weekly advocacy calls to explain arms control issues. Other possibilities include distributing materials to church leaders, particularly bishops and other diocesan leaders, and encouraging them to speak up to their elected officials. More generally, the

Office needs to be ready to engage in both grassroots and grass-tops mobilization efforts if the federal government legislation or regulations; otherwise, their capacity to accomplish asks with significant impact will be extremely limited.

LONG-TERM POLICY PRIORITIES

Long-term, the Office should focus on achieving more permanent conditional or limitations-based advocacy asks; OGR representatives should be strategic and aspirational, setting goals and identifying specific targets that help achieve them. These goals should include:

1. *Asking key legislators and executive branch officials to introduce bills and regulations aimed towards conditioning or limiting continued arms sales to states adhering to certain human rights conditions.* These key officials could introduce standalone bills or regulations or link these conditions to the regular reauthorizations of the NDAA, Foreign Assistance Act, or similar regulatory statutes. As an example, Office representatives could support legislation like Senator Patty Murry’s and Representative Sara Jacobs’ Values in Arms Exports Act,⁵⁷ which experts indicate will have a positive human rights impact.⁵⁸
2. *Setting a long-term advocacy goal of achieving the full cessation of conventional arms sales, prioritizing certain types of “high risk” weapons or recipients first, and creating some sort of internal mechanism within OGR or the Church more broadly to track progress towards this goal.* While this is a largely infeasible if not impossible goal, current GCR language supports “no sales or transfers” as the ultimate, long-term goal in this advocacy space. All arms control advocacy, therefore, should be evaluated within the framework of “does this proposal work towards our ultimate goal of eliminating international arms exportation?”
 - a. To that end, The Office should either develop reporting capability to measure progress on this goal or ask the church to do it for them via a measure like the General Convention Committee on Peace and Justice Report. These reporting mechanisms would allow OGR to track progress towards the goal and help justify to Church leaders why they should continue to invest money in arms control advocacy efforts. Whatever this mechanism looks like, it needs to have clear definitions and quantifiable metrics to represent what progress looks like.
3. *Setting a long-term advocacy goal of achieving a uniform regulatory structure to condition arms sales and exportation based on their potential human rights impact.* This goal could include asks like streamlining funding and/or sales approval through a singular regulatory body instead of being spread out between three agencies and multiple congressional committees and creating standardized sales approval regulations that apply regardless of weapon, recipient, or authorizing agency.

⁵⁷ Staff, Senator Murry’s Office. “Senator Murray Introduces Bill to Prevent U.S. Weapons Going Towards Human Rights Abuses.” *U.S. Senator Patty Murray*. February 2, 2022. <https://www.murray.senate.gov/senator-murray-introduces-bill-to-prevent-u-s-weapons-going-towards-human-rights-abuses/>.

⁵⁸ Cohen, Jordan. “Values in Arms Exports?” *Cato Institute*. February 11, 2022. <https://www.cato.org/blog/values-arms-exports>.

4. ***Building OGR’s institutional capacity to maximize advocacy impact.*** Given current capacity limitations, it is imperative that OGR explore all the potential resources at their disposal and work to ensure those resources are available to them in the long-term. There are many Episcopalians across the country who are experts in their field and would be willing to donate their time, engage in pro bono work or work “at-cost” rates. Building this institutional capacity includes things like creating a contact list of volunteer experts OGR can call on to augment their work whenever future issues related to arms sales (and more generally, specific policy issues) arise.

OTHER RECOMMENDATIONS AND FINAL CONSIDERATIONS

Regardless of the aforementioned recommendations, this report asks The Office of Government Relations staff to push for the Episcopal Church to make a generalized position statement on the topic via one or two resolutions at the next General Convention that includes updated language accounting for cyber-based weaponry and lethal autonomous and semi-autonomous systems. While the Church has taken official positions on some aspects of international arms sales, they are all fairly dated and several are generally limited in scope. Due to the de-prioritization of these issues since the 1990s and the lack of official guidance in the intervening years, an updated resolution both re-affirming the Church’s stance on conventional arms and clarifying language would greatly assist their advocacy work in this policy space.

Additionally, OGR should petition General Convention (next meeting in July 2022) for a budget increase for the purpose of either hiring an additional staff member or providing allocations for outside consultant work. The client identified the lack of staff—especially the lack of a legal and lobbying expert—as a sizable operational gap and impediment to achieving desired advocacy impact; this gap affects not only arms control policy advocacy but also general Office priorities as a whole. Thus, a long-term goal should be to expand the OGR’s budget to a place where such expertise is available; the Office should evaluate and decide whether these experts are needed on an on-call, part-time, or full-time basis and ask for necessary budget allocations accordingly.

These policy goals all come with differing levels of time, effort, and resource commitments, and not all are immediately achievable without additional resources, church leader-level guidance, or free time to devote to their development and implementation. This report therefore notes that realistically, effective advocacy of policy asks and implementation of both office-level policy evaluation frameworks and communications networks will be limited for the immediate future. **With that in mind, Recommendations #1 and 2 under the “short-term” section and Recommendation #3 in the “long-term” section are likely the most immediately achievable goals without much additional effort or time allocation on the part of current Office staff.**

THOUGHTS ON ADVOCACY IMPLEMENTATION: SHORT-TERM VS. LONG-TERM

Keeping in mind the Office’s limited time, capacity, and resources, it’s probable that several of these recommendations cannot be effectively evaluated or implemented immediately. However, by providing these suggestions, I hope to provide OGR representatives with a roadmap to guide their efforts moving forward that they can look to and utilize when they do have additional time,

manpower, and other resources to devote to such efforts. Many of these recommendations are not limited to the topic at hand; several are more general recommendations to address and further the overall mission of the Office. Though obviously arms control issues will greatly benefit, so will all of the Office's priorities.

With that being said, looking forward towards what implementation of these advocacy priorities might look like, there are several avenues and basic, concrete strategies OGR can pursue and steps they should take to set and work towards achieving long-term goals.

POTENTIAL COALITION AND RELATIONSHIP-BUILDING OPPORTUNITIES

OGR should prioritize joining existing coalitions, both secular and religious-based, already working in this space, as they will often have valuable knowledge-sharing capabilities and advocacy tools the Office can use to maximize its voice while minimizing the effort needed to generate impact. This would carry additional time commitments for staff, as coalitions hold meetings and expect contributions from member organizations. However, building coalitions with other groups also means that the commitment is shared and spread out among various members; it creates opportunities for data and resources sharing as “many hands make light work” and no one person or organization is responsible for engaging with all parts of the advocacy process.

The Office should begin thinking about how to join or create a partnership of sympathetic religious-based advocacy groups; greater impact is achieved if multiple religious groups have a unified sense of moral clarity on a single issue. The Friends Committee on National Legislation has been particularly adept at achieving arms control-related advocacy asks despite their hardline positions, and both the United Church of Christ and the U.S. Catholic Conference have been remarkably active in this space as well. Both groups would be valuable allies for OGR officials to contact and work with and would welcome greater Episcopal involvement.

In addition to religious groups, there are also several secular groups working to achieve greater arms control accountability. Some of the more prominent groups OGR should look into building relationships with include the Arms Control Association, Control Arms, and the Arms Control Advocacy Collaborative. Given that OGR has little capacity to engage in original research, it might also be worth developing relationships with individuals at relevant think tanks and research organizations such as the Carnegie Endowment for International Peace, Henry L. Stimson Center, and the CATO Institute.

Finally, OGR representatives should further cultivate existing relationships with congressional staff and sympathetic government officials serving on relevant congressional committees and in positions of power at executive branch agencies, with a particular eye towards the Bureau of International Security and Nonproliferation & the Bureau of Verification, Compliance, and Implementation at the State Department, the U.S. Trade Office, the Senate Committee on Foreign Relations, and the House Oversight Committee.

In the short-term: OGR should tap into and build upon existing coalition networks. In the long-term, representatives should continue to research and identify potential coalition partnership opportunities.

BUILDING ADVOCACY CAPACITY: CULTIVATE A NETWORK OF EXPERTS

As stated on multiple occasions throughout this report, the Office of Government Relations is a small office with limited personnel. However, the Office has the capacity to “punch above its weight” by reaching out into the community and building greater institutional capacity to engage in advocacy work beyond the limitations imposed on the full-time staff.

To that end, OGR should develop a plan to create an inventory of resources they can utilize, particularly a stable and up-to-date contact list of people who will respond to an incident and assist OGR in their work depending on what the incident is. This list should include lawyers in a variety of law areas, policy analysts who would be willing to research a given subject or piece of legislation and synthesize that research for the Office’s use, individuals who can help the Office draft model legislation, people who deeply understand the legislative and federal rulemaking process, and other such experts. The Office needs the skillsets and expertise provided by this volunteer expert network to effectively respond to incidents and assist the Church’s advocacy priorities whenever future issues related to arms sales (as well as specific policy issues in general) arise. There are many Episcopalians, both in DC and around the country, who are experts in their field and would be willing to donate their time, engage in pro bono work, or work at “at-cost” rates to ensure the Church’s mission can be carried out.

In the short-term, OGR should either collectively develop a list/network of contacts or assign an intern to research and reach out to potential contacts in various policy and professional fields. In the long-term, the Office should ask the Church for additional funding and resources to allocate towards hiring additional full-time employees or engaging policy consultants (on retainer). If the Church wants the Office’s work to be effective, the Office needs additional capability to do things, which they will ultimately only be able to accomplish with additional personnel. Office representatives have a valuable opportunity to make this ask at General Convention in July 2022.

ESTABLISHING A STANDARDIZED ARMS CONTROL ADVOCACY GUIDANCE FRAMEWORK

It would be useful for OGR to create and implement a general guidance framework to guide policy decisions around arms sales. There are several ways to go about creating these guidelines, including getting a current OGR employee to create them, asking policy-knowledgeable Church experts to create the guidelines for the Office, or engaging consultants or outside experts who would be willing to donate their time or work at-cost to create them.

Generally, this framework should help any OGR representative assess whether a proposed policy proposal is in the Church’s interest to support or oppose, help guide decision-making on whether or not OGR should devote resources to the proposal and engage in advocacy either way, and provide a few advocacy strategies to implement once a decision has been made. These guidelines also might provide some suggested ways to track legislation and regulations as they’re introduced and an up-to-date list of coalitions and advocacy partners to contact on a given specific proposal.

Specifically regarding procedures to help assess whether OGR representatives should voice support or opposition for a given arms control proposal, the Office should consider creating guidelines that keep the “Four Rs” in mind:

1. Is the sales proposal the *Right Kind of Weapon* (what kind of weapon is being sold? Is it primarily an offensive or defensive weapon? Is it a weapon of indiscriminate use or is it a manned weapon? Etc.)?
2. Is the United States selling or giving these weapons to the *Right Kind of People* (what kind of vetting and background checks is the U.S. performing before authorizing a sale)?
3. Are these weapons going to the *Right Place* (is there a risk of conflict escalation that will cause further human suffering if a sale is authorized?)?
4. Is the intended use of the weapons a *Right Purpose* (are these sales actually intended to achieve a purpose the Church considers morally acceptable, such as self-defense against a hostile invading force or a sale authorized to help a state carry out the Responsibility to Protect Doctrine)?

ENGAGING IN COMMUNITY OUTREACH AND MOBILIZATION

A key priority for OGR's advocacy strategy moving forward should be to advocate that Biden fulfill the promises he made during his campaign and truly center human rights in the arms trade conversation. To do so, OGR representatives should develop advocacy toolkits and educational material to distribute through various communications networks: their website, the EPPN, weekly advocacy calls, and individual diocesan offices. To guide the creation of both arms control policy outreach material and constituent outreach material on other issues, it would be helpful for OGR to create a checklist of five to seven basic things they should do and make available on any given policy issue.

Another key advocacy strategy would be to engage not only people living in DC but also state-level advocates at diocesan offices around the country, particularly bishops. The more people who get involved at both the local and national level, the more effective any advocacy strategy will become. Generally, OGR should engage in both grassroots and grass-tops mobilization efforts and utilize social media, the EPPN, weekly advocacy calls, email newsletters, and similar avenues for more than just action alerts. These communications networks are valuable education and mobilization tactics that OGR should seek to use more effectively.

IDENTIFYING UPCOMING AND RECURRING WINDOWS OF OPPORTUNITY

Above all, OGR must be aware of what their best opportunities to impact the policymaking process are, when they're likely to occur, and where those opportunities should be followed up on. This means being aware of what the Office's internal and external capacities are to monitor both public engagement and government-led movement on arms control. Given the Office's limited time and resources, it would be wise to prioritize the partnership and coalition-building aspect of this implementation guide; instead of spending time, effort, and money to build OGR's native capacity to monitor windows of opportunity, the Office should instead build their capacity to take in data from partner organizations and provide useful information or services in return.

More generally, the Office should be careful to be aware of where information indicating an advocacy opportunity is likely to show up: this primarily means identifying which committees, outside groups, legislative staffers, and government officials are introducing legislation and pushing for change, and when they're doing so. Primary recurring opportunities include annual

budget bill negotiations and the NDAA reauthorization negotiations. Some other upcoming windows of opportunity the International Policy Representative might want to keep up with include Senator Murray's aforementioned Values in Arms Export (VIAE) Act and the Democrat-led Safeguarding Human Rights in Arms Exports (SAFEGUARD) Act of 2021.

CONCLUSION

Despite the existence of legal and regulatory frameworks designed to protect human life and safety, many troubling gaps still remain in U.S. arms export control policy. These gaps limit the ability of Congress and the general public to hold the government accountable for violations of its own rules and lead to risky arms transfers that do little to protect civilians from harm and fail to promote U.S. national security and foreign policy objectives abroad.

It is this report's hope that the Episcopal Church's Office of Government Relations will prioritize these issues by advocating for better transparency and accountability of arms transference agreements, stricter enforcement of existing regulatory frameworks and risk assessment evaluations, setting long-term advocacy goals of streamlining the approval structure and eliminating international arms transfers entirely, and building the Office's advocacy capacity. Using the opportunities provided by the upcoming General Convention this summer, existing advocacy coalition groups, and various legislative windows of opportunity, OGR can be an effective and meaningful voice in this policy area and achieve their goals of furthering the policy priorities of the Episcopal Church.

DISCLAIMER

The author conducted this study as part of the program of professional education at the Frank Batten School of Leadership and Public Policy, University of Virginia. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Batten School, by the University of Virginia, or by any other agency.