What Were The Socio-economic, Political, And Institutional Factors Influencing The Construction Of The Arms Trade Treaty?

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Disclaimer

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In Loving Memory of

Arthur Creighton

May 1924 - October 2012

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Abstract

Critiquing Martha Finnemore and Kathryn Sikkink's life-cycle hypotheses, this project tries to understand the socio-economic, political and institutional factors that influenced the construction of the Arms Trade Treaty (ATT). It addresses restless debates about the role of institutions in shaping behaviour, particularly in the context of unequal power distributions under United Nations (UN) voting rules. It questions what states had to gain from the Treaty, how power was exercised under consensus, and how this related to identity and norm formation. It also addresses ongoing debates about the power and influence of NGOs in international relations, questioning the extent at which NGOs were influential in the construction of the ATT despite restrictive access, and whether this alters or maintains the view of their influence in academia. It further questions the lengths at which institutionalised norms affect state preferences, particularly where economic, political and security factors are at stake. A number quantitative and qualitative sources are used to understand how rationality and legitimacy arguments are applicable to states promotion and opposition to ATT provisions, and questions how state preferences are influenced through peer pressure and esteem. The thesis concludes that regional groups have significant power in formulating the preferences of its member states. Challenging mainstream arguments made by constructivists, it also questions the extent at which states are 'socialised' or persuaded to support norms. Additionally, despite restricted access, and challenging aspects of the theory, NGOs were able to influence the agenda at the norm emergence and negotiation stages. It also clarifies areas where Finnemore and Sikkink's hypothesis is lacking or oversimplified, particularly 'tipping points' stages, in state socialisation, and where institutional factors, rather than purely social, were major element contributing to in the Treaty's construction.

Acronyms

7+1 – seven weapons under the United Nations Register of Conventional Arms plus Small Arms and Light Weapons

7+1+1 – …plus Ammunition

7+1+1+1 - …and their components and/or production equipment

A+T – Activities and Transactions

ATTM – Arms Trade Treaty Monitor

BRIC – acronym for an association of five major emerging national economies: Brazil, Russia, India, China and South Africa

CRC – Convention on the Rights of the Child

DFID – Department for International Development

DipCon – Diplomatic Conference

EASSI – The Eastern African Sub-Regional Support Initiative for the Advancement of Women

ECOWAS – Economic Community of West African States

EIF – Entry Into Force

EU – European Union

FAO – Food and Agriculture Organisation of the United Nations

ForUM – The Norwegian Forum for Environment and Development

GBV – Gender-based Violence

GGE – Group of Governmental Experts

GRIP – Group for Research and Information on Peace and security

HR – Human Rights

IANSA – International Action Network on Small Arms

ICBL – International Campaign to Ban Landmines

ICRC – International Committee of the Red Cross

IGO – Intergovernmental Organisations

IHL – International Humanitarian Law

IHRL – International Human Rights Law

Inf. – Informant

IPPNW – International Physicians for the Prevention of Nuclear War

ITI – International Tracing Instrument

MBT – Mine Ban Treaty

MDGs – Millennium Development Goals

MENA – Middle Eastern and North African (states)

NGOs – Non-governmental Organisations

NRA – National Rifle Association

OCHA – Office for the Coordination of Humanitarian Affairs

OCW – Other Conventional Weapons

OHCHR – Office of the High Commissioner for Human Rights

OP5 – operative paragraph 5

OSCE – The Organization for Security and Co-operation in Europe

P+C – Parts and Components

P5 – Permanent Members of the Security Council

PGA – Parliamentarians for Global Action

PIF – Pacific Islands Forum
PoA – Programme of Action on Small Arms and Light Weapons
PrepCom – Preparatory Committee (meeting)
SALW – Small Arms and Light Weapons
SED – Socio-economic Development
SIPRI - Stockholm International Peace Research Institute
UN – United Nations
UNDP – The United Nations Development Programme
UNFA – United Nations Population Fund
UNHCR – the United Nations High Commissioner for Refugees
UNICEF – The United Nations Children's Fund
UNIDIR – United Nations Institute for Disarmament Research
UNODA – The UN Office for Disarmament Affairs
UNR7 – the seven weapons listed under the United Nations Register of Conventional Arms
UNREC – United Nations Regional Centre for Peace and Disarmament in Africa

CHAPTER 1

Introduction and Literature Review

i. Introduction

This thesis is primarily concerned with how we understand and interpret norms as standards of appropriate behaviour (Finnemore and Silkkink, 1998). More specifically, it aims to develop existing knowledge concerned with norm evolution and negotiation and the implications these have on our understanding of behavioural change. It uses Finnemore and Sikkinks models, their critics, and other important literatures to achieve the aims in the context of the ATT, a legally-binding conventional weapons treaty that was negotiated between 2006 and 2013, and entered into force in December 2014.

There are many areas where conventional weapons negotiations and aspects of the ATT negotiations could been aligned with Finnemore and Sikkink's models. However, due to dissimilar negotiations and due to the treaty's multiple and complex issues it addressed, there are areas that would render Finnemore and Sikkink's hypotheses falling short or oversimplifying our understanding of norm construction and behavioural change. Similarly, other critics of their work have questioned certain aspects of the hypothesis, particularly the stages of norm evolution, the influence potential of framing, and questioned whether states really change their attitude and behaviour as a result of persuasion or learning. Additionally, there are areas in their hypotheses, in the context of the ATT negotiations, that lack explicit attention when analysing norm evolution dedicated to the negotiation context, negotiating rules, and role of the chair. It also lacks specific attention as to the reasons why states may support or conform to norms.

While critical of their work, this thesis confirms many aspects of the hypothesis to be largely compatible with ATT process. Based on the findings, states were 'socialised' to support norms due to pressures from 'norm entrepreneurs' and the social effects 'critical states' have on other states to support provisions in the ATT. However, it argues that persuasion and internalisation does not necessarily lead to changed behaviour, it is rather more a process in which states exercise and sense of identity and belonging, and through that process, support norms not necessarily for moral reasons, but for social proof, domestic legitimacy, network pressures, to gain access to resources,

and because of the decisions of the chairpersons. With these arguments, it hopes to contribute to knowledge by understanding why state conform and promote norms, and to help answer many observations made about why some states, while legally binding themselves to UN rules, are not changing their behaviour.

There were a number of events over the previous two decades that potentially lead to the proposal and adoption of a global legally-binding Treaty to control the trade and transfer of conventional weapons. "Arms control and disarmament" at the height of the Cold War was focussed on weapons of mass destruction and verification (Garcia, 2011). Attention on conventional weapons control gained pace due to a number of reasons. Following the break-up of the Soviet Union, there was a decline in domestic military expenditure that saw many defence manufacturers looking beyond the domestic market (Yanik, 2006: 360). Surplus stockpiles of weapons, illicit markets and the durability of SALW were prolonging and intensifying civil wars and crime in fragile states. Western-sourced weapons used by Saddam Hussain against his citizens and, after Iraq's invasion of Kuwait in 1991, against supplier coalition forces, prompted the international community to consider more responsible arms control transfers. The 1990s also saw major decreases in traditional interstate conflict and increases in intrastate conflict, and disproportionate violence being inflicted on civilians (Garcia, 2011). The World Bank observed that between 1992 and 1997, fifteen of the world's poorest countries experiences major conflicts (Larsen, ed., 2002: 169). Hundreds of thousands of people had also been displaced; UN peacekeeping operations were becoming more expensive and deadly for its workers; and official development assistance devoted to relief significantly increased (ibid). Globalisation, improved communications, the spread of democracy, and changes in the nature of conflict also provided the right climate to address issues concerned with conventional weapons and their impact on human security and international stability.

The UN Register of Conventional Arms (1991) was established as a confidence building measure to ensure greater transparency to 'help determine if excessive or destabilising accumulations of arms is taken place' (UNODA, 2016). It is, however, based on trust and goodwill, and limited only to offensive weapons. Outside the UN, what came to be the EU Common Position on arms export

controls was a major step in achieving common cooperation between large exporters and standards on states' wider international responsibilities. The Mine Ban Treaty (MBT), where, to date, 162 states are parties, was also negotiated outside of the UN in the 1990s. Focus began to build on the issue of SALW, both as a UN goal and within regions affected by illicit and illegal flows, and requiring, as it was agreed, destruction projects and cooperation on tracing. What became the UN Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) was the first multilateral approach to addressing the issue of conventional weapons on human security. This, during a new process for the Convention on Cluster Munitions, arguably paved the way to discussions of controlling the production, export, and end-use of, *all* conventional weapons.

Since existing initiatives such as the EU Common Position – which took into account human rights, humanitarian law and development - were going through various cycles of negotiation, implementation, and review, similar commitments could be seen spreading in other continents. The ECOWAS Moratorium, which included similar obligations to the ATT in the preamble, 'paved the way for the creation of the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials later on' (Garcia, 2009: 84). Similar initiatives could be seen in the Caribbean and East Africa and elsewhere.

The emergence of the idea for an ATT was largely based on flaws in existing initiatives, and the need for a universal, global approach to the conventional weapons issue. The ATT may not have emerged without the launch of an 'arms trade Code of Conduct' headed by Dr. Oscar Arias and other Nobel Peace Prize Laureates between 1995 and 1997. Lawyers from the Lauterpacht Research Centre for International Law in Cambridge, UK, reviewed states' existing obligations for arms transfers. They developed a discussion paper entitled 'What is Legal? What is Illegal? Limitations on Transfers of Small Arms under International Law. This paper subsequently developed into the proposal for the ATT (Control Arms, 2005: 20). In 2003, under the Control Arms campaign, civil society coordinated its efforts towards pushing for a 'legally binding' arms treaty which took into account the humanitarian consequences of arms exports after receiving support by some states. This eventually led the United Nations (UN) in December 2006 to adopt resolution 61/89: Towards an Arms Trade Treaty:

'establishing common international standards for the import, export and transfer of conventional arms' (UN, 2015). The Resolution 'requested the UN Secretary-General to seek the views of Member States on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, and to submit a report on the subject to the General Assembly at its sixty-second session' (ibid). Through an additional 7 years of working groups, expert meetings, preparatory committees (PrepComs) and two diplomatic conferences (DipCons), the ATT was finally adopted on 2 April 2013. The Treaty entered into force after a minimum number of ratifications was achieved in December 2014.

ii. Focus on the ATT

Denise Garcia argues that the 'ATT is one more example of an international treaty that is adopting new evolving global humanitarian norms for peace and security', representing 'a novel trend in treaty making in the security area that is enormously affecting how countries think about national security' (2014). The Treaty contains a 12-page list of purposes, aims, principles, and 28 articles that states parties must follow, regulating (among other provisions) a list of defence equipment, implementation, reporting and record keeping measures, export assessments, relevant UN obligations, activities, transactions, import measures, assistance and further review measures. This thesis focusses specifically on Articles 2, 3, 6 and 7, covering defence equipment in the 'scope' and the prohibitions and export criteria (sometimes referred to as 'parameters') state parties must use before authorising a transfer (see full treaty text: UNODA, 2016).

In the scope of the Treaty, small arms and light weapons and other conventional weapons (listed under the UN Register of Conventional Arms (UNR7)), were listed in Article 2(1) of the treaty text. In this article, it also defines what activities fall under "transfer" (Art 2(2)), but does not explicitly bind these activities with the weapons listed, but rather functions as a separate statement for clarity. Art 2(3) also stands as protecting the "movement of conventional arms by, or on behalf of, a State Party" for its own use and purposes. Other areas of the treaty, not thoroughly analysed in this thesis, strengthens this article. Article 5(3) (Implementation), for example, encourages states to "apply the provisions of this Treaty to the broadest range of conventional arms", not covering "less than the

descriptions used in the [UNR7]", and "national definitions" to the SALW category. National control lists should be provided to the Secretariat (5(4)) which are shared among other States Parties, and "encouraged" to be made publicly available.

Articles 3 and 4 cover Ammunition/Munitions and Parts and Components, holding as separate sections in the scope and controlled differently in relation to the criteria. Article 3 obliges states to "establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered by" the weapons covered in Article 2(1), and applying to articles 6 and 7 "prior to authorising the export of such ammunition/munitions" discussed below. Article 4 has similar language relating with 6 and 7, but obliges states to regulate parts and components that could be assembled into the weapons listed in Arts 2(1), not as separate parts that do not assemble into one weapon system.

Article 3, covering ammunition, was 'a product of compromise' (Seay, 2015: 56). While many states wanted ammunition to be covered the same as in Article 2, others such as the US and Russia either did not want have ammunition in the text, or, as it eventually turned out, stood as a separate, partially covered element excluded 'from the obligations regarding diversion in Article 11 and the reporting provisions of Article 13, but included in the Treaty's prohibitions under Article 6 and export requirements under Article 7' (ibid).

Article's 6 (prohibitions of transfers) and 7 (export and export assessment procedures) aim to prevent items listed in 2(1), 3 and 4 from undermining some existing obligations. Both attempt to 'limit and legitimise' (Moritan, 2015: 20) the trade in the listed defence goods. Article 6(1) calls for the denial of transfers if it "would violate its obligations under measures adopted by the [UNSC] acting under Chapter VII of the United Nations, in particular arms embargoes". Paragraph 2 is more broadly worded, calling on states to deny authorising transfers of the items if it "would violate its relevant international obligations under international agreements to which it is a part, in particular those related to the transfer of, or illicit trafficking in, conventional arms". And the third, to the same effect, restricts transfers if a state "has knowledge at the time of authorisation" that the items "would be used in the commission of genocide, crimes against humanity, grave

breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party".

Article 7 consists of seven sections. It states that "If the export is not prohibited under Article 6", the State Party should "under its jurisdiction and national control system", "in an objective and non-discriminatory manner", taking into account importer information about, for example, end users, "assess the potential that the conventional arms or items" do not undermine specific obligations hereafter. Consisting of many parameters under three different 'tiers', the language relating to international humanitarian law, international human rights law, gender-based violence and international conventions or protocols relating to terrorism are strong and explicit. A number of the aforementioned parameters (all under Article 2(1)) are determined on the basis that there is an "overriding risk" that the arms in question may undermine international obligations outlined in the Treaty.

Strengthening coverage in Article 7, 'the Preamble also recalls Article 26 of the UN Charter, reiterating that the establishment of international peace and security is the main aim of the UN while ensuring the least diversion of economic and human resources for armaments. Paragraph 6 of the Preamble acknowledges that peace and security, development, and human rights are pillars of the UN system and foundations for collective security' (Danon, 2015: 19). It also protects the economic and security opportunities of states.

iii. Focus, aims and structure
This thesis is concerned with the socio-economic, political and institutional factors influencing the construction of the above articles (referred to the scope and parameters henceforth). This broad focus assimilates with the broader theoretical and methodological approach outlined in Chapter 2 (Methodology). The focus, aims and structure stems from research dedicated to norm evolution in Finnemore and Sikkink's article "International Norm Dynamics and Political Change". The article functions as a hypothesis to analyse stages in which norms are originated, promoted, and adopted. It is regularly used by scholars in global politics for understanding norm evolution, and to clarify

certain stages of a norms acceptance. Overall, the hypothesis focusses on the role 'norm entrepreneurs' play in influencing states to support and adopt norms. It is also interested in the conditions in which norms will be adopted by states, whether it be for moral, rational, social, or time-contextual reasons.

The thesis applies their framework in the context of the ATT negotiations to critique its applicability, aiming to contribute to knowledge by identifying deficiencies and opportunities when using this framework. It also aims to contribute to knowledge in areas that are critically important to understanding norm evolution that is not explicitly approached in the hypotheses. These include the negotiations rules, bargaining tactics, the role of the chair of the negotiations, and NGO influence at all stages of the norms "life cycle". Liberal institutionalist and constructivist approaches, combined with a variety of methods including textual, interview and secondary sources, are used to achieve these aims.

More specifically, relating to the scope and parameters, it questions the extent at which NGOs influenced states to support strong provisions. It also questions the extent at which insitutionalised norms shaped the preferences of states negotiating for similar emerging ATT provisions. In this context, there are many other defence goods controlled under national and regional arms controls that are not listed in the ATT. There are some areas both in the scope and parameters that would suggest that NGOs and supportive states were not influential enough. Indeed, while corruption and development may be implicitly covered in the text, why, since they are obligations under international law and signed and ratified by a large number of states, not part of the export criteria?

The primary research question of this thesis is therefore: how does the ATT process build on or repudiate Finnemore and Sikkink's life cycle hypothesis? To address all areas of the hypotheses consistently, the first secondary research questions is: what role did NGOs play in influencing states to support the ATT, and what role did they play in holding government to a supportive position? This question arises from arguments put forward in the hypothesis about the importance of framing, but expands to focus attention on areas lacking in the hypothesis,

addressing specific strategies through insider and outsider approaches at the latter stages of the negotiations. It also questions what makes the so-called 'tipping point' happen.

The next secondary research question is concerned with institutional factors and gaps identified in the hypotheses, questioning how was power exercised in the ATT negotiations, and how this affected the outcome of the ATT? This focusses on how voting rules, the power of the chair, and the formation of negotiation blocs influenced the outcome of provisions in the ATT. The next question is concerned with how 'norms' affect state behaviour. It studies this in the context of how states respond to provisions in the negotiations. Finnemore and Sikkink argue about the importance of institutionalised norms and their effects on the behaviours and preferences of states. Through this, it identifies economic, political and institutional factors influencing states' decisions to support or oppose certain provisions. The final secondary question is concerned with state 'socialisation', using Finnemore and Sikkink's concepts such as contagion, peer pressure, esteem, and legitimacy to guide the analysis. It questions how social factors influenced states decisions, and thus asks if states are 'persuaded' to support norms, or pressured through networks and through bargaining tactics.

These questions are important to address for a number of reasons. First, the scope of weapons covered and the criteria do not match, to the same level of specificity, previously agreed norms. Second, the ATT negotiations consisted of multiple agendas, meaning that individual norms went through their own "life cycles", therefore making clarity on norm stages much more complex. Third, there are multiple factors that contribute to a states' negotiating position or 'acceptance' of a norm, which is neither clearly applicable to the hypotheses nor easily measurable in this way of understanding norm evolution. While many aspects of the hypothesis is exceptionally helpful in many ways, the thesis concludes that some areas require adaptation.

The Literature Review (chapter 1) examines literatures associated with Finnemore and Sikkink's article and their critics. The chapter then critically examines literature concerned with multilateral negotiation processes, including the significance of access, voting rules, voting patterns, and role of chair, and other literatures relating with policy cycle issues, including agenda setting, negotiation,

deal-making, implementation, and further review. It then critically analyses the roles and significance of NGOs in multilateral agenda-setting and negotiating processes, in general and in relation to arms transfers, and also roles of defence industries in relation to state foreign policy. It also critically examines literatures concerned with the diffusion of human rights and international humanitarian norms in arms control, and reviews developing literatures on the ATT process. The chapter then discusses how the thesis locates itself within these literatures and how and where it aims to contribute to knowledge.

Following the methodology, philosophy and approach (chapter 2), which discusses the theories, methods, approaches and specific areas of interest in the hypotheses, chapter 3 then looks into the emergence of the ATT and the roles of NGOs played in influencing the adoption of the Treaty. Attention on NGOs are later investigated in chapter 7, focussing on the opportunities and limitations of their work inside and outside the negotiations. Chapter 4 looks more acutely into the institutional rules and arrangements that influenced the way states responded to norms, relying less on Finnemore and Sikkink's models, but addressing gaps in understanding norm evolution. In chapter 5, it investigates how states were responding to certain norms based on their social, economic and political interests. It also tests the lengths at which institutionalised norms affected states' preferences, and addresses the multiple factors influencing states negotiating positions. Chapter 6 explicitly identifies areas where peer pressure and legitimacy influenced preference formations at the negotiation and signing and ratification stages. Chapter 8 concludes the findings of the thesis.

1. LITERATURE REVIEW

1.1. Finnemore and Sikkink's Hypotheses

This section locates some literatures that led to the development of Finnemore and Sikkink's hypotheses. It then discusses their article in detail, identifying critics of their work and specific aspects of their article this thesis aims to contribute.

1.1.1 Bringing realism, liberalism and institutionalism together

Realism was dominant in understanding legitimacy and ideology when International Organisation was founded (Finnemore and Sikkink, 1998: 887). Idealism or emotional appeal was ignored when legitimacy arguments were made, and failed to understand where norms came from. The "ideational turn" sprung out of the 1970s and 1980s when, under the 'state-centric paradigms that focussed on material power', scholars called attention to transnational actors who were sometimes influenced by norms and ideas (Keohane and Nye, 1971 in Finnemore and Sikkink, 1998: 887). There was also an 'enthusiasm for measurement' in academia, despite the difficulty in measuring normative and ideational phenomena. Realists adopted economic methods in relation to utility functions. Liberals 'drew on microeconomic analyses of collective action games' to throw the water of cooperation and progress over the fire of realism's 'pessimistic assumptions about self-seeking human nature' (Finnemore and Sikkink, 1998: 890).

Finnemore and Sikkink distinguish the differences between "norms" and "institutions", where the former 'isolates single standards of behaviour', and the latter emphasises 'the way in which behavioural rules are structured and together interrelate (a "collection of practices and rules")' (1998: 891). Burch puts it an alternative way: '[e]nsembles of rules constitute institutions' and 'rules, or "normative structures," arise from institutions' (2000: 186). Krasner defines them as '"sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations"' (Krasner, 1982: 186 in Burch, 2000: 185-186). While liberalism suggests that ideas and domestic politics are important, liberal institutionalism is more specific, suggesting that ideas embedded in institutions are the key to the explanation of global politics. This goes against realist assumptions about the structure of relations

and the structure of power, believing that 'power always shapes conventions (rules, institutions)' (Krasner, 1992: 228 in Burch, 2000: 186) and the instrumental reasons for forming conventions comes from game theory and general material interests (Burch, 2000: 186).

While realist do not think cooperation is impossible, 'there is a serious problem that inhibits cooperation – the problem of relative gains' (Nuruzzaman, 2008: 3). Nevertheless, agents comply with norms embedded in regimes because norms can help states get what they want (Finnemore and Sikkink, 1998). Thus, if realism and idealism are not studied together, Finnemore and Sikkink argue that this can obscure their interrelations. This has partly developed from Goldstein and Keohane's article 'Ideas and Foreign Policy', which brings 'liberal institutionalism' rather than 'liberalism' alone, in understanding state behaviour. Goldstein and Keohane argued that rationalist approaches to understanding politics should include ideas, because the latter are intertwined with identity, loyalty, principled beliefs, and emotion, among others (n.d.). Finnemore and Sikkink argue in this context that norms that hold a quality of "oughtness" or appropriateness have not received enough attention (1998: 891). They state that society 'only know what is appropriate by reference to the judgements of a community or a society', and norm-breaking behaviour in this way 'generates disapproval or stigma' (1998: 892).

Finnemore and Sikkink's work builds on contributions made by John Ruggie, James March, and Johan Olsen about this ideational turn and about regimes (Krasner 1983) and constructivism (Friedrich Kratochwil, Alexander Wendt), questioning, 'How do we know a norm when we see one? How do we know norms make a difference in politics? Where do norms come from? How do they change?' (1998: 888). Social construction arguments relating to these questions have been applied to many areas of interests, specifically human rights, environmental policy, health, security, and arms control (Gilligan and Nesbitt, 2009: 446).

Scholars such as Joseph M. Grieco (1998), Duncan Snidal (1991), and Robert Powell (1991) tried to assimilate realism with liberal institutionalism (Nuruzzaman, 2008). John Mearsheimer's 1994/1995 article "The False Promise of International Institutions", however, reacted to 'the inherent weaknesses of institutionalist theories, particularly liberal institutionalism' (Nuruzzaman, 2008: 1). He argued that

institutionalist theories were flawed and largely unfounded in the post-Cold War world, with resistance shown by many, including Keohane (ibid: 2). Nuruzzaman and many scholars argued however that the 'liberal faith in institutions to promote international cooperation and stability [...] suffered a major set-back after 9/11 Al-Qaeda attack'. This was accentuated by, at the domestic and international level, bipartisan, neoconservative behaviour in American politics and foreign policy, with the 'War on Terror' and the Iraq War in 2003, destroying 'the consensus internationalism', and 'eroded bipartisan support for a liberal internationalist foreign policy' (Chaudion, Milner and Tingly, 2010: 75, 76).

This was thought to undermine and weaken the potential of international institutions to sustain international cooperation, confirming 'the realist argument that power, not institutions, is the central feature of global politics' (Nuruzzaman, 2008: 2). Additionally, it has magnified the weakness of liberal institutionalism in its inability to fully account for power dynamics and inequalities in international politics (Nuruzzaman, 2008: 12; Fehl, 2013). Indeed, since Finnemore and Sikkink's article was published, over the course of the past decade there has been a growing body of cross-disciplinary scholarship that has challenged 'the false dichotomy' that institutions constrain power dynamics and 'protect the weak against the strong' (Fehl, 2013: 505). 'International institutions, the critics argue, should not be viewed as opposed to power but as structures that are deeply shaped by global power inequalities and contribute to their perpetuation' (ibid: 505).

The collapse of the Soviet Union saw 'the world became unipolar with a single superpower [the USA] at the top of a pyramidic power structure' (Nuruzzaman, 2008: 12). Despite this, there was liberal optimism in academia (Sorensen, 2011: 67) because of dissipating bipolar influences allowed the voices of less-powerful states to be heard. International Organisations, particularly the United Nations (UN) celebrated some achievements, such as those concerned with Chemical and Biological weapons. There were heightened synergies that were of particular curiosity for liberal-constructivists, liberal-institutionalists and psychologists. Normative thought, however, was often becoming the overbearing conclusion to the reasons why norms were appropriated.

1.1.2. Finnemore and Sikkink's article

Finnemore and Sikkink borrow and put forward their own concepts that should be taken into consideration when understanding state motivations. They argue that norm influence may be understood as a three-stage process, with the first stage being "norm emergence", where states are persuaded by norm entrepreneurs. This is followed by a "norm cascade" (borrowed from Cass Sunstein, 1997), characterised 'by a dynamic of imitation as the norm leaders attempt to socialise other states to become norm followers' (1998: 895). Motivations to conform, they argue, may vary, but it can be 'a combination of pressure for conformity, desire to enhance international legitimation, and the desire of state leaders to enhance their self-esteem' (ibid). These first two stages are divided by a threshold or "tipping point", 'at which a critical mass or relevant state actors adopt the norm' (1998: 895). They hypothesise, based on previous studies on women's suffrage (Francisco Ramirez, Yasemin Soysal, and Suzanne Shanahan, 1997) and the Landmine Treaty (Richard Price, 1998), that if one-third of states in the system adopts the norm, it eventually leads to a norm cascade. They stress, however, that it matters which states, usually the most powerful, adopt the norm.

These are then followed by the final stage "internalisation", which is an automatic conformance to a norm which almost has a 'taken-for-granted quality' (ibid). In reflection of the findings in this thesis, '[c]ompletion of the "life cycle" is not an inevitable process' (ibid), as some emerging norms are likely to succeed if they fit with already institutionalised norms, while others battle for acceptance less smoothly. Finnemore and Sikkink argue that '[t]his pattern of norm influence is important for researchers to understand because different social processes and logics of action may be involved at different stages in a norm's "life cycle." They further add that 'theoretical debates about the degree to which norm-based behaviour is driven by choice or habit, specification issues about the costs of norm-violation or benefits from norm adherence, and related research issues often turn out to hinge on the stage of the norm's evolution'. 'Change at each stage,' they argue, 'is characterised by different actors, motives, and mechanisms of influence' (1998: 895).

These motives and mechanisms of influence, including 'norms, rationality and strategic social construction' (ibid: 909), are addressed in the preceding chapters where relevant. However, there are several terms they use to understand these influences. Legitimation is understood as 'an important

condition for domestic receptiveness to international norms', where there is 'a need for international legitimation' (ibid: 906). Finnemore and Sikkink argue that '[i]f legitimation is a main motivation for normative shifts, we might expect states to endorse international norms during periods of domestic turmoil in which the legitimacy of elites is threatened'. They add: 'If states seek to enhance their reputation or esteem, we would expect states that are insecure about their international status or reputation to embrace new international norms most eagerly and thoroughly' (1998: 906). The prominence of the norm, or 'the quality of the norm itself […] or the […] quality of states promoting the norm', is, as explored by Ann Florini (1996), 'an important characteristic of norms that are likely to spread through the system' (Finnemore and Sikkink, 1998: 906). They add that '[n]orms held by states widely viewed as successful and desirable models […] are likely to become prominent and diffuse' (ibid). In addition, they propose that the intrinsic characteristic of the norm, in terms of its clarity and specificity, and the issues its addresses, are likely to be popular (ibid). This relates closely to the idea of adjacency claims or path dependence, where the 'relationship of new normative claim to existing norms may also influence the likeliness of their influence' (ibid: 908). The world-time contexts of the evolution of norms, whether it be wars, displacement, research findings on global warming and so on, are also likely to influence new ideas and cause for action.

1.1.3. Critics of the article

Criticisms of Finnemore and Sikkink's hypothesis are few, and this thesis does not attempt to reject their claims, but rather endorses much of their work as reliable. Indeed, respected academics interested in previous and ongoing small arms processes and the ATT, such as Denise Garcia, have been inspired by their writings. Similar with Finnemore and Sikkink's analysis, she describes the importance of a 'champion state' adopting ideas and this leads to a process of multiregional 'core group' engagement, where, eventually, peer pressure directed towards outsiders creates 'momentum for regime emergence' (Garcia, 2015: 62). Garcia's idea of reputational concerns rest neatly with Finnemore and Sikkink's legitimacy arguments, arguing that states 'care about their reputations, and try to maintain their image as normal, accepted members of the international community that abide by the commonly accepted framework of values agreed upon in international law' (ibid). Her book, 'Small Arms and Security: New Emerging International Norms', uses Finnemore and Sikkink's article as guidance. It recognises some flaws

in some concepts such as 'the widely held theoretical assumption that norm entrepreneurs alone are key to the first stage of norm building' (2008: 18), but in many other areas, particularly in relation to her findings, she is uncritical of their concepts.

This is contrary to some studies. Bially, Mattern and Petti argue, for example that, while useful, their hypotheses and others neither address or explain 'the issue of what goes on to make a tip happen' (2004: 20). Without knowing such, they argue, claims that tipping points have occurred would 'be just another way of finessing our inability to explain how international order changes' (ibid: 23). Furthermore, there are arguments, particularly by Erwin, that what Finnemore and Sikkink define as "a standard of appropriate behaviour for actors with a given identity" at the norm cascade stage are rather conceptual concepts that are 'in fact not "accepted," "followed" or "complied with" by some states in practice'. This 'weakens the argument that a "norm cascade" has taken place' (2014: 1).

Finnemore and Sikkink, like many other constructivist scholars, emphasise the importance of framing to influence states to support and promote norms. Payne, however, has criticised the focus on framing in determining the outcome of norms. He argues that the communicative environment 'matters more than the content or framing of specific messages' (2001: 39) and that researchers may 'conceivably conclude that persuasion has occurred once significant behavioural (or even rhetorical) change is identified' (2001: 41). He uses the example of 'the realist notion that powerful states can threaten weaker states to get them to adhere to behavioural standards. The result of coercive compellence (Schelling, 1966) does not reflect authentic persuasion as constructivists should understand it' (ibid). Frames should therefore by treated as 'hypotheses and theories about the 'quasi-causal effects of normative ideas and persuasive discourse'' (ibid: 54).

There are blurred lines, as mentioned, between what constitutes a "tipping point", "norm cascade" and "internalisation". While this thesis focusses on what aspects of the ATT process may constitute a tipping point or cascade, internalisation of the ATT is at a too early stage to have a substantive theoretical contribution. Nevertheless, it examines how 'internalised' norms and their effect on state preferences to emerging norms is examined here. Regarding the former two stages, while they are usually examined as being at the early stages of a norms evolution, Khagram, Riker, and Sikkink

(2002: 15) argued that "The entry of a treaty into force […] can often be used as an indicator of a norm reaching a threshold or tipping point. Widespread and rapid treaty ratification can be a signal of an international norm cascade". This, in itself, demonstrates a lack of clarity on where stages start and when they end. What is unclear, therefore, is whether these stages are really useful for examining norm evolution, and if these stages really represent change in state behaviour or attitude toward ideas. The thesis therefore attempts to identify tipping points at both ends of the Treaty's construction, at the emergence (chapter 3) and at the signing and ratification stages (chapter 6).

The argument put forward in the hypotheses that states are "socialised" to support norms, and conformance to norms become almost automatic, is too simple assumption. It argues that rhetoric and reality are different things when we consider "conformance" as indicative of rhetorical or behavioural change. Not only is this argued in this study, it is supported by a growing number of scholars. Gilligan and Nesbitt, for example, have tested 'the proposition that norms alter state behaviour with respect to the expanding international norm against torture from 1985 through 2003'. They test whether the 'proliferation of the United Nations Convention against Torture had any effect in reducing the use of torture by states' (Gilligan and Nesbitt, 2009: 445). Their results suggest that torture has gotten worse over the period of study, despite the fact that membership of the instrument 'has grown through the period' (ibid: 445). They argue that it is mostly the former because three-quarters of the world's countries have legally bound themselves to it in some fashion. But their results suggest 'that torture is a practice in which leaders engage even though they know it is wrong' (Gilligan and Nesbitt, 2009: 467).

The major argument put forward in this context is that states' behaviour or attitude to ATT norms do not necessarily change; support for norms in this case is more to do with the social dynamics of the negotiations, both within the UN and within regional organisations, rather than states being persuaded that that aspects of the arms trade is "wrong". What is also not explicitly recognised in Finnemore and Sikkink's hypotheses is the role of 'norm entrepreneurs' during the latter stages of the norms development. Additionally, explicit attention dedicated to the institutional factors influencing states positions, the rules that govern state behaviour, the role of the chair, and access for NGOs are also not explicitly paid attention to.

It is also notable from existing literatures that states generally vote in various ideological or geographical blocs. This is interesting in understanding norm conformance because it puts to question the social and network forces influencing states decisions. The role of the chairs in negotiations have, comparatively, received less attention in academia and in relation with the hypothesis. With regards to NGOs, there are ongoing debates about which strategies are most successful in persuading states to follow and promote norms and agendas. More specifically, debates focus on the significance of insider and outsider strategies, and the implications this has on the strength and weakness of norms negotiated in the UN. Therefore, this thesis aims to contribute to this area, arguing the importance of these factors in norm development.

1.2.   Multilateral negotiations processes

This section locates some literature that are used to address areas of the hypotheses that lack explicit attention when analysing norm evolution and state conformance to norms. It focusses on voting rules, the significance of the chair, and access barriers and its effects on state and NGO behaviour. Areas in the following sections that are of particular interest are identified in section 1.6.

1.2.1. Voting rules and voting patterns

Among the many issues debated within the United Nations, arms control, environmental protection, human security, human rights and humanitarianism is high on its agenda. With 193 Member States, it includes the majority of the world's societies, and provides a forum from which to coordinate decision-making. Usually differing from the unanimity rule of NATO, the WTO and Mercosur, many UN agencies 'are governed by simple or qualified majority rules' (Maggie and Morelli, 2006: 1137), or more specifically, two-thirds majority (UN, 2015). Thus while States are the primary decision-makers in world politics, institutions such as the UN coordinate and channel discussions to shape state action and state-society relations (Price and Zacher, 2004: 34).

Voting patterns have been under extensive debate in understanding the legitimacy of the UN and shifting in ideological alignments. Powers argued that '[v]oting alignments in the [UN] General

Assembly exhibit elements both of stability and, paradoxically, dramatic change' (1980: 167). Some scholars have focussed on voting patterns to understand ideological or security-driven shifts as a result of changing political climates, particularly in terms of shifting Cold War spheres of influence (see for example Alker and Russett, 1965; Newcombe, Newcombe and Ross, 1970; Alcock and Young, 1973). These shifts have been important for understanding, for example, geopolitical, economic, and identity shifts, and new security challenges, providing some ground for analysis in terms of preference formations.

Analytically, many scholars studying blocs acknowledge the risks of aggregating states, and what state or issue is most representative of a bloc (Holloway, 1990: 283). Indeed, in many cases 'regional voting blocs are not clearly defined' in terms of their positions on various subjects that were brought to the General Assembly (see for example Brunn and Ingalls, 1984). Holloway, criticising previous studies, also argued that 'we should be hesitant to assert that a UN voting bloc necessarily defines a bloc in other arenas without also considering military, political and economic relations' (Holloway, 1990: 283-284). Kotzian also argues that individuals acting on behalf of the state, or the elected government's ideology, should also be considered (2007: 80). Generally, states have been distinguished based on their level of wealth, their regional affiliation, and levels of power. These include Global North, Global South alliances, 'developing states', 'third world countries', 'developed' or 'middle-power' states, and 'industrialised' states. Coalitions are appropriate in many negotiation contexts because it advances the positions of states with shared interests. It can also 'simplify and facilitate bargaining processes in the complex setting of multiparty, multi-issue diplomacy' (Hamspon and Hart, 1995: 5). On the other hand, formations of coalitions 'can also hinder the prospects of reaching an agreement if interests are incompatible and rival coalitions deadlock' (ibid).

Some generalisations of voting blocs are more nuanced, but they usually conclude with developing countries dependence on the interests and actions of developed and industrialised states, and the latter's negotiation and policy adjustments in relation to this dependence (see for example Erb, 1977). All told, Kotzian argues that 'Only for some frame components, like interests, an established aggregation process exists. This accounts for the differences in the occurrence and effectiveness of

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arguing and bargaining at the international level' (2007: 80).

Apart from some ideological alignment changes from a few individual states, from 1946 to 1973, UN 'voting blocs were relatively stable' and nations that left 'their blocs tend to vote with nearby blocs rather than making large ideological shifts, and tend to return to their old blocs' (Holcombe and Sobel, 1994: Abstract). By the 1980s, states tended to form in three large and stable major blocs: the Warsaw Pact, and Non-Aligned Movement, and another bloc consisting of Western or Organization for Economic Cooperation and Development (OECD) countries (Holloway, 1990; Kim and Russett, 1996). Kim and Russett, analysing General Assembly roll-call votes between 1991 to 1993, found that '[t]he East-West division no longer prevails in General Assembly deliberations; a North-South cleavage has superseded cold war alignments, giving rise to state preferences defined along developmental lines' (1996: 629). They believed that 'these voting alignments rather accurately reflect the issues and the economic and political influences on state alignments not only in the General Assembly but also in the wider arena of world politics more generally' (ibid: 641). Their observations suggested that the South consistently produce voting majorities on issues such as self-determination and disarmament issues 'as a means of exerting moral suasion on the North', but with significant inability to enforce these resolutions. The North have difficulty in preventing these issues on the agenda and therefore work to 'dilute the wording of successful resolutions' (ibid). Nevertheless, the West were 'frequently […] able to introduce and pass resolutions upholding basic political rights violated by particular developing countries. Different groups of states are able not only to be heard but also to assemble majorities on different kinds of issues that represent critical fault lines of global politics' (ibid). Others (Dahl, 1957; Straffin, 1977, 1988; Deegan and Patel, 1979; Kuroda, 1993 and more) have tried to measure voting power (their shifts over time, military and financial influences, and likely alliances) based on voting in the General Assembly during the Cold War since the breakup of the Soviet Union (O'Neil, 1996: Abstract).

There are vast literatures about how the Permanent Member of the Security Council's (P5) decisions influence voting patterns and its wider influences. These include influence on aid relationships with voting members (Kuziem and Werker, 2006), their ability to exercise control on other members and their overall legitimacy (Caron, 1993; Hurd, 2006), its ability to make the Security Council more

representative of UN Members (O'Neill, 1996), how P5 membership affect its members decisions and loyalties in other processes (Schabas, 2004; Hosli et al, 2010; Hagen, 1989), the rising power of China (Ikenbery, 2008), measuring their power in voting (Shapley and Shubik, 1956 and others), and developing states response to power distributions in the UN (Meyers, 2008). These interlink with critical theoretical arguments interested in American hegemony (for example Hurd, 2008), unequal power distributions in multilateral negotiations (for example Fehl, 2013), and resistance to 'imperialism' in shaping foreign policy (for example, Hinnebusch, 2010). Some have pointed to the reshaping of power and influence after the collapse of the Soviet Union. This has allowed 'small and medium states a freedom they had previously lacked to adopt positions of their own [enabling] greater consideration of individual policy proposals, rather than automatic support for one of the two blocs' (Kaldor, 2003: 13, 39, 79; Hubert, 2000: 30 in O'Dwyer, 2004?: 3). Closer to this study, Morphet has examined 'the composition, cohesion, interests and voting behaviour of [states] and groups of states' and how they have used 'their political assets to increase their power [within] the system and how this has affected the development' of these organs (1995: 435). Her finding suggested that, in a period of fourteen years, the emergence of new alliances and new interests between P5 members, regional organisations and the non-aligned movement developed from the 1990s. It consequentially gave the latter greater impact on the Security Council and the General Assembly's decisions, and instead of the usual East-West divisions in the P5, they, though not always agreeing on many matters, worked together in negotiations to increase their influence. Without voting power, the non-aligned movement had to stick together to promote their point of view to maintain influence, and were successful in shaping the P5's decisions.

BASIC and BRIC countries, consisting of emerging and industrialised economies, have also been observed in many literatures as exerting sufficient influence in UN negotiations. Focussing on the latter, Hochstetler and Milkoreit (2014: Abstract) for example have focused on their identities, as 'both their individual national identities as emerging powers and their joint identity as the BASIC coalition of emerging powers' as 'useful for understanding the coalition's negotiation stances and the larger negotiation dynamics between 2009 and 2011' (ibid). They argue that 'BASIC countries maintain a hard defining line between themselves and developed states in terms of their climate obligations', and in this way destabilised climate negotiations (ibid). Other developing countries join

in statements BASIC to enhance their leverage (ibid: 224). Four BASIC countries continue to meet quarterly, and these meetings frame 'these countries' future climate action' (ibid).

Less-well understood is how these aggregations are formed in consensus-based processes. In this context, emphasising the limitations of the P5's voting power, O'Neill, using the Sharpley-Shubik index (1954), argues that voting power of one of the P5 changes (and indeed other negotiators) when the rules change, in particular, when the altering requirement for a majority changes (1996: 220). 'In their measure, each member of a voting body receives a certain share, or percentage, of the total power, a number that one can calculate from the voting rules' (O'Neil, 1996: 220).

While consensus decision making is seen as fair, inclusive and less hierarchical, aiming to find creative solutions that everyone can agree with, building trust and co-operation; consensus is widely thought to hand power to individual and groups of states that may be discontent with the process, or with socioeconomic, political and security concerns that override the international security or humanitarian concerns of the majority. A small number of states may use their power to undermine the process and avoid dialogue on prevalent issues. This could influence states to form voting blocs that are not necessarily ideologically centred or in the national interests of its 'members'.

Consensus decision making has been considered to some to have hindered progress in multilateral negotiations, including the Kyoto protocol on global warming, the International Criminal Court, and the process leading towards the Ottawa Treaty (Krause, 2002: 1). This is due in part because consensus, in its purest form, can be blocked by one state, and the lack of incentive to compromise is thought to bring about the lowest common denominator of agreement. Focussing on the negatives, the PoA is one example of a "missed opportunity" in arms control, where some provisions were abandoned in order to appease the demands of one country. Due to objections made by the United States and other states, many African delegations in this process abandoned attempts for the program to include regulation of civilian possession of weapons and the restrict weapons transfers to non-state actors (ibid). Others would not agree to having provisions concerning human right violations (Small Arms Survey, 2002), due to the objections of a comparably small number of countries. For some critics, disagreement on the inclusion of technology transfers in the Wassenaar Arrangement on Arms

Transfers is also in part as a result of consensus decision making, as well as other institutional flaws (Ferguson, ed., 2006; Pyetranker, 2015). While a less pure form of consensus can lead, procedurally, to a majority vote if agreement is not reached, consensus provides arguably more democratic, empowering, yet in some cases, no winners- outcome if there are significant disagreements.

Boockmann and Dreher have touched on this issue, questioning whether countries with poor human rights records systematically oppose human rights resolutions, finding that voting from 'these countries aim to weaken UN human rights resolutions since they could be future targets of these policies' (2011: Abstract). Nevertheless, they argue that '[i]f reputation aspects and other non-instrumental motives dominate, the influence can go in either direction' (ibid). Their results showed, among other things, that 'a country's human rights situation is irrelevant to voting behaviour if regional dependence of voting is controlled for. This suggests that countries' voting decisions are not made independently from each other' (ibid).

This has been noted by scholars such as Foot, emphasising 'the persuasiveness of the argument', 'role-playing and self-identification', 'and strategic calculation' as factors important to voting trends now under UN consensus rules (2007: 513). She noted the increasing effort of members of regional organisations such as the EU and Latin American states to support human rights; the UK and France, due to Council membership, to be less as vocal but supportive, and the US, China, and Russia tended to be much more quiet.

1.2.2. Role of the Chair

The role of the Chair in the multilateral negotiations has only recently received sufficient interest in academia (see for interest: Winham, 1997; Hampson, 1995; Underdal, 2002; Odell, 2005; Blavoukos and Bourantonis, 2011). Movsisyan states that 'one of the crucial modes for efficient consensus is a power of the chairman' (2008: 84). The Chair exercises a high degree of power, where, for example, alterations to a single word or phrase in a negotiating text can change the dynamics of the discussions and could mean the difference between a successful or failed process. The Chair is therefore an important component of the social structure and power dynamics of negotiations. Citing Buzan, Movsisyan claims that the chairperson should exercise a high degree of knowledge on the subjects

under discussion to enable them to find compromises, have personal prestige to exercise authority, have a reputation for impartiality and fair dealing, and have a large capacity to work and skill to handle negotiation time and delicate matters, among many other skills (Buzan, 1981 in ibid: 85).

Tallberg, who studied the authority and the power resources of the chairs and their influence in the outcomes of different process in the European Union, the WTO, and the UN environmental conferences, is used in this thesis. Tallberg argues that IR theorists 'have tended to treat bargaining parties as functionally and formally equivalent, leaving little theoretical space for formal leadership'. Addressing functional arguments overcoming bargaining problems, the chair, as 'agenda managers', are seen as a functional response to 'agenda failure, negotiation failure, and representation failure' (Tallberg, 2010: 243). He finds that overall, while exercising different levels of authority and privileges depending on the design of the chairmanship, and constrained by certain institutional environments, the chair does have 'independent influence in international cooperation' (2010: Abstract). Among other findings, he finds that 'elected state chairs at the UN conferences have been confronted with control mechanisms and decisions rules that limit the scope for distributional influence' (ibid: 243). Thus, just as voting blocs can have an influence on the preferences of states and the outcome of norms, this thesis hopes to add ingredients to the debate about the importance in considering the chair in group formations and the outcome of norms.

1.2.3. Significance of access

There are mixed responses to NGO participation at UN forums. Participation rights increase or decrease depending on the sensitivities of the topic. China and the group of 77 have supposedly lessened the extent of NGO participation, particularly those concerned with human rights. When the Cold War ended, NGO participation, however, was less constrained, and with 'decline in emphasis on national security', an increase in the transnationalisation of trade, and interconnectedness of global problems, '[t]his created more space on the global agenda for 'soft' issues, such as humanitarianism and development— areas in which NGOs were regarded as experts and legitimate participants' (O'Dwyer, 2004?: 3-6; Thakur and Maley, 1999).

International Governmental Organisations (IGOs) such as the UN and its agencies generally embrace NGO participation because they sometimes bring 'freely offered assistance' and expertise

that is not necessarily held by state or IGO officials, particularly on matters such as human rights. Humanitarian NGOs also generally hold a 'culture and character' inclining them to act (Weiss and Gordenker, 1995: 551; Schoener, 1997: 550). They also help monitor and assist in implementation of new policies and democratise processes by bringing local or public issues to debate. 'Some NGOs, equipped with expert knowledge and professional leadership, participate with special zeal and effect in the preparatory phases of such conferences' (Weiss and Gordenker, 1995: 547).

Some NGOs have greater access than others. Well-known organisations such as the International Committee of the Red Cross and Amnesty International, for example, have developed a major role for themselves in the UN, possessing a broad range of skills and access that many other NGOs would never be able to possess (Martens, 2004: 1070, referring to Amnesty). Amnesty, as an adviser to the UN, 'contributes to more drafting processes than other NGOs and usually participates during the whole process (ibid: 1065). Some of the greatest benefits in terms of formal status (along with strengthened legitimacy) is the networks of informal contacts which has allowed them to "conquer space" within IGOs (Schoener, 1997: 540). Informal outside meetings in parallel with UN meetings and conferences can also allow for 'informal tactics to prevail', such as making proposals for textual changes and handing these out to delegates, or having informal chats (ibid: 551; Martens, 2004: 1063).

While Weiss and Gordenker argue that 'to some degree, NGO efforts at every stage shape […] outcomes' (1995: 547), the War on Terror, for example, has lessened the extent of NGO influence because of increased opposition to the participation from some states (O'Dwyer, 2004?: 18). To obtain some degree of status and access to negotiations, NGOs, for example, have to meet the criteria under the ECOSOC Resolution 1296 (Schoener, 1997: 542). Even with access, NGO influence is still limited, with only few holding all the consultative privileges after passing judgement from the ECOSOC Committee on NGOs, and under different categories, have limited access within and between all meetings (ibid). In the many UN institutions, there are also 'structures, processes, and unspoken rules that are neither quickly learned nor readily transparent, even to people who have been there for some time' (Cohn, 2004: 1-2). Thus, taking all these into account, all NGOs, particularly small and grassroots NGOs from the South, have limited opportunities to influence debates, at least in the short run (Schoener, 1997: 543, 550).

Additionally, where there are close working relationships between NGOs and members of the UN system, there may be costs to their independence and creative spark (Weiss and Gordenker, 1995: 553; Schoener, 1997: 548). NGOs also have to form coalitions and speak through a spokesperson, thus not representing their individual views (Schoener, 1997: 543).

Access and its significance is therefore contextual and it depends on the NGO, its roles, and topic focus. Indeed, some critics in academia and within NGOs themselves have questioned the value of the 'insider' approaches. Reitig (2011: Abstract) notes that 'NGOs can pursue insider strategies by joining government delegations as advisors or pursue outsider strategies as either lobbyists inside the negotiation venue or as activists'. She argues that '[i]nfluence for NGOs within the conference centre depends on their policy entrepreneurial strategies, their representatives' personal capabilities, how early in the negotiation cycle they are active and if they gain insider status with government delegations' (ibid: 5). It is also questionable how effective outside approaches, such as demonstrations, are on negotiations, but this is usually lower.

1.3. Policy cycles

This section discusses the cycles in which ideas gain support and acceptance through different stages of negotiation processes. It focusses on how norms should be viewed in international law, the significance of agenda setting, negotiation, implementation, and review. Areas in the following sections that are of particular interest are identified in section 1.6.

1.3.1 Norms as policy cycles

There are numerous definitions of what norms are. Generally, norms in social science are regarded as standards of appropriate behaviour within certain social groups or situations that are considered normal or proper. These are underpinned by values attributable to shared human beliefs, laws, religions and so on. Regarding international law, Krook argues that norms should be regarded as 'processes' rather than 'things' (2010: 122). Having emerged from somewhere, diffused and become generally accepted as proper and appropriate (and, if established in multilateral negotiations, reviewed), they could better be regarded as 'policy cycles'. Norms in international relations are not isolated issues, they overlap, conflict, hold different levels of commitment, and go through different phases of negotiation and implementation. Through time they are modified, challenged, and sometimes replaced. NGOs and states are involved at various

stages of the policy cycle, 'from the identification of an issue to implementation of policy outcomes' (Kaunert, Occhipinti and Leonard, ed., 2015). Kaunert et al argue that 'NGOs can and do insert themselves into each (or all) of the states of the policy cycle. Such activity and activism often challenge established norms and the development of new ones, but it might also involve protection of established norms ignored, undermined, or violated by a variety of actors' (ibid). These can be divided between two norm-based strategies for institutional change, where 'advocates "foreground" and criticise norms supporting the institutional status quo before either promoting an alternative existing norm via normative reframing of the issue, or creating and promoting an entirely new norm via normative innovation to build support for new institutional arrangements' (Raymond et al, 2014: Abstract). In the process of framing or reframing, advocates can alert others that their interests and possibly their identities as "responsible" states are at stake (Barnett, 1999: 25, 1998 in Payne, 2001: 39).

1.3.2 Agenda-setting

Agenda setting have received extensive attention in academia, studying the effectiveness of think tanks (Stone, 200), NGOs (for example, Albin, 1999), unsuccessful examples (Richardson, 2007), and different types of agendas in tandem (Sheufele, 2009). Agendas gain traction due to a number of reasons. NGO agenda setters usually have to have specific focus and expertise on the issue and the right climate (wider interests, organisational agenda, IGO agenda) for which to promote them. Promotion usually depends of the nature or characteristics 'of the issues themselves […] the attributes of the actors concerned […] the broader political context [and] the structural relationships within advocacy networks themselves' (Tomaskovic-Devey, Carpenter, and Brownlie, 2011: 6). Connecting the agenda with already existing broader agendas and institutionalised norms, such as human rights law, are also important in defining and shaping the agenda. It is also helpful if it appeals to many stakeholders that may be affected, such as government, the private sector, international organisations, and NGOs (Martinsson, 2011: 3). After establishing a message, the message carriers can bring them to attention through the media, through various grass-roots strategies, and through expert meeting and lobbies in order to gain support. Agenda setters also have to be clear what solutions are required for addressing the issue. Hampson and Hart argue that, once issues get to the table, it matters who sits at the table. It also

matters which stakeholders are involved, and the institutional procedures and mechanisms, that are important for setting and establishing agendas (1995: 5). It is also important to consider the obstacles (strategic and psychological) to reaching agreement or closure (ibid).

Framing has been widely seen as important in agenda setting strategies. In arms control literature, framing has generally been seen as crucial to the identification and establishment of issues and providing proposals and remedies. This has been part of the wider emerging 'human security agenda' which has focussed on the 'concept of security on the risks faced by individuals and their communities rather than on the interests of the state' (Bolton and James, 2014: 4). Three framing functions – diagnostic, prognostic, and motivational (Snow and Benford, 1988) – for example, are attributable to NGOs agenda for an ATT. Panahirad notes that '[d]iagnostic framing corresponds to the recognition of a certain condition that is considered as unacceptable, hence identifying a problem. Rather than individual blaming, the condition is identified as a structural failure that needs to be changed' (2010: 17). Prognostic framing, it is argued, 'involves the identifications of possible approaches and strategies to mobilise action among participants, thus offering a solution' (ibid). Motivational framing 'refers to the motivations for acting against the certain condition. It provides the rationale and justification for why movements should engage in collective action against a particular issue' (Panahirad, 2010: 17). "Schema" and "priming" are also concepts which Rutherford uses to understand the success of framing. 'Schema is a concept closely linked to framing', focussing 'more on how people organise their thinking' (Entman, 1989 in 2000: 78). He argues that it 'reduces complicated information into a manageable number of frames in order to handle and process it' (ibid). Priming is "the process by which the schemas are activated", assuming that 'frequency, prominence, or features of a stimulus activates previously learned cognitive structures and influences interpretations of an ambiguous stimulus' (ibid)

1.3.3 Negotiation

Hampson and Hart describe 'phases of negotiation' as important points where ideas reach different levels of commitment and agreement. These are: prenegotiation, negotiation, and agreement and implementation (1995: 25). They note that each of these phases has different functions in relation to the overall process of negotiation, as well as different characteristics or

features. Negotiations, they argue, are marked by "turning points," defined as "events or processes that mark the passage of a negotiation from one state to the next, signalling progress from earlier to later phases" (Krasner, 1983: 2 in 1995: 25).

Focus on the significance of negotiation is important in considering outcome of policy initiatives through the 'discursive terrain' of negotiation, and in general, the 'discursive condition of possibility for the construction' of norms (Shepherd, 2008: 384). Arms control and disarmament negotiations are, in particular, 'extremely delicate and highly dependent on a strong will to reach agreement' due to fact that they are 'closely intertwined with the fundamental issue of security' (Dubey, 1985: 128). Steinburg argues simply that success will be achieved if there are common benefits and 'windows' in seeking common security (1985: 261). He emphasises the importance of flexibility in various communication processes, such as proposals and counterproposals (as a process of bargaining) and the length of the negotiations. States will naturally try to maximise concessions from their opponents while minimising their own, striving to protect their economic and security interests, and offer formal or indirect promises and threats, orally or in writing, in order to get the best deal possible for themselves. Shepherd argues that bargaining under certain '[s]tructures and processes which are laborious and time consuming are not likely to lead to rapid responses and flexibility', particularly if there are many conflicting interests (1985: 263). Thus, the consequences of bargaining tactics, and indeed the negotiations rules, have been subject to expansive debate over the past decades.

There have been numerous reasons why some negotiations fail while others succeed. Steinburg's analysis of the Test Ban and Salt I negotiations concluded that 'centrally controlled decision-making, combined with informal and closely held communication [had shown] to have contributed to the eventual success of [these] negotiations' (1985: Abstract). Arguing that formal negotiations led to both process frequently being blocked: informal back-channels, exclusion of bureaucratic actors, centralised decision making and 'off the record' communications eventually led to concessions and facilitated agreements (ibid). Secrecy can also benefit the negotiators because it keeps 'domestic groups ignorant of the process' and they do not necessarily have to address the concerns of voters (ibid).

While there is expansive debate about different types of negotiation, two different types of 'competing behavioural concepts': "arguing negotiations" and "bargaining negotiations", are generally perceived to determine behaviour and possible outcomes in negotiations. "Arguing negotiations" are actors that are follow a logic of appropriateness, and "bargaining negotiations" are actors that follow the logic of consequentialism (Kotzian, 2007: 80; March and Olsen, 1989). Hampson and Hart, on the other hand, highlight different contending approaches to the study of multilateral negotiations: Structural Analysis (focussing on power in bargaining relationships); Decision Analysis (involving game theory, linkage analysis and concession analysis, which involves preference-revelation); and Process Analysis (involving institutional bargaining, staging and sequencing, cognitive analysis, and mediation, which focus on "process-oriented" explanations of international negotiation (1995: 6-19). Neither of the above approaches form the basis of analysis in this thesis, but complement in many ways in critiquing Finnemore and Sikkink's models.

1.3.4 Deal-making

Deal-making in the UN can be flexible and dependent of what is deemed logical and appropriate to the negotiation context, or it can be brought about through decision-making mechanisms (Mansbridge et al, ed., 2013: 122) and deadlines for deals. Distributive battles, conflicting beliefs and interests, competing conceptions of equality and justice, and different cognitive assessments of problems may, however, undermine any 'zone of possible agreement' (ibid). There are many factors and conditions that may lead to successful deal-making in deliberative negotiations, that is, having 'repeated interactions' and finding mutual gains (ibid: 125; 145). Mansbridge (et al) argue that '[r]epeated interactions among parties may be built into institutions for long-term processes of cooperation; these help to build collective understandings, make parties aware of one another's perspectives, encourage a longer time perspective, and create trust sufficient to support risky but collectively beneficial choices'. They add that 'repeated interactions also promote honesty in communication and other trustworthy behaviours because the participants anticipate punishment for dishonesty at future meetings' (ibid). At the latter phases of agreement, in multilateral negotiations, preliminary settlement 'may be prolonged and difficult as efforts are made to accommodate the varying interests and concerns of various parties to the final settlement'

(Hampson and Hart, 1995: 28). There is the 'danger that some participants may introduce last-minute reservations or proposals into the discussions, potentially delaying or preventing a final settlement' (ibid). Leadership and individual and collective initiative has also been considered important in the establishment of deals in multilateral fora.

1.3.5 Implementation

While the subject of implementation is not thoroughly pursued in this thesis, it is an important factor when considering how institutionalised norms effect state behaviour and promotion of new norms. Effective implementation can depend on a number of factors relevant to enforcement, bureaucratic measures, institutional reforms, cultural issues and so on. So-called hard and soft laws can also determine the level at which implementation rules are carried out, fortified, adhered to, or respected (Skjaerseth, Stokke and Wettestad, 2006: 104). Hampson and Hart argue that new or unanticipated problems occasionally 'will crop up in the implementation phases. Sometimes this requires further negotiations or discussions if they are affected by the agreement or have the power to bloc or negatively affect its implementation' (1995: 28). Generally, implementation brings a number of challenges and obstacles to achieving particular ends, particularly in terms of capacity, trust and goodwill if there is a high level of sacrifice of sovereignty, for example. It can provide a canvas for both policy makers, based on positive and negative experiences relevant to national and regional experiences, to set particular agendas. If there is a real capacity to implement, or the goodwill of strong states to help poorer states with assistance, this can increase the likelihood of policies being effectively implemented. Effective implementation, that is, wide adherence and conformity and sufficient state capacity to follow the rules, could determine the likeliness of a norms future development, adaptation, replacement, and overall behavioural change.

Nevertheless, like many international organisations, there are generally no enforcement powers that ensure compliance (Heineman and Heimann, 2006: 80). Altamirano for example found that a number of countries that have implemented the Inter-American Convention Against Corruption (IACAC) into their national legislation has not affected their corruption perception or corruption risk levels (2007: 491). Voting rules may also affect the lengths at which states are able and willing

to implement rules, particularly if there are major differences in how the issue affects states, or the disagreements and trade-offs. Overall, this is important to consider when analysing state conformance to norms, and promotion and support for similar norm through other processes.

1.3.6 Further review

Further review is important at the development and learning outcomes of implementation, and provide opportunities to develop or promote new ideas. Sterling- Delcoigne, Rossi and Veenendaal distinguish 'review' and 'revision' as practices of states following agreement to a norm. 'Review relates to securing more readily the agreed objectives of a treaty. Revision, on the other hand, involves the creation of procedural standards through which the actual objectives can be modified' (1984: 40). Generally, once implemented, norms are usually subject to regular reviews in the UN, and, if consensus is found, they can be adapted or modernised around technological developments or implementation flaws. These can be formal periodic reviews and/or informal periodic and ad hoc meetings, and are areas in which NGOs can act as consultants or advisors. Critics can challenge established norms and propose the development of new norms and/or better commitment to existing norms. This means NGOs and other critics have to identify the problem and produce information that supports evidence, develop solutions and recommendations for policy change, build networks and coalitions of allies, and employ tactics of persuasion and pressure to change practices and/or encourage compliance with the norm (Kaunert, Occhipinti and Leonard, ed., 2015: no page number). Thus, this creates a 'feedback loop through which renewed activism efforts can be launched when noncompliance and shirking is evident or forthcoming' (ibid). This is what has been 'termed information politics and accountability politics' which is 'key to the work of NGOs' (Keck and Sikkink, 1998 in Kaunert, Occhipinti and Leonard, ed., 2015: no page number). "Living documents" can help NGOs advance their concerns in other areas of the UN. Cohn argues for example that UN Resolution 1325, which sees regular meetings, advances gender debates into Security Council meetings and other relevant UN departments (Cohn, 2004: 1).

Nevertheless, it can be the review process itself that affects that length at which norms are properly implemented and adapted, particularly where there is lack of funding for specific mechanisms, lack of urgency for change, and general political will. This is what happened in the case of the IACAC, where 'issues such as time-consuming processes, the lack of expertise in the

Committee of Experts, and the lack of sufficient resources within the OAS General Secretariat' hindered progress (Altamirano, 2007: 541). There may be states that are critical of developing norms because it 'may materially [affect] the original expectations of the parties' (Delcoigne, Rossi and Veenendaal, 1984: 37). Differing interpretations of treaty obligations, differing assessments of evidence, general resistance to verification, or lack of enforcement are just a few areas that affect review and revision. Additionally, structural and legal frameworks, technical capabilities of states and capacity to implement agreed rules are extremely varied and therefore put the success of the norms intention at risk.

All in all, 'review and revision clauses […] have been used in arms-control and disarmament agreements, not only as bulwarks against the frustration of terms of an agreement, but also as tools through which the spirit and intent of a treaty can be preserved or updated' (Delcoigne, Rossi and Veenendaal, 1984: 40). These are balanced between 'two generally recognised but countervailing principles': 'stability and continuity' and 'change' (ibid: 37). Both can be practiced as a result of, perhaps unforeseen, insufficient understandings of the requirements of treaty compliance (or "technical non-compliance") or deliberate non-compliance (IPU, 2004: 2). Examples of these include the Nuclear Non-Proliferation Treaty (see for example GCSP, 2007: 12).

Further review and revisions are therefore important in the context of arms control because of the changing nature of conflicts. Additionally, the arms control environment has changed as a result of 'more players and more issues', due to 'more destructive technologies' and more vulnerable societies (Moodie and Sands, 2001: 3). Other obstacles to compliance that consequentially affect review and revision processes include 'increased numbers of actors, state and non-state, involved in arms control', 'continued international diffusion of information and global technological advancement', and 'the dual-use nature of the materials and equipment involved in chemical, biological, and nuclear weapons' (Moodie and Sands, 2001: 3).

In other areas, the EU Common Position on Arm Exports, for example, despite going through years of comprehensive reviews, has not succeeded in fully harmonising member states' arms exports policies. This is due to the fact that, among its strengths and flaws, states interpret the criteria differently (Bromley, 2012). Looking at arms exports to MENA governments during the Arab

Spring, Bromley argues that there continues 'to be broad differences in terms of which government ministries are involved in assessing licence applications, what powers states have to suspend or revoke previously granted export licences, and how states handle the export of 'civilian' SALW' (2012: 14). Annual submissions regarding exports have also seen a fall due to several EU member states having 'difficulties with the collection and publication of data on actual arms exports disaggregated by the categories of the EU Common Military List' (ibid: 15). The lack of informed assessments on implementation, lack of specific information in submissions, and lack of resources for smaller states are among some of the shortfalls of a frequently reviewed and, in comparison to other arms control agreements, well-financed institution.

1.4 The roles and significance of NGOs in multilateral agenda-setting and negotiation processes

There have been extensive literatures exploring the roles and significance of NGOs in multilateral agenda setting and negotiation processes. NGOs have different degrees of formal and informal powers at all stages of a policy cycle, in agenda setting, negotiation-bargaining, implementation, and compliance-enforcement (Carroll, 2002: 18). In agenda setting, informal power is typically used for building dialogue with politicians and officials, media and other groups (ibid: 19). This is due to having limited formal influence inside official institutions for setting agendas. International institutions and Conferences of Parties 'leave the responsibility for setting the agenda and deciding formally on its adoption exclusively to the States Parties to the treaty' (ibid: 18). Requests from NGOs can be considered, but they usually require the support of at least one Member State (ibid).

Relating to arms transfers, NGO agenda setting on arms transfers beyond the national scale can be traced back to 1991 following the First Gulf War. Aware that Europe had been a major supplier to Iraq prior to the war, the European Council adopted eight common criteria to regulate arms transfers in 1991 and 1992 (UNESCO, 1998: 9). NGOs lead by British and American Security Council (BASIC), Saferworld and World Development Movement and many other organisations promoted more specific and detailed criteria through a Code of Conduct on arms transfers. The UK took the initiative to promote the Code. This initiative influenced the USA to consider the Code of Conduct for its own national controls, and the International Code of Conduct that eventually triggered the process for an

ATT was also inspired by the Code developed by the aforementioned NGOs (UNESCO, 1998: 12). During this time, other initiatives such as Organisation for Security and Co-operation in Europe (OSCE) Document on Small Arms and Light Weapons, 2000; and the Code of Conduct of the States of Central America (SICA) on the Transfer of Arms, Munitions, Explosives and Related Materiel, 2005 were developed through and inspired by NGO and state initiatives (Wallacher and Da Silva, 2008: 14). NGOs had also been able to establish agendas through independent multilateral negotiations, as seen in the Mine Ban Treaty. Wallacher and Da Silva note that '[t]his type of multilateral treaty-making does not involve any particularly process', but similar to official institutions, an initiative need to be stake by a state or group of states (2008: 12).

There are many strategies used to persuade a state to support an agenda, which include lobbying government officials, publishing research, policy papers, letter and petition writing to key individuals, and naming and shaming. Gaining public and media attention can maximise attention to a cause and increase pressure on policy makers. In the context of this thesis, the process leading to the ATT was part of a broader change in how the international community defined and addressed common security challenges (Wallacher and Da Silva, 2008: 3). The focus on arms transfers represented an 'increased understanding among states of the intimate connections between human rights and arms transfer issues' (ibid). NGOs and researchers were part of that reframing through various small arms processes and regional controls in the late 1990s and early 2000s (see Stavrianakis, 2010: 155; Rutherford, 2000: 76)

In setting the agenda and bringing it to multilateral debate, NGOs need to control the agenda. NGOs have a limited role at the negotiation phase due to restrictive access and primary space dedicated to dialogue between states. Carroll argues that the 'ability of NGO to influence policy-makers at this point in the process depends on what 'goods' NGOs have to offer (in particular, expert advice and public opinion)' (2002: 19). Access can be enhanced or restricted depending on the rules of procedure. If time barriers and sensitive topics permits negotiators to debate without outside scrutiny, this is also a barrier to NGOs. Nevertheless, since the early 1990s, NGOs overall have gained greater access to the negotiation phase due their expertise, commitment to achieving institutional goals, and are regularly included in government delegations. Interconnected issues regarding national, regional and

international security issues related to arms control and transfers could be said to have increase demand for national and transnational NGO's expertise. NGOs can also influence the debate by distributing materials to delegates, including policy papers, making oral interventions in meetings including plenary meetings, informal working groups meetings, but this varies widely (ibid: 21),

Comparatively, environmental NGOs have had greater access to multilateral fora than those concerned with disarmament and arms control, particularly during bargaining process (ibid: 15 and 21). This is partly due to higher levels of secrecy surrounding arms control negotiations. Where NGOs have limited access to negotiations, they can lobby their national governments and organise expert meetings to ensure their agendas are being properly pursued.

In this context, insider and outsider approaches can increase the potential for influencing delegates and key figures. The effectiveness of both approaches has been under discussion in academia (see for example Weiss and Gordenka, 1996; Price, 1998, 2003; Borrie and Randin, ed., 2006: 37). NGOs exercise both formal and informal roles in the UN where they can shape the agenda, and those with consultative status can help with conceptualising issues of security 'closer to human security' (Stephenson, 2011a: 402). Formal roles can involve the submissions of briefs, dispute settlement, consultations with states and secretariats, which has been further facilitated by the Internet and other communication channels. Informal roles can involve lobby meetings, speaking with delegates in cafes and corridors. All in all, they help to originate ideas; develop and analyse the consequences and options flowing from those ideas; create pressure in favour or opposition to certain ideas; democratise governance through education, deliberation, public scrutiny and 'naming and shaming' (Hannah and Scott, 2015: 18).

Some scholars have tried to theorise the differences between insider and outsider roles to understand their differences and significance. Fukuda-Parr and Hulme in this context distinguish 'message entrepreneurs' from 'norm entrepreneurs', the former of which play a key role in processes because they are motivated primarily be organisational objectives rather than ideational commitments (2009: Abstract). While norm entrepreneurs promote the acceptance of specific norms, the message entrepreneurs 'operate diplomatically to achieve consensus and minimise confrontation', mixing

'principles with pragmatism' (Fukuda-Parr and Hulme, 2009: 4 and 5). This insider status within negotiations, and through access to governments outside 'nongovernmental actors are valued by government delegates for their neutrality, constructive contributions and expertise' (Rietig, 2011: 8-9). NGOs can also influence and set agendas through 'semi-outsider strategies' (ibid: 9), where they lobby governments by means of access in the corridors and through side meetings and events. But they do not have direct access to formal and informal groups such as the "friends of the chair" (ibid). Atwood argues, however, that in recent arms control negotiations, even a high degree of access for NGOs does not mean that results have been successful (in Borrie and Randin, ed., 2006: 37). He added that 'it could be argued that NGOs, while understandably feeling that it is better to be inside than out, have allowed themselves to be co-opted by the process. If being "in" means playing by the old rules, how can being "in" be seen as essential to making a difference?' (2006: 38).

The impact of outsider approaches, including lobbying states, public demonstrations and petition signature collections are less well analysed. This is partly due to the fact that it is very difficult to measure success. Internet campaigning, while being frequently studied in the last two decades, particularly on marketing campaigns and political movements, has been neglected in its understanding of NGO impact at the negotiation stages. At the agenda setting stages, Merllainen and Vos argue that 'agenda-setting research tends to emphasise the role of journalists in setting the public agenda, and mentions NGOs primarily as a source for journalists and as a political player'. They argue however that the 'online environment shows, however, that that these NGOs mostly aim at setting the public agenda to create social change' (Merllainen and Vos, 2011: 1). Online campaigning creates opportunities to reach large public groups, companies and governments, and the larger the amount of people showing support, the more power they have in the eyes of decision-makers (ibid: 3). The distribution of issue frames and the abilities to initiate dialogue via online forums has also increased their ability to influence the media and political agenda (ibid).

One significant feature attributed to the outsider approach and its influence in agenda-setting and negotiation is their coalitions with middle powers. Some have wrestled with the idea that coalitions of NGOs and "middle-powers" represent a "post-Cold War superpower" (Vaughn, 2005: 78). On the other hand, some have questioned the political force behind 'effective collaborations' between NGO and

state coalitions in the face of Great Power opposition (ibid). While there have been recent debates supposedly downplaying the 'full role and centrality of NGOs in global governance' (Hannah and Scott, 2015: 2), many analysts still uphold the significant contribution NGOs play, along with in their 'growing scale and intensity of participation', in setting the agenda for new norms and keeping them on the table through various forums. This is thus possible due to their close relationships with IGOs and other actors, acting as 'pressure groups, lobbyists for policy and normative change and providers of analysis and expertise' (ibid).

1.5 Defence industry and Military-Industrial Complex

There are extensive literatures exploring the relationship between the state and its military-industrial base and military-industrial complex. These appear to focus on trends and linkages between military production, manufacturing technology acquisition, trade, and its benefits on national economies and security. Focus has extended beyond the major militaries to study self-reliance and economic and technological developments in BRIC states, South American states, Israel and Turkey. Military engagement with industry since the Second World War has been key to the diversification and technological sophistication of defence industries. Since the late 1980s' and early 1990s' there has been more 'spin-in of civilian technology to the military', and now there are 'Increased numbers of components that go into the major weapons systems are commercial 'off-the-shelf' [...] products, produced by manufacturers who would not see themselves as part of the arms industry' (Dunne 1995 in Dunne and Skons, 2009: 9). The end of the Cold War had seen changes in the nature of the military-industrial complex, which has adapted around 'profound changes in the international security environment', with military spending dipping and peaking between the 1980s and 90s', and then increasing significantly from 2003 (Dunne and Skons, 2009: 7). There have been slow movement to privatisation and the development of mergers, which has internationalised ownership and internationalised supply chains, providing more flexibility and potential cost reductions (ibid: 9). Large defence companies have offset many operations in countries or regions with high demand for defence materiel. This feeds the demand by many emerging producers to acquire defence manufacturing technologies from abroad to improve their defence capabilities and directing public funding into defence technology research and development. But companies are still significantly dependent on the country for which they are located, regardless of ownership relations (ibid: 10). This

also includes private companies. For example, the UK have a unique relationship with their industries through their independent 'Private Finance Initiative', which, according to Dunne and Skons, is having considerable influence in government policy abroad (ibid: 12). Thus, while there have been changes since the Cold War for which the implications are not fully clear, there still remains a close link between government, industry and the military, despite increasing privatisation (ibid: 12). Industry representatives are also heavily engaged in the development, review, and implementation of national and regional arms control regulations, and have sometimes held prominent positions within government departments. At various degrees, defence industry representatives also engage in advising officials at the UN and other bodies in arms related affairs (Lichtenbaum, Stohl, and Wood, 2011).

The 2000s was a good decade to be a military contractor (Hartung, 2011: 1) due to the 'Global War on Terror', Iraq War, and the civil uprisings in the MENA region. Russian expansionist interests and territorial disputes in South-East Asia are also contributing to high levels of sales and shifts in military-industrial cooperation. Defence companies and governments that regulate them 'have in the past decade come under increasing policy pressure by regulators, investors and the society at large demanding more transparency and less corruption, as well as social responsibility and sustainability' (Kytomaki, 2014: 2). Additionally, emerging exporters have been seen to have created an imbalance of responsibilities in terms of licensing restrictions, leaving some states and emerging industries relatively unconstrained, as opposed to the more restrictive control regulations of mostly Western industries (ibid: 2). With this comes the desire for many of the major exporters to 'level the playing field,' so that other industries and countries with laxer controls operate under common rules. This is why many defence companies, particularly European, supported the idea of an ATT. Nevertheless, while industry representatives were involved in informing their country's delegations about their interests, particularly in areas concerned with parts and components, research and development in the Treaty, they were not heavily engaged within the UN for a during the early years. Nevertheless, like humanitarian NGOs, defence industry has a significant part to play in formulating state policies, and, with sufficiently higher capacity and resources (at least the larger companies) to lobby and influence governments, have a different degree of leverage on policy.

1.6 Gaps in literature and where this thesis aims to contribute

For over a decade, there have been numerous studies analysing the emergence, negotiation and implications of the ATT. These include, but are not limited to, scholars such as Erickson (2007. 2015) who looked at legitimation and reputational concerns as an important factor to norm promotion and acceptance. Others have written about civil society's role in the ATT, from both NGOs and independent perspectives, such as Spies (2009), Mack and Wood (2010), Utnes (2010), Ray et al (2012), Kirkham (2012), Green, Mortimer, and Stone (2013), Whall and Pytlak (2014), and how implementation may affect state behaviour and trade practices, such as Kytomaki (2010, 2011, 2014), Holtom, Bromley, Kirkham (2012), Bolton and Zwijnenburg (2013). Others, such as Joseph (2013), Garcia (2010), and some aforementioned names have focussed some attention on the influence of regional groups, with various degrees of resources and capacity, in the ATT process (for example Kytomaki, Bolton, 2013, Bolton and James, 2014). Many aforementioned names, but more specifically Garcia (2004, 2011, 2014, 2015), Cooper (2012, 2012a), Avery (2013), and Bolton and James (2014) have explored the normative implications of the treaty and NGO access, among the more conceptual analyses exploring the evolutionary cycles of arms control developments, for example Borrie and Randin (ed., 2006), Muller and Wunderlich (ed., 2013) Cottrell (2009) (institutional replacement) and Fehl (2013) (unequal institutions). Political economy factors and the ATT have received less independent attention, with the exception being composite studies by the Small Arms Survey, SIPRI and PRIO and others. Additionally, with the exception of some fragmentary overview of the role of the chairs, their roles in handling the negotiations have been relatively neglected, and not theorised. Others take a much more critical stance of NGOs roles, focussing on the implications of state-NGO relations (Stravriankis, 2010, 2013) and the security and domestic implications of humanitarian NGO work at the UN (Bromund, 2012, 2013, 2014).

This thesis builds on some the aforementioned researchers, but is distinguishable in its theoretical and methodological application, its focus on frames, its comprehensive analysis of interest in identity and why 'contagion' (or diffusion) occurs, how internalised norms shaped states preferences, the voting rules, the role of the chair and NGOs roles at all stages of the ATT's development and their strategies. Also unique among the above studies is its interests in various

socio-economic, political and institutional factors influencing states support or opposition to ATT provisions. It also implicitly builds on Garcia's contribution to debates about the ATT and her inspiration of Finnemore and Sikkink's work. She looks through similar perspectives to this thesis, aiming to 'determine moral and normative progress in international relations' through the ATT and other arms control initiatives (Garcia, 2015: Abstract, 62). Additionally, she argues that there are '[t]hree conditions for the emergence of humanitarian security regimes': 'marginalisation and deligitimisation, multilevel agency, and reputations concerns' (ibid). These conditions fit very closely with theoretical grounding of this thesis. However, this thesis is more critical of Finnemore and Sikkink's work in the context of the ATT. Space allows to build on the developments of the aforementioned scholars to expand on our understanding how ATT came about, how it developed and the methodological opportunities and implications of using widely used theories. Unique among these studies, it tests the relevance of the hypotheses to global initiatives like the ATT. Specific aspects of their hypotheses are addressed in chapter 2. The following sections highlights specific areas of the literature this thesis utilises.

1.6.1 Non-Governmental Organisations

The thesis seeks to develop our understandings of the role NGOs played in framing and garnering support for the ATT. In this context, many literatures have only partially analysed the influence of NGOs of the Control Arms coalition in framing the ATT and influencing the support of governments through all its stages of development, identifying not only provisional support for the ATT as a whole, but where conditional agreement on the component parts of the treaty were achieved. Mack, Wood, Whall and Pytlak, for example, have offered some very useful insight into the roles of NGOs, the latter at the initial stages of development, and the former within the negotiation setting. This thesis makes use of their findings, and aims to provide nuanced analyses about the significance of insider and outsider NGO activities, and possible impact these strategies had. Particularly lacking in the literature, and in general academic literature, is the focus on the extensive use online tools by NGOs to pressure government officials through lobbying, e-petitions and emails, and its assistance in pressuring the UK to maintain a leadership role in the negotiations. Other areas that do not receive explicit attention is the significance of certain 'insider' strategies, such as side meetings, acting as part of delegation teams, speeches, and other

outsider methods of persuasion, such as the role of celebrity, victims and demonstrations. Overall, it demonstrates that NGOs have an active role to play at all levels of the norm life cycle.

1.6.2 The negotiation context

The thesis builds on works by Garcia (ECOWAS) and Joseph (CARICOM), analysing the significance of regional groups in balancing bargaining powers in the negotiations. It expands on these analyses by including other regional groups, and also identifies the significance of interregional and institutional coalitions in influencing the outcome of ATT provisions. The analysis does not limit itself to particular study of multilateral negotiations, but utilises common arguments to understand cooperation issues and negotiating alliances.

This builds on existing literatures concerned with how voting rules affect state behaviour, the impact various bargaining tactics have on states positions, and how values and interests combine or collide. Identity and belonging has not been considered as important in the study of the states in the ATT negotiations, and many observers argue that ideological affiliations are now less polarised, meaning less-powerful states have more freedom to influence agendas independently (O'Dwyer, 2004?). This has been noted by scholars such as Foot, emphasising 'the persuasiveness of the argument', 'role-playing and self-identification', 'and strategic calculation' as factors important to voting trends now under UN consensus rules (2007: 513). Additionally, Hochstetler and Milkoreit argue that '[w]hile national identities have become an established framework for foreign policy analysis, joint identities of states as members of groups (e.g., negotiation alliances) have so far been neglected outside the context of the European Union' (Hochstetler and Milkoreit, 2014: 224). Focus on 'joint identities' analysis has been side lined, with analysts tending to focus on 'collective interests' (ibid). Analysis on the roles of the chair add further debate to understanding dynamics in the negotiations, and the implications this had on the process.

1.6.3 Social, economic, institutional and political factors

The thesis also aims to contribute to debates about how internalised norms shape state behaviour. While this has been identified by some scholars as shaping states' preferences in negotiations, no study to date has identified why states that may be directly affected by the provisions negotiated

support or oppose these. It therefore utilises theoretical arguments that address the significance of peer pressure, esteem, legitimacy, and time-contextual factors in shaping behaviour. This relates closely with Boockmann and Dreher's analysis, who question whether countries with poor human rights records systematically oppose human rights resolutions, finding that voting from 'these countries aim to weaken UN human rights resolutions since they could be future targets of these policies' (2011: Abstract). It also expands this argument by looking at the multiple factors that contribute to states negotiating positions, including the social, economic, political and institutional factors. It provides some insight into voting patterns shifts and how this affected the outcome of the ATT. By identifying states that object to ATT provisions despite having domestic and regional systems already mean they conform to norms, it utilises data from SIPRI, Small Arms Survey, and literatures concerned with multilateral negotiation processes to achieve this.

1.6.4 Summary

Overall, the thesis aims to contribute to knowledge in constructivism and liberal institutionalism by understanding why norms diffuse, how and where persuasion occurs, and what conformity to norms means in terms of behavioural change. While many scholars have challenged many aspects of Finnemore and Sikkink's arguments, their norm stages are still being used by many scholars to simplify our understandings of norm changes. This can be very useful and convenient in establishing stages of norms and where they come from. But how applicable is it to the ATT negotiation? And is it useful in understanding its development? Here it aims to test the notion that tipping points and cascades occurred in the ATT process, and establish if or how the stages apply.

CHAPTER 2
Methodology

2.1 Introduction

This chapter first discusses the theoretical and methodological underpinnings that form the basis for analysis throughout the research chapters of this thesis. It then discusses what aspects of Finnemore and Sikkink's hypotheses the thesis intends to use, test and challenge, and the theories and sources used to achieve this. The final section discusses some of the limitations of the theory, methodology, sources and approach.

2.2 Theoretical and methodological positions

The study undertakes a mixed method approach utilising aspects of critical and conventional constructivism and liberal institutionalism. The findings are sought through assumptions around the post-positivist paradigm, using empirical evidence and testing Finnemore and Sikkink's hypotheses to extricate interpretations and meaning to various occurrences. By embracing both qualitative and quantitative data sources, one can understand how both objective and subjective worlds are interrelated, and how identities are shaped by institutional, material, and normative influences. The focal points of each chapters are variable in their reliance on constructivist and liberal institutionalist theories. The below sections define these theoretical and methodological branches and clarifies their importance and where they apply in the following research chapters.

2.2.1 Liberal Institutionalism

Liberal institutionalism is a theory that claims that international institutions such as the UN can increase cooperation between states (Baldwin, 1993). While this thesis seeks to understand how state behaviour is guided by norms and rules, it considers both liberal and realist views as necessary in establishing how agendas are accepted and rejected by states within the negotiation setting. It is therefore interested in how the UN played a mediating role in establishing mutual gains and avenues for cooperation, and minimising differences (Nuruzzaman, 2008). More specifically, it is interested in how institutional rules and practices play a part in coalition building and utility maximisation through communicative processes, and, in this way, help to formulate and reformulate states preferences (ibid). It is partly guided by the liberal view because Finnemore

and Sikkink's hypotheses is interested in the diffusion of normative ideas, and the reasons the dissemination of ideas.

On the other side, the thesis is interested in how the distribution of power in the world and within the negotiation setting create barriers to achieving cooperation on ATT elements, and how individual states used the ATT and their bargaining power to achieve relative gains. It reflects on the limits of the UN and the role of the chairs in its capacity to promote and achieve cooperation, peace and security (ibid). It is also interested in how normative and material gains are sometimes blurred and mutually dependent, creating a complex mix of competitive, restrictive and enhanced mutual-gains benefits.

Both conventional and critical constructivist approaches explained in the next section weaves into the liberal and realist view of institutions. Specifically, the conventional view is interested in how humanitarian NGOs influence states to embrace ethical or moral ideas, and promote these within and outside the UN fora. The critical view, however, is interested in how states and NGOs utilise normative ideas and exploit institutional rules and processes to diffuse western ideals and maintain hierarchies and power imbalances in the international system.

2.2.2 Conventional and critical constructivism

Conventional constructivism focuses on how identities and interests are socially constructed, whereas critical constructivism is interested in how power is exercised in every social exchange (Hopf, 1998). There is no clear distinction in this thesis between both approaches and how they are used to interpret the findings. However, so as not to divert from testing Finnemore and Sikkink's hypotheses, reliance is more weighted to the conventional view. This is mostly applied when approaching the data inductively. Deductively, and to a lesser degree, critical observations are applied where observations and strong evidence is implicated.

This is what might be called a modern constructivist approach, acknowledging 'that the social world is made of intersubjective understandings, subjective knowledge, and material objects' (Lupovici, 2009: 196). It implicitly addresses non-idealist aspects in constructivism's ancestry

(Sterling-Folker, 2000: 98), or Lupovici's plea for pluralism in constructivist methods (2009). While conventional and critical views have been 'wrongly conflated', Yosf Lapid stresses that they are on the same side: 'the fixed, natural, unitary, stable, and essence-like, on the one (mainstream international relations theory) hand, and the emergent, constructed, contested, interactive, and process-like, on the other (constructivist) one' (Lapid, no date, in Hopf, 1998: 181). The 'defensible rules of thumb, or conventions' that "conventional" constructivism usually holds should not be held back from the 'postmodern critical path' (Hopf, 1998) if the findings indicate its relevance.

Used together, both conventional and critical approaches help in investigating how normative ideas and power define and shape state behaviour. Both share theoretical fundamentals in their aim to 'empirically discover and reveal how the institutions and practices and identities that people take as natural, given, or matter of fact, are, in fact, the product of human agency, of social construction' (Hoffman, 1987 in Hopf, 1998: 182). More importantly, both 'insist that all data must be "contextualised," that is, they must be related to, and situated within, the social environment in which they were gathered, in order to understand their meaning' (Hopf, 1998: 182). Therefore, while attempting to identify cause and effect in pursuit of hypothetical testing, the analysis is holistic, embracing both notions that causation can occur in an external reality and in the physical interaction of people and things (Weber, 2008).

Table1. Inductive and Deductive Approaches

Conventional constructivism (inductive)	Critical constructivism (deductive)
Theory and hypotheses	Confirmations and contradictions
Aspects used, tested and challenged	Critical observations (Power utilisation and imbalances etc.)
Confirmations and contradictions	Theory generation

The conventional approach is important because the research is guided by Finnemore and Sikkink's hypothetical frameworks. On the critical side, while it is acknowledged by many scholars that civil society and human rights norms are changing patterns of power; power, in a realist

worldview, still matters, and it will 'be used by those who accrue it for a specific set of ends' (Barkin, 2003: 337). Critical arguments fold into the analysis after establishing where power is identified as prominent and significant to the findings. It puts conflict, militarism, identity and global political economy into context. In this process, the thesis sidesteps the critical wish to explode 'the myths associated with identity formation' (Hopf, 1998) because it believes that states and the individuals acting of their behalf do carry a desire driven by national and regional constitutions and networks and exercise sense of self, and in that process create a sense of 'other'. 'Power and knowledge' are exercised through this process and within their associated networks, and thus this helps to explain change.

In summary, a mixed method approach using liberal institutionalism, conventional and critical constructivism help to explain where the ATT came from, how it was constructed, and what forms of power were influential in its development. While being less reliant on constructivist approaches in chapters 4, 5, 6, Sterling-Folker argues that there is not a lot difference between institutionalist theories and constructivist approaches in terms of their conclusions, as 'neoliberal institutionalism relies implicitly on an identity transformation in order to account for cooperation's maintenance', and that 'such a transformation is entirely consistent with constructivist expectations' (2000: Abstract). Causal explanations derived from a conventional constructivist approach are not too dissimilar with liberal institutionalism arguments about social change (ibid: 99). The critical approach is applicable with arguments about power utilisation in the negotiation setting. Identity, conformity and belonging are associated with critical arguments in its focus in how alienation drives the need for identity (Hopf, 1998: 184). Sterling-Folker argues in this context that 'when the metatheoretical commitments made by constructivists and neoliberal institutionalists are closely compared, one discovers that the epistemological and ontological differences disappear, and they turn out to be complementary theories within the larger framework of liberal IR theory' (2000: 99). The next section discusses what aspects of Finnemore and Sikkink's work this thesis uses, tests and challenges, and the methods and approaches used in each research chapter.

2.3 Hypotheses testing

This section identifies a number of arguments that Finnemore and Sikkink put forward that the research chapters in this thesis aims to explicitly and implicitly examine. The chapters test the following arguments across a particular timeframe covering agenda setting, negotiation, and agreement. This begins in 1995, when the idea of a multilateral, legally binding treaty emerged. From here, the idea went through a series of meetings at the norm emergence and pre-negotiation stages (Hampson and Hart, 1995), eventually leading to the negotiation stages between 2006 and April 2013. The theoretical and hypothetical points of analysis end in 2015, where attention specifically focusses on social factors influencing states to sign and ratify the treaty commencing the agreement of the ATT from April 2013.

2.3.1 Tipping points, norm cascades, and critical masses

Starting with the more general concepts this thesis tests, among other aims, chapter 3 tests the argument about whether Finnemore and Sikkink's 'tipping-point' concept is as clear-cut and observable as is sometimes claimed. For example, Bially, Mattern and Petti argue that, while useful, their hypotheses and others neither address nor explain 'the issue of what goes on to make a tip happen' (2004: 20). They argue that without knowing this claims that tipping points have occurred would 'be just another way of finessing our inability to explain how international order changes' (ibid: 23). Here the thesis aims to identify what factors lead to the 'tipping point' and other stages of their life cycle, and whether these concepts are really applicable to the ATT negotiations, or norm "conformance" more generally. Khagram, Riker, and Sikkink (2002: 15) argued that when the entry of a treaty comes into force it 'can often be used as an indicator of a norm reaching a threshold or tipping point. Widespread and rapid treaty ratification can be a signal of an international norm cascade'. Thus, it seems that there is a lack of clarity of what a tipping point is, and what leads to it. Chapter 6 in particular argues that the 'tipping point' concept can be applied to the signing and ratification process (Price, 1998 in Muller and Wunderlich (eds), 2013). Overall these sections aim to clarify these points.

It also tests the 'critical mass' concept that is needed for a norm to be cascaded, or in this case for it to be conditionally agreed. It tests this by analysing approximate numbers of state support for certain

provisions, and the likelihood that the chair of the negotiations would include a weapon or risk criteria in the text. It argues that, with some exceptions, and despite various levels of support for certain provisions, one-third of state support was usually needed to ensure a conditional acceptance of a negotiated element. Approximate numbers of state support for certain provisions were counted in the Arms Trade Treaty Mapping Database, and also in the ATT monitoring documents and other sources.

2.3.2 Norms shape state behaviour

The thesis also tests the argument that norms are "complied with" and followed, leading states to change their behaviour in accordance to the norm, and to promote it through interaction. Chapters 5 and 6 explore this specifically. This is based on Finnemore and Sikkink's argument that the relationship between new normative claims is likely to be successful if they "fit" with existing 'internalised' norms (1998: 908). There are arguments, particularly by Erwin, that what Finnemore and Sikkink define as 'a standard of appropriate behaviour for actors with a given identity' at the norm cascade stage are rather conceptual concepts that are 'in fact not "accepted," "followed" or "complied with" by some states in practice'. This 'weakens the argument that a "norm cascade" has taken place' (2014: 1). This supports Gilligan and Nesbitt's analysis noted in the literature review. It utilises the argument about the prominence of a norm and the quality of states promoting a norm leads to its acceptance (Finnemore and Sikkink, 1998: 906). It also utilises Finnemore and Sikkink's notion of the 'world-time' context, such as conflicts, as influential in formulating the positions of states. All chapters generally argue that these concepts are applicable to the ATT process, but in some instances states did not support norms they already follow nationally, regionally, and internationally, an argument further developed in chapter 5. It also argues that bargaining coalitions formulated the preferences of some states. Various economic, political and institutional contexts are identified as other reasons why states might oppose similar ATT provisions.

2.3.3 Framing

The thesis also tests and critiques the attitude-changing effects of framing. Payne has criticised the focus on framing in determining the outcome of norms. He argues that the communicative environment 'matters more than the content or framing of specific messages' (2001: 39) and that

researchers may 'conceivably conclude that persuasion has occurred once significant behavioural (or even rhetorical) change is identified' (2001: 41). While the thesis acknowledges the influential effects of framing, particularly in chapters 3 and 7, the 'communicative environment', or rather the institutional factors, particularly in terms of negotiation rules and bargaining dynamics, are also important in considering state "adherence" to, or promotion of, ideas and conformance thereafter. By analysing preference differences between 2007/08 and 2010 onwards in chapter 6, it argues that network pressures are important in considering state behaviour toward ideas. Furthermore, it questions, in this case, whether their attitudes or preference for the ATT have 'changed' or whether it could be applied to social acceptance and domestic legitimacy.

2.3.4 Self-esteem, legitimacy, and contagion

Finnemore and Sikkink identify "contagion" as an important factor influencing states to support an idea. The reason why contagion occurs relies on a number of conditions. They argue that peer pressure, self-esteem and legitimacy are factors that influence both norm conformers and 'norm violators' to support norms as a result of social pressures from their domestic populations, 'norm entrepreneurs', and states. The institutional context, or rather the 'cultural-institutional' contexts, intensifies these pressures.

Legitimation is understood as 'an important condition for domestic receptiveness to international norms', where there is 'a need for international legitimation' (Finnemore and Sikkink, 1998: 906). Finnemore and Sikkink argue that if 'legitimation is a main motivation for normative shifts, we might expect states to endorse international norms during periods of domestic turmoil in which the legitimacy of elites is threatened'. They add: 'If states seek to enhance their reputation or esteem, we would expect states that are insecure about their international status or reputation to embrace new international norms most eagerly and thoroughly' (1998: 906). If states support provisions in the ATT that could potentially affect their utility function, domestic legitimacy may partially explain why they support a norm. For example, a state with poor human rights or severe corruption is conscious about this image as a norm 'violator', and therefore supports a provision to avoid domestic and international criticism.

Through careful analysis of the institutional factors influencing states decisions, the thesis argues that this concept, overall, can only be applied to a small number of states, and therefore, somewhat less significant in understanding conformance. Arguments made in chapters 4, 5 and 6 substantiate the claim that states support norms through peer or network pressures and through bargaining processes, not necessarily because they see the norm as vital to their underlying interests.

2.3.5 Other areas

Finnemore and Sikkink clearly emphasise the important role of 'norm entrepreneurs' in bringing about new ideas that are then diffused among states. This is particularly true in the case of the ATT, explored in chapter 3. Furthermore, it questions what their roles after the norm emergence stage. The influence of NGOs during the cascade stage is not pursued or theorised in Finnemore and Sikkink's hypothesis. It narrows down the focus in chapter 7 about what strategies NGOs employed, and the limitations of their influence at this stage.

In the context of the above arguments, and placing more emphasis on the negotiation setting as highly influential preference formulation, the thesis also pays attention to the implications of voting rules, and the role of the chair in managing negotiating agendas and the implications this had on the outcome of the ATT. Analysis of the Chairs and the release of their negotiating papers helps to identify the significance of bargaining tactics in the 'life cycle' of norms. Critical theoretical factors are also considered as important in understanding power relationship in the negotiation setting.

2.4 Sources, methods, and approaches

The research utilises a number of sources to test the aforementioned areas. Different methods were used at various stages of the research process. Extensive textual analysis was conducted at the commencement of the research. The main objective of this approach was to identify causal patterns between NGO and state strategies, and their potential outcomes. The approach began by reading the websites of the Control Arms Steering Board, consisting of fourteen members, led by Oxfam International, Amnesty International, and International Action Network on Small Arms (IANSA). These websites contained blogs and publication sections consisting of many relevant documents (papers, reports, briefings, campaign mailings, etc.) with options to filter the search results into the context of

the ATT. As each website or document was not in historical order, the information (texts, web-addresses, and pdf links) were copied and coded according to the date for which it was published, and arranged it into a narrative sequence which connected with ATT committee meetings and conferences. By creating a narrative of the events, this system helped reveal some of the relationships between the activities of NGOs and states and their subsequent outcomes. It provided the opportunity to identify themes and weaknesses in the data, and expand on these areas through interviews. In this context, it made it possible to shape suitable questions catered towards specific people through an interview approach and through secondary interview material by Peter Utnes (2010). This approach benefitted the analysis of all areas of hypotheses testing. The quality and detail of the data, and its suitability to the hypothesis, reduced the need for further interviews.

To test and verify claims, informants that were directly involved in the negotiations were approached via email. NGO representatives which were part of the Control Arms campaign were deemed the most suitable and easiest to approach due to their understanding of what was happening inside the negotiations. Interviews involved open-ended and semi-structured questions to allow expansion on topics of particular interest. Questions focused on the Chair's influence, the outcomes of states and NGOs' strategies, and access barriers. The interview transcripts can be found in Appendix A. Interview material is used where appropriate in several chapters.

To understand some of the motivations of states relating to questions of self-esteem and conformity, as well as economic factors influencing states' positions, mapping indices and secondary quantitative sources were cross-referenced with voting records form the ATT Mapping Database and textual sources from the ATT Monitor. The mapping indices, from Versik Maplecroft and Transparency International, highlighted states with extreme levels of human rights, socio-economic, and corruption risks. Those with extreme risks that supported or opposed similar ATT provisions that addressed these issues were investigated further. Those that supported similar provisions were investigated in light of legitimacy, esteem, network pressure arguments, and negotiation positions. Those that objected were explored in light of economic and security factors influencing their negotiating positions. This approach was more consistently used in chapter 5.

In this context, the analysis utilised arms trade data from Stockholm International Peace Research Institute (SIPRI) and the Small Arms Survey (SAS), both of which hold export and import rankings of major exporters and importers for specific weapons, as well as defence budgets, and emerging trends in the arms trade. With careful use, other studies by NGOs are also used. This assists in explaining the rational or economic factors influencing states' positions, and how this correlates to the hypothesis. This also helps test whether, and to what extent, internalised norms shape the preferences of states. This was achieved by analysing the preferences of states with existing export controls for a negotiated provision in the Treaty.

To complement the analysis into Finnemore and Sikkink's tipping point claims, two reports made by Sarah Parker of the United Nations Institute for Disarmament Research, 'Analysis of States' Views on the [ATT]' in 2007 and 'Implications of States' Views on the [ATT]' in 2008, are particularly useful. These hold statistical data relating to state preferences which is valuable for understanding state support for norms before the negotiations began, and how preferences later in the negotiation reveal diffusion.

Table 2. Chapter Focal Points

Research chapter	Hypotheses testing	Methods
3	Norm entrepreneurs, framing, tipping points, contagion	Textual sources, interview material, Sarah Parker's reports.
4	Peer pressure, contagion, institutional rules and arrangements, bargaining powers	Textual sources, interview material, secondary sources
5	Peer pressure, contagion, esteem, conformity, legitimacy, institutional factors	Textual sources, interview material, SIPRI data, SAS data, ATT Mapping data
6	Peer pressure, contagion, esteem, conformity. legitimacy, institutional factors	Textual sources, ATT Mapping data
7	NGO work at latter stages of norm development, legitimacy, institutional factors	Textual sources, secondary sources, interview material

The coherence between the methods and approaches in line with the theory, rather than methodology itself, are the main factors that contributed to original knowledge. The multiple use of sources,

theories and mixed approaches are a unique way to approach the thesis questions, in that they embrace many angles of subjective and objective data. Combining these approaches adds context to the research, compensates for the potential weakness of each method, and helped to provide a richer, contextual basis for testing, interpreting and validating aspects of the hypotheses (Kaplan and Duchon, 1988). Divergences in the findings, when not treated as something new and original in understanding norm evolution, created new questions for further enquiry.

2.5 Limitations

This research relies extensively on NGO sources, creating both risks and opportunities in terms of reliability, integrity and context. It is justifiable to use NGO sources particularly in Chapters 3 and 7 where attention focuses on the strategies of NGOs and their own reflections on their role and influence in the ATT process. Handled carefully, it provides theoretical insight into the role of NGOs in international relations. But as all research is shaped by many political and social contexts, it is important to identify some areas in which risks are particularly heightened.

One of the benefits of using NGO sources in this study is that, without their unique insight into the discussions, the degree of context into state positions would be less rich. NGOs have been given the opportunity to monitor discussions, and hence provide a unique overview of discussions. Additionally, successful humanitarian NGOs in general need to maintain credibility by using sound methodological approaches, evidence-backed testimonies, and employ educated staff. However, NGOs operate in a political space where activism and potential dramatization of facts is sometimes necessary to attract media and public attention. Some information is not peer reviewed or scrutinised before being disseminated. Similar arguments can be placed on other sources use in this thesis, such as newspaper articles and from authors affiliated with gun rights groups. "Truth" arguments, as in all research and with all sources, need to be considered in epistemological terms and with speculative reason.

There are a number of areas where careful handling of NGO-sourced data was required. NGOs in the monitoring documents (used in chapters 5 and 6) were, overall, highly cautious of consensus-based rules that shaped their criticisms of states and the chairs. This is partly because the voting

rules have been seen to be damaging to their arms control agenda, and emotions were high when this appeared to be the case in the ATT negotiations. NGOs also generally sided with the so-called 'progressive' states in their reports. Additionally, studies conducted by NGO, think tanks and research institutes are sometimes focussed on a select number of states. Some sources of data, such as transfers and conventional weapons and ammunition, are unobtainable, and this leads to selection bias. Additionally, some authors, writing from their independent or academic capacities, are sometimes affiliated with organisation.

The use of the Arms Trade Treaty Mapping Database also created risks and opportunities. A small number of preference categorisations are defined as "strongly supportive", where after further investigation, some statements were rather implicit or "words to that effect" about elements that did not entirely demonstrate "strong" support, at least in written form. Additionally, categorisations of "no statements" (now removed from the database) may indicate that this was intentional, but some states were simply not present at the negotiations or in specific meetings. In the author's view, the ATT Mapping Database is reliable in the vast majority of cases, and, when correlated with other information, reveal interesting insights into state behaviour.

Overall, these studies generally reflect on the data obtainable and participation of some states rather than the selectivity bias of the studies. The ATT Monitor reports tended to include an abundance of relevant information and documentation (Freeman, 2006) of the negotiation context, the "mood in the room", and more specifically, the styles and arrangements of the Chairs, which was beneficial to understanding the institutional factors explored in chapters 4 and 5. Space has also been made to include some industry perspectives and other sources regarding the practical aspects of the ATT. Additionally, where possible, published country statements are referenced for further verification. Reflections on the text by the ATT Legal Network in chapters 4 and 5 provide some legal overview about the wording of the provisional texts and the consensus rule that are available at the same level of depth.

Another area in which extensive use of NGO sources are justified in this thesis is when discussing some states' statements in the negotiations that were not reflected in their published statements.

Some statements have also been removed from country websites and from the United Nations Office for Disarmament Affairs website. The narrative sequencing technique, noted earlier, relies on monitoring documents, and made it possible to triangulate states' positions on certain provisions and identify changes in preferences. For example, in chapter 6 it is evident that many states were supporting and compromising on certain provisions, which was not observable using published statements alone.

There are other limitations with using other data sources in this thesis. Mapping indices generalise risks that may not take careful consideration of the social, cultural, and legal differences among states that might interpret their risks differently. Furthermore, it does not take into account the risks factors that are tied to a state's foreign policy and security. The risk factors are also not necessarily relevant to risks associated with the legal and illegal arms trade. The majority of the indices are also sourced from a Western, UK-based company, and Transparency International UK, which may hold specific worldviews. Nevertheless, it adds an important dimension in understanding how risks might be considered from an objective source, and, where relevant, the thesis investigates anomalies that appear suspect. Specific limitations in the use of specific data utilised from Small Arms Survey and SIPRI, and others such as PRIO and Saferworld, are addressed in the chapters where relevant.

Direct observation, or being physically present throughout the negotiations, would certainly change and enhance the findings. Due to the timing of the study, as well as financial and geographical barriers, this was unachievable. Telephone interviews are also limited in terms of the potential to investigate nuanced meanings attached to physical and emotional modes of communication. While the interviews were successful in terms of answers drawn from them, it may have been straining for the informants, which may have affected the answers and detail they were willing to go through. Informant "A" asked that the interview was conducted via telephone due to his own time constraints.

2.6 Ethics

All ethical considerations were approved through the university before undertaking the interviews. A

participant information and informed consent form, which included their right to withdraw or be anonymous in the final piece, were sent to the informants before interviews commenced. There was regular email contact with informants about the focus of the research, and they were fully aware of the theme of the questions posed to them.

CHAPTER 3

Norm Emergence

3. Introduction

The aim of this chapter is to identify how the ATT was framed and how these were used to set the agenda for the ATT. It also aims to identify points at which states supported the ATT and certain provisions. In order to investigate Finnemore and Sikkink's focus on the origins of norms, consistent with their question 'where do norms come from?,' section 3.1 addresses the importance of frame messages used to argue for an ATT. Sections 3.3 and 3.4 examines the success of these frames by identifying points at which states established an agenda for the ATT, and agendas on its provisions, as illustrated in the chairs' papers. It questions many states need to support a single provision in a single negotiation document before we can call it a 'shared assessment'? These sections also seeks to clarify what makes 'tipping points' happen. Section 3.2 draws on some comparisons between Control Arms and the International Campaign to Ban Landmines (ICBL), which is consistent with arguments by Finnemore and Sikkink regarding the importance of organisational platforms. It critiques the positive and negative attributes of the organisation in terms of its outreach capability, strategy and successes. Overall, these sections address the secondary research questions, specifically what roles NGOs played in influencing states to support the treaty, and what factors led to a 'tipping point' that led to agreement of the ATT and its provisions.

3.1 Framing the ATT

Garcia notes that debates in SALW issues emerged through two parallel processes during the 1980s and 1990s. One was an 'acknowledge-generation' process triggered by scholars and arms control practitioners. The other was an 'acknowledgement of the problem' process that took place within the United Nations General Assembly (Garcia, 2004: 6). These processes eventually led to the creation of the United Nations Panel of Experts on Small Arms in 1995, followed by a decision to convene an international conference on illicit trafficking (ibid: 8).

Due to the fact that there were many overlapping debates and agreements establishing the control and destruction of SALW and illicit transfers, SALW had already been framed and widely accepted as a humanitarian issue. Through the Programme of Actions (PoA) on Small Arms, it was also seen as an

international issue (Oxfam, 2003: 7). Illicit transfers and stockpiles were associated with fuelling civil wars and organised crime, and often attributed to transfers from government to non-state actors and corrupt officials through complex supply routes (Small Arms Survey, 2015). Initiatives such as the EU Code of Conduct and the PoA provided NGOs with the opportunity to apply SALW-frames to their agenda for a global, legally-binding treaty that took transfers, diversions and end-use into account. Through this process, NGOs and other groups discredited these regimes as insubstantial in combating what was a 'global problem' that required a global approach applicable to UN obligations. Nevertheless, while there was consensus about controlling illicit flows of weapons, particularly to non-state actors, diffusing the idea that responsible criteria against the human rights or socio-economic needs of states, for example, was largely viewed as infeasible. Following campaign work from several NGOs, the EU introduced eight criteria that would require states to deny licensing weapons based on international law and standards in 1998. This was successful in regulating some of the largest exporters. While not legally binding, it provided the means to argue that (1) it *was* feasible for states to apply licensing criteria and hence a similar global regime that would consider the same obligations; and (2), after finding inconsistencies in export denials among EU states, which was going through reviews and revision meetings between 2003 and 2005, allow NGOs the opportunity to 'delegitimise' the EU regime and propose a globally, legally binding treaty that brought all exporters under similar controls. Thus, the conventional weapons debate was going through a process of 'normative reframing, or the reconceptualization of an issue in terms of an alternative existing norm' (Raymond et al, 2014: 197).

Part of the norm reframing of SALW, and indeed all conventional weapons, was the adjacent or 'duty' claims between the arms trade and states' wider obligations under human rights and international humanitarian law. Time-contextual factors were also important for the SALW debate. Examples include the issue of weapons acquisition from non-state actors during the 'War on Terror', and illicit flows of weapons to conflicts in Sierra Leone and the Democratic Republic of Congo. This substantiated the argument for the need for a global approach to combating weapons flows.

Organisational platforms had already been established to frame and set the agenda for SALW control and destruction. Interest in post-Cold War arms control in academic research led to the emergence of

the International Action Network on Small Arms (IANSA) in 1999, which was founded by university-based researchers, think tanks, and prominent NGOs such as Amnesty International and Oxfam International, all of which had a strong research focus (Karp, 2002 in Cox, 2008: 56). The Small Arms Survey also emerged during this time. The IANSA coalition focussed their attention on all aspects of the arms trade, such as the prolonged effects of illicit transfers, and stockpiles and ownership of SALW on instability.

It was the apparent failures and lack of scope of recent legal and political initiatives, such as, for example, the Firearms Protocol, the PoA, the International Instrument on Tracing, and UN Convention Against Transnational Organised Crime, that substantiated calls for a legally-binding approach to controlling SALW. The Firearms Protocol, for example, addressed only one dimension of the SALW crisis and did not have universal membership (Cox, 2008: 60). The PoA 'opened with hopes that it would […] produce a relatively strong final document' (Bob, 2010: 8). One of the most significant outcomes of the conference was the UK government's announcement about their recognition for the need for harmonised export criteria, which subsequently led a dialogue between states (Control Arms, 2003: 9). Nevertheless, back in 2001, due to objections made by the United States, many states abandoned attempts to have PoA draft programme to include regulation of civilian possession and weapons and restrict weapons transfers to non-state actors (Krause, 2002: 1). Some called the PoA 'unprecedented or 'path-breaking'; others concluded that the conference was a 'failure' or a 'missed opportunity' (ibid). Adherence to the PoA was 'patchy' (Greene, 2010), where states adhered inconsistently, or did not adhere to the agreement at all. A Review Conference in 2006 further failed to deliver substantive control of SALW.

Therefore, it was the 'missed opportunities' in previous arms control processes, particularly in the 2006 Review Conference, that created the cause for action. Normative reframing centred on transfers, arguing that the draft PoA which came out of the Conference did not mention the need for states to respect human rights and humanitarian law when authorising international arms transfers, 'nor did it address many of the key institutional context in which small arms are used to cause suffering on a massive scale' (Control Arms, 2003a: 12). IANSA also expressed their discontent over the absence of compliance monitoring and limited UN oversight, with one member naming it the 'Program of

Inaction' (Bob, 2010: 9). Thus, as Oxfam noted in one paper, that 'while the PoA provided a basis from which to begin the search for solutions to the SALW issue, it must not become a resting place' (ibid: 9). They argued: 'This will involve all states making commitments about their role as suppliers of arms to others and fulfilling their duty to protect their citizens in accordance with international law' (ibid: 9).

It was not only SALW that were part of this debate for global, legally binding controls. Framing focussed on various activities in licensing and transfer processes, such as brokering. Recent work by NGOs, journalists and UN investigators in the later 1990s was successful in bringing about a common understanding of illicit brokering to UN Member states (Wood, 2009). Brian Wood recorded that there had been an increase from 1999 in brokerage laws, for example from 12 states, to 52 states between 2002 and 2008 (Cattaneo and Parker, 2008 in Wood, 2009: 6). By this time 33 states responded to the UN that they were in the process of implementing brokerage measures, and another 22 states said they had no specific national laws (Wood, 2009:6). 'Research in 2005 found that over 30 states had law on arms brokering: in three years, the regional totals appear to have increased from 25 to 32 in Europe; from 1 to 4 in Africa; 2 to 8 in the Americas; 1 to 4 in the Asia-Pacific; and 1 to 4 in the [MENA] (Wood, 2009: 6). While brokerage controls were diffusing, Wood argued that some of these were weak and inconsistent, and in 2009 still over two-thirds of states have yet to establish a national legal framework to control any form of arms brokering (ibid:6). Before campaigning for brokerage controls in an ATT, NGOs focussed on existing regimes. Oxfam, for example, conducted research on the weaknesses of the EU Code of Conduct, as well as scrutinising the effectiveness of UK export controls (UK-focussed report named 'Out of Control' and EU-focussed report named 'Small Arms, Wrong Hands'). Both reports, with particular emphasis on arms brokering, provided evidence of the consequences of ineffective arms exports on human rights and development, arguing that 'exploitative loopholes' cannot be controlled with existing arms control rules. The latter report, like many others at that time, relating to the prognostic frame, made detailed recommendations for effective controls to reduce the risks associated with transfers.

There were successes at the domestic level when NGOs argued for greater controls on brokering. After three years of campaigning by Amnesty and Oxfam, the UK government passed new legislation on the Export Control Act in 2002, in order to toughen controls on direct exports, arms brokering, and

trafficking (Control Arms 2003: 6). This was the 'first piece of primary legislation regulating arms exports for 60 years at the time' (ibid: 27). In 2002, the action was focussed on 'trying to close some of the loopholes which remain, and which unscrupulous arms dealers could exploit' (ibid: 27). Generally, NGOs argued how brokers 'rely on a general lack of governmental control and screening over their activities', and, offering their schema and priming, consistently used the slogan: there is 'more regulation on beaches and bananas than there were on brokering' (Oxfam, 2003: 1; ATTM 5.17, 2012: 1). Oxfam and other NGOs maintained that the EU should agree a joint action obliging member states to register arms brokers and put their activities under a licensing regime (Oxfam, 2003). Through the Control Arms campaign, they used similar arguments for an ATT.

From 2003, Control Arms were publishing a number of papers before PoA meetings about the need to control the activities and transactions of brokers, drawing on victim stories as a source for motivational framing. Three papers calling for tough arms control, 'Voices from Afghanistan', 'Voices from Haiti' and 'Voices from Sierra Leone', were published in 2006. The papers also named and shamed countries responsible for the flow of weapons from outside to nations where domestic production was little or non-existent, thus prolonging instability. To make it easier for laypeople to understand the issue, 'Voices from Sierra Leone' makes reference to the Hollywood film *Lord of War*, which depicts an arms broker 'who did not care who bought his guns, as long as somebody was buying [using] false documents, and exploited every available loophole in the law' (Control Arms, 2006f: 2). 'The character might have been fictional', the report noted, 'but his activities and methods mirrored those of the real arms dealers who supplied the rebels in Sierra Leone' (ibid 2). The papers came days before a disarmament meeting at the UN, with the purpose to 'add to [the] discussions the voices of at least some of the people who bear the cost of the world's continuing failure to control the arms trade' (ibid: 2).

Part of NGOs agenda for a global treaty was focussed on the control of activities and transactions. Lack of controls for the risk of diversion was viewed as compromising risk assessments against states' human rights records, and was largely at the focal point of emerging ATT discussions. As mentioned, illicit transfer controls were already in the best interests of many states. The report made by Lawyers from the Lauterpacht Research Centre, 'What is Legal? What is Illegal? Limitations on Transfers of

Small Arms under International Law', subsequently developed into the proposal for the ATT (Control Arms, 2005: 20).

To draw attention to the humanitarian consequences of illicit transfers, motivational framing was used to delegitimise UN arm embargoes. In 2006, Control Arms released a briefing note named 'UN arms embargoes: an overview of the last ten years', which provided a summary and overview of concerns over the enforcement and monitoring of UN arms embargoes. The briefing argued that 'despite the fact that every one of the 13 UN arms embargoes imposed in the last decade has been systematically violated, only a handful of embargo breakers named in UN sanctions reports has been successfully prosecuted' (Control Arms, 2006h: 1). This, they argued, was due to the 'global nature' of the arms trafficking networks of individual dealers, brokers, financiers, traffickers as well as companies around the world (ibid: 2).

Prior to the Review Conference in 2006, and adding to calls for control over transfers, a paper named 'Arms Without Borders' by Control Arms was also used to name and shame governments. Despite the Democratic Republic of Congo being subject to EU and UN arms embargos since July 2003, NGO researchers found that the 'serial numbers and relevant markings, including head-stamps on ammunition cartridges and markings on rifles, reveal small arms and ammunition manufactured by China, Greece, Russia, South Africa, Serbia, and a US source' (Amnesty, 2006b). These were in the hands of rebels in a conflict that had seen 'an estimated 3.9 million people' killed since 1998 (ibid). These arguments were diagnostically framed, contending that while the they believe 'that the weapons and bullets were not sold directly to rebels in the DRC, it was more likely that they entered the Ituri District from neighbouring countries' (ibid). This, they argued, 'illustrates the need for an ATT' (ibid).

Successful campaigns to control OCW based on states obligations were also changing perceptions of security. Land mines were multilaterally banned under the Ottawa Treaty, and on the regional scale, OCW were controlled under the EU Common Position on Arms Exports, the Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa (ECOWAS), The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition,

Explosives and Other Related Materials, and later, the Convention on Cluster Munitions. These initiatives emphasised the wide recognition of the need to control the trade of conventional weapons based on commitments to international law.

The general argument for a global, legally binding approach for OCW rested on the above arguments about SALW. While some reports provided examples of how weapons, such as drones, could constitute violations of international law, it was less simple to apply large weapons systems (ships, wheeled vehicles, for example) to illicit transfers or end-use violations. More specifically, on the subject of risk assessments, it was argued that potential license denials could be circumvented by transplanting manufacturing in other counties. One paper emphasised how states that had 'been denied transfers of conventional weapons could circumvent the denial by shopping for the necessary parts from different locations, or in some cases buy a self-assembly kit' (ForUM, 2012). Many also pointed out that 'existing weapons may be repaired, upgraded or amplified in their military capacity using technologically sophisticated spare parts and components' (ibid).

Similarly, arguments for controlling ammunition, the so-called 'fuel of conflict' and a business deemed bigger than weapons, tied in with SALW-control debates. SALW were generally regarded as 'useless' without ammunition, and playing 'a decisive role in escalating, prolonging, and intensifying arms conflict and crime, while also undermining security, development, and effective governance' (Greene, 2006: 1). The report of the 1997 UN Panel of Governmental Experts on Small Arms recognised that ammunition was an 'intrinsic part of the small arms light weapons category' (ibid: 6; see UNGA, 1997). Expert meetings that followed, however, could not agree on the definitions of ammunitions, particularly with regards to explosives (Greene, 2006: 7). It was not specifically addressed in the following PoA meetings (ibid). Ammunitions/munitions were later defined under the 2001 Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (supplementing the Firearms Protocol), but it was not a trade control or arms control agreement. Rather, it was an instrument designed to combat international crime (Seay, 2015: 58). Other agreements, such as the UN International Ammunition Technical Guidelines, did not attempt to control its trade and transfer, but like the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, it provided useful set of definitions (ibid).

Nevertheless, despite these processes, ammunition had received only partial attention.

Many tactics, such as naming and shaming, were employed to mount pressure on specific governments to support strong controls for ammunition. Reports also challenged or delegitimised existing initiatives. The first and most prominent report came before the October 2006 UN Review Conference in New York. Oxfam's briefing note, 'Ammunition: the fuel of conflict', argued that the 2001 PoA on SALW 'failed to express a concern about the illicit trafficking and misuse of SALW ammunition, and the handful of states (notably USA, Egypt and Iran amongst others) who prevented the legally binding agreement of the inclusion of ammunition in December 2005' (Oxfam, 2006h: 10-11). It further argued that 'the legally binding 2001 UN Protocol against the Illicit Trafficking in Firearms and Ammunition only applies to commercial transfers and explicitly excludes state-to-state transactions and transfers by states made for national security interests' (ibid: 11). The report added that other 'global and regional instruments on SALW control also largely fail to make explicit provisions for the control of ammunition' (ibid: 11). The paper called for states at the UN Conference 'to promote and make SALW ammunition an integral part of the challenges posed in the illicit trade', including marking and tighter record keeping (Oxfam, 2006h: 12).

Since the early 1990s, NGOs such as British and American Security Council, Saferworld and World Development Movement and many other organisations campaigned and lobbied hard for more specific and detailed criteria for the EU Code of Conduct (UNESCO, 1998: 9). Their arguments generally formulated their campaign work for an ATT. Diagnostic framing of the developmental impacts of the arms trade focussed on both the legal and illegal trade of arms. It placed high emphasis on victim stories. Oxfam, for example, reported the role of small arms in the DRC conflict, resupplied by businesspeople or by soldiers belonging to foreign armies present in the region. This report brings attention to the health and educational impact of the conflict (see Coe and Smith, 2003). Oxfam also made a report about armed groups operating with impunity in the Kitgum and Kotido districts of Uganda. The focus of the report was specifically on the source, distribution, and consequences of the AK47 in the region. It reported that children, if not killed in crossfire or burnt in houses, were injured, beaten, traumatised and sometimes abducted or orphaned, and thus denied access to education, health and recreational facilities. Cattle raids also contributed to further hunger and starvation in the

region (Coe and Smith, 2003).

Framing developmental impacts also involved delegitimising current regimes. An Oxfam paper, for example, surveyed 17 countries that are parties to the EU Code of Conduct and or the OSCE Document. It found that 'only ten would even consider denying a licence on the grounds of sustainable development: only seven have actually incorporated the commitment from this regional agreement into their national licensing regime and only four have ever denied arms-export licences on sustainable development grounds' (Control Arms 2004: 5). The report went on to note that two of the world's biggest exporters of arms, Russia (an OSCE member) and China, do not incorporate sustainable development considerations into their arms-export licensing regimes (ibid: 5).

In these reports, there was an acknowledgement of the right to self-defence when making decisions based on the developmental needs of states because of the strong link between the two (Hudson, 2006: 1). Indeed, it was recorded that four of the major EU exporters had a 22% share, or $4.8 billion, in arms exports to developing countries in 2004 (ibid). Reports like 'Guns or Growth: assessing the impact of arms sales on sustainable development', made by Amnesty, Oxfam, Saferworld and IANSA, acknowledged that every state has the right to individual and collective self-defence under Article 51 of the UN Charter. However, it argued that the Charter also requires all member states to 'promote universal respect for, and observances of, human rights and freedom,' in order to achieve 'economic and social progress and development' (Articles 1, 55, and 56), and 'to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources' (Article 26) (Control Arms 2004: 2). Thus, it was stressed that 'in order for arms transfers to support development, the potential security benefits must be weighed carefully alongside the wider development needs of the importing country and the human rights of its people' (ibid: 2). These reports came at important periods of review and revision of the EU Code, where the 'User Guide' in 2005, for example, elaborated how states could judge the development needs of recipient states (Hudson, 2006: 1). Hudson argues that Saferworld, Oxfam, and IANSA's 'Gun or Growth' report had succeeded in adding clarity to the revised development criteria (ibid: 3).

Corruption in the arms trade tended to be integrated into development arguments. NGOs argued that

there was a need to achieve development goals and prevent diversion to illicit markets by addressing corruption. The EU Common Position criterion 7 which covers the risk of diversion to unauthorised end-users/end-use and criterion 8 (sustainable development) implicitly covers the risk of corruption practices. Corruption was also linked with illicit brokering and other activities. But these were widely regarded as insufficient and difficult to interpret in national and regional control guidelines (see for example Parliament UK, 2009). The United Nations Convention against Corruption (UNCAC) is the only legally binding instrument that seek to prevent corruption, but its effectiveness has been criticised (see for example Transparency International, 2013). As the second half of the timetable for governments to reach MDGs came closer, Oxfam released a briefing paper titled 'Shooting down MDGs, How irresponsible arms transfers undermine development goals.' Focussing on parts of Asia, Latin America and Africa, it discussed evidence of how the arms trade drained governments' resources and fuelled armed violence and conflict by corrupt means (2005: 1). Corruption, they argued, undermined governments' development objectives and their citizens' economic, social and cultural rights (ibid: 1). The report adds that according to Transparency International, the international arms trade is considered to be one of the three most corrupt businesses in the world (ibid: 13). 'Large, one-off deals can be of immense significance to the exporter, who becomes incentivised to do anything possible to secure them, including offering personal rewards to the purchasing decision makers. Many deals are complex and individually tailored so that prices are difficult to compare, making it easy for corrupt payments to be hidden in the overall costs. Secrecy, in the interests of 'national security', and poor governance make this easier still' (ibid: 13). In order to address this, Shooting Down MDGs argued that an ATT must, among other things, include criteria for considering 'whether there is a clear risk they will involve significant corrupt practices' (ibid: 3).

Stricter reporting, marking, tracing and transparency measures were seen as a way of making states more accountable in terms of preventing corruption (and controlling parts components for weapons and ammunition, and improving multilateral arms embargoes). These measures had already been seen as vital to promoting trust and transparency in the UN through the UN Register of Conventional Arms. There was also a process to negotiate an international instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. Before an open-ended working group was due to meet again in January and February 2005, Control Arms released the paper

'Tracking Lethal Tools: marking and tracing arms and ammunition: a central piece of the arms control puzzle'. Using stories of human rights atrocities, and naming and shaming states involved in illegal transactions to back up their arguments, the paper proposed the need for complementary measures for arms brokering and transporting, and complementary measures in an ATT (Control Arms 2004a).

Campaigning for gender-based provisions in arms control instruments also started during the PoA discussions. Violence against women particularly during wars in the 1990s had already been recognised as an issue that required international attention. Examples include: The UN Declaration and on the Elimination of Violence against Women, adopted in 1993; The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, adopted in 1994; and the Beijing Declaration and Platform for Action was adopted in 1995, which set out steps governments should take to protect women from gender-based violence (Amnesty, Oxfam, IANSA, 2005). The Yugoslav Wars of the 1990s had also raised awareness in the international community of the effects of war on women. This in part led to the first UN Resolution (1325) which fully acknowledged the disproportionate impact war had on women, and role they could play in peace negotiations. Further UN Resolutions followed, declaring that sexual violence could be prosecuted as a war crime (Hill, Aboitiz and Poehlman-Doumbouya, 2003: 1255). The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, was adopted in 2003, and included extensive provisions prohibiting gender-based violence (GBV).

Like corruption, GBV and its long-term social and economic effects tied in with NGO arguments about the arms trade and development and human rights. GBV had been folded into aspects of IHL, such as genocide and ethnic cleansing, but never before had it been explicitly applied to export assessments. NGOs connected to the Control Arms campaign did not explicitly refer to GBV as a criterion in their initial proposal for an ATT. Amnesty, Oxfam, IANSA and other NGOs made a number of reports providing a legal framework based on international human rights law, IHL and other standards addressing violence against women in preventing GBV (see Amnesty, Oxfam, and IANSA, 2005). While international law includes women's rights, the general issue in contention, particularly in arms control debates, was that these were not explicitly in the UN Charter or the Geneva Conventions.

The emergence of the debate for GBV considerations started in the run up to the UN General Assembly following the GGE report in 2008. In the first show of parliamentary support for an ATT, leading up to the UN meeting, the signatures of 2101 MPs from 124 states (collected by Control Arms members and other organisations over 2 years) were presented to the chair of the UN General Assembly's Disarmament and International Security Committee (First Committee), Ambassador Marco Antonio Suazo Fernández (Control Arms, 2008). The declaration made clear (among other requests) the relationship between arms and the consequential effects of violence against women, expressing that [women] 'also disproportionately endure the indirect, longer-terms consequences of armed violence...in turn, all these factors undermine peace and peace-building processes, human security, poverty reduction initiatives, and prospects for sustainable socio-economic development' (ibid).

Papers released by NGOs were focussed on victim stories in order to attribute certain weapons or arms trade issues connected to GBV. Amnesty International released a paper named 'Stopping the terror trade: how human rights rules in an arms trade treaty can help deliver real security'. To increase its moral impact, the document intended to present 'the voices and experiences of individuals and communities subject to grave, persistent and systematic human rights abuses and war crimes fuelled by the irresponsible supply of arms' (Amnesty, 2009c: 2). Using Guatemala as a case study, it argued that social and legal attitudes to victims of sexual violence meant that perpetrators are not brought to justice. It argued that Guatemala was awash with SALW, meaning that women had been more vulnerable to violent attacks. Providing a prognostic frame, it gave recommendations of how states could apply GBV to arms transfer assessments.

There were also numerous papers made, particularly by Amnesty International, that used similar arguments that called for human rights and IHL criteria. Bringing all these arguments together to provide the framework for an ATT, NGOs, individually and as part of the ATT Steering Committee, developed a 'Global Principles' document consisting of 'Golden Rules' which highlighted the top priorities for an effective ATT (Mack and Wood, no date: 9). The principles and rules were formulated by NGO policy experts and lawyers to reflect the content of a variety of international instruments and standards (ibid).

Adding to the success of schematic framing, many of the papers discussed above also attempted to quantify factors relevant to their arguments. Amnesty's 'Killer Facts' for example, argued that '60 percent of human rights violations documented […] involve small arms and lights weapons' (2010: 3). Others estimated the approximate numbers of weapons in the illicit market, ammunition acquired, homicide statistics in gun-affected areas and, according to Garcia, Oxfam's paper 'Africa's Missing Billions' quantified for the first time the effect of armed violence on Africa's development (2015: 67). This made it much easier for the general public and states to grasp the scale of the issue, since the multipurpose utility of conventional weapons means that frame selection was difficult (O'Dwyer, 2004: 31).

Framing arguments about what the ATT could achieve did not go without criticism. Jackson, a campaigner for Campaign Against the Arms Trade, argued that Contol Arms campaigner's 'literature frequently talked about the number of guns and bullets in the world, giving the misleading impression that the treaty was designed to reduce them', and that the slogan that the treaty would save 'millions of lives' was difficult prove (Jackson, 2013). He also argued that after the Treaty's adoption, NGOs declared the Treaty a success to their followers, while for some it was considered a failure. After the failed July negotiations, Zuber argued that '[w]e should also rethink how we 'sell' the ATT to the global public and avoid generating expectations that put pressure on a document that was never likely to fulfil those expectations'. He further argued: 'We squandered a lot of enthusiasm in my view by misrepresenting the potential of this ATT, and possibly also (if inadvertently) did some damage to the UN's credibility on security issues as well' (Zuber, 2012). Accuracy of data was also disputed both within the Control Arms coalition and from other sources. Kopel (et al) for example, mirrored some of the concerns of gun rights groups, arguing that the claim that 740,000 deaths per year from armed violence was 'based on dubious assumptions, cherry-picked data, and mathematical legerdemain which is inexplicably being withheld from the public' (Kopel, Gallant, Eisen, 2010: 673).

Mack and Wood note the difficulty in translating complex arms trade discussions to the wider public, making it relevant to their lives and crafting it to a simple campaign message (no date: 26). They argued that by '[n]ot being a prohibition treaty of a single sort of weaponry ('ban

landmines!'), the campaign [...] struggled to put forth an equally powerful message' – though, while not attracting the same media attention, 'stop the irresponsible arms trade' is clearly strong' (ibid). However, Araral et al argue that this is part of framing, suggesting that 'To frame a story is to often withhold some information or prioritize some facts over others' (2013: 3). This argument is reflective of the small arms process in the early 2000s where, O'Dwyer recalled, '[t]he multipurpose utility of small arms means they touch on a diverse range of issue areas [...] making frame selection more difficult' (O'Dwyer, 2007?: 30). This is why, as explored in the next section, it was necessary to develop a large coalition and to formulate and advocate a set of 'Global Principles' to cover all their messages.

3.1.2 Discussion

The emergence of the ATT initiative brought about many issues associated with the arms trade from various angles, and none of these issues could be considered without taking account of another. NGOs drew focus to different dimensions of the arms trade based on victims' experiences, 'dramatizing' issues (Finnemore and Sikkink, 1998: 897), questioning the 'standards of appropriateness', scrutinising existing control regimes, and arguing the case for an ATT. The input of NGOs and research institutes through issue-specific papers 'ahead of and during key disarmament meetings [assisted] in injecting intellectual rigour and detailed analysis into [...] debates' (UNODA, 2014: 35).

The framing of proposed ATT provisions were successful in attaching adjacent or duty claims between the arms trade and IHRL and IHL, and naming and shaming states that were directly and indirectly responsible for violations. Many NGO reports that were calling for an ATT questioned the reliability of risk assessments, and in this process delegitimised existing controls, drawing attention on the globalisation of the arms trade, and thus, a need for a global response. Furthermore, reflecting on Santa-Cruz's work, these emergent norms were 'already there', 'both outside (the international system) and inside (the domestic structure) in a latent state' (2005: 25). He adds that '[i]t is the *nature* of the emergent norm, more than the number or type of states which adopt it, that is critical in this path. The constitutive way does not negate the other ones – it subsumes them' (ibid). thus, norms considered under the legally-binding ATT were likely to be adopted if they were already previously established under existing regimes, and this bolstered the frame arguments for specific provisions.

Previous work in SALW control and OCW gave NGOs the platform from which to expand single-issue arguments into a wider debate on the humanitarian issues associated with *all* conventional weapons. Even critics such as Bromund said the slogan referring to bananas being regulated more than conventional weapons was an impressive 'device for implying necessity of action' (2014a: 33). Another slogan, guns are useless without ammunition, attached neatly with arguments concerned with illicit flows, prolonged instability and the need for harmonised risk assessments. They were used as 'rhetorical tools' (Payne, 2001: 43) to create wide-ranging support, including everyone from governments to laypeople. Finnemore and Sikkink argue in this case that these constructions of cognitive frames are 'an essential component of norm entrepreneurs' political strategies, since, when they are successful, the new frames resonate with broader public understandings and are adopted as new ways of talking about and understanding issues' (1998: 897). This created both risks and opportunities by simplifying and dramatizing facts, which attracted support and criticism. The next section discusses the organisational platform that NGOs used to encourage states to support the initiative, and then explores the stages in which the ATT, and its cluster of norms, reached a high enough level of acceptance to eventually reach the cascade stage.

3.2 Organisational Platform

In establishing the above frames, which were mostly based on individual NGO initiatives and reports, a much wider scope of expertise, far wider than the ICBL or IANSA, was necessary for managing all agendas through a UN treaty. In October 2003, Oxfam International, Amnesty International and IANSA together launched the Control Arms campaign, with the aim 'to reduce armed violence and conflict through global controls on the arms trade, and the primary objective was an international [ATT]' (Oxfam, 2014). This mobilised around what was already a nameless organisation consisting of Nobel Peace Laureates, Amnesty, Saferworld, Arias Foundation, and the International Committee of the Red Cross (Da Silva and Wood, 2015: 116).

While joint work on national, regional and multinational arms controls had already been established, Control Arms gave members of the coalition a platform from which to develop, evaluate and, together, coordinate their resources to maximise their opportunities for a common goal. The success of the

campaign, however, required 'a delicate balancing act' (Isbister and O'Farrel, 2013). Isbister and O'Farrell argued that the coalition 'needed a relatively streamlined leadership structure capable of taking decisions and giving direction in what were sometimes fraught and fast-moving environments, while at the same time being inclusive and providing all members opportunities for meaningful engagement' (2013). Control Arms, consisting of a much larger coalition than the ICBL, and with a diverse set of issues to campaign against, could pool their expertise on specific issues, making framing, awareness-raising, and lobbying possible on a much wider scale.

In the early 2000s, using the Internet, NGOs had more at their disposal to communicate, among themselves and to the wider public, and raise awareness about 'irresponsible transfers'. This was only of partial benefit to NGO campaigning. For example, despite these additional resources at IANSA's disposal, unlike the ICBL, they supposedly lacked coordination and 'failed to adopt a strong advocacy role for the outset' for PoA, partly due to disagreements within the network. O'Dwyer argues that '[h]uman rights and humanitarian NGOs were said to have felt excluded due the omission of their concerns from the PoA, and operated largely independently of IANSA' (2004?: 21-22). They had recently appointed a new director who aimed to provide 'strategic and dynamic leadership to a network of NGOs' (O'Dwyer, 2004?: 15). Therefore, the Control Arms coalition had much to learn about the barriers to successful NGO work. Indeed, a previous draft in 2001 for an 'International Code of Conduct on Arms Transfers' failed to receive wide enough support because it was considered too ambitious, therefore the coalition had to reformulate its goals (Isbister and O'Farrell, 2013).

Generally, the coalition's goals would have to be coherent with the foci of the institution in order to maximise their effect (Finnemore and Sikkink, 1998). Since arms control was high on its agenda, this was, without doubt, achieved. Its members also had to have expertise and global reach to build public and state support. Oxfam is an international confederation of 17 organisations working in approximately 90 countries (Oxfam, 2013). It received £800,000 from the UK government to campaign for the ATT (Jackson, 2013). During the campaign, Oxfam was particularly active in the UK, Australia, Spain, Netherlands, France, Kenya, Cambodia and West Africa as a region (Oxfam, 2014c: 3) Amnesty International have 52 sections worldwide (Amnesty, 2013), and could cover many places during the ATT initiative, including the UK, America, Finland, France, Peru and Senegal (Oxfam, 2014c:

3). Together, both organisations have millions of members worldwide with a high funding capacity. IANSA cover an even wider spectrum, with around 700 civil society organisations covering every continent, although with a smaller London-based international secretariat, less resources and fewer common goals, covering small arms and development issues, public health, and humanitarianism (Cox, 2008: 56; Bob, 2010: 7). It has been funded by the UK, Belgium, Norway, and several foundations (Stephenson, 2011: 756). Control Arms thus 'evolved a leadership structure that combined regional representations' covering every continent, 'with functional teams (policy analysis, research, legal, media, popular mobilisation, logistics and communications)' (Oxfam, 2014c: 6). Collectively, the coalition had expansive scope that matched the global reach required for such an ambitious endeavour.

While individual NGOs used an agreed set of 'Global Principles' to promote their collective goals, they sometimes acted autonomously on Control Arms' behalf or to aid in its coordination. The ATT Steering Committee, consisting of 16 organisations with geographical diversity was divided into 'regional, specialist, multinational and advisor organisations in order to guarantee a balance of views when developing strategy and activities' (Mack and Wood, no date: 8-9). Thus, this constituency helped legitimise their frames, making it 'more difficult for opponents to discredit [their arguments] as representing only the interests of certain groups', and enabled 'NGOs to exert pressure at different levels with different strategies and tactic s, hence, increasing their 'repertoire of contention' (Tilly 1984)' (Joachim, 2001: 8).

The previous failure of the draft International Code of Conduct on Arms Transfers was reformulated through the Control Arms coalition. According to Isbister and O'Farrell, it remained 'loyal to its motivating principles and rationale', managing to capture 'the interest of a growing number of States and enabled the ATT process to move forward' (Isbister and O'Farrell, 2013). From the start, three governments (Mali, Costa Rica and Cambodia) publicly associated themselves to the call for an ATT (ibid). While several states were still calling the idea 'too idealistic' and 'pitted against too many interests', this slowly increased to six governments (Macedonia, Finland and New Zealand), strengthening the credibility and legitimacy of their cause (Oxfam, 2014c: 3). Eventual support was shown by the UK, which had prominent positions in the EU, the G8 and the UN, which meant that the

transmission of ideas reached a wider range of audiences and policy makers.

Control Arms' strategy of identifying 'regional champions', such as the Organisation of American States, the EU and the African Union, and the work to encourage 'champion governments' to push for regional agreements to be strengthened within the principles and language of the ATT, was therefore, with hindsight, successful and attributable to their global reach. The significance of this is explained more deeply in the next section. States were categorised by their support based on their preferences of individual elements, which helped to identify and devise various strategies. 'By 2006, campaign planning involved regular updating of complex spreadsheets that were colour coded into 'champions', 'progressive supporters', 'swingers', 'undecided', and 'sceptics' (Oxfam, 2014c: 3). Among many other approaches at the UN, the campaign also used a 'leader and laggard' approach in building 'alliances with progressive bodies in the UN system', as well as 'governments, exporters, investors, multilaterals, and others' (ibid: 6). Additionally, by taking advantage of UN processes to express their viewpoints, and by acting as state delegates and monitoring compliance of other initiatives, this therefore allowed many NGOs a foot-hold in arms control debates (Cox, 2008).

Overall, by creating a transnational coalition that 'circumvent the policies of any individual state', the Control Arms campaign acted as an 'international pressure group, [to] publicise the [human rights] problematique, and proposes solutions to them' (Thakur 1994: 153). Oxfam's research into development and humanitarian issues, combined with IANSA's focus on SALW issues, and Amnesty's focus on human rights and IHL, was 'a good example of how varied but complementary their goals are' (Stavrianakis, 2010: 83). Furthermore, forming 'webs and networks can help expand their goals, and intersect, replace, supplement, and offset the imbalanced relative capabilities of states,' and operate together outside 'the framework of the state-system in order to put pressure on states on a variety of fronts' (Thakur, 1994: 154 and 158).

The Control Arms campaign also consisted of Nobel Peace Prize Laureates, doctors, lawyers, health workers and religious leaders as part of a 'moral leadership', in which professionals and high-profile advocates for human rights act as 'persuasive tools' to reach different angles of the public consciousness. They formed networks within the coalition, such as The Survivors Network and

Women's Network, which could be used to increase moral persuasion at precise moments in negotiations. At a time when free-to-use social media was becoming increasingly popular and influential in exchanging information, ideas, and forming communities, NGOs could promote the cause while marketing themselves. Importantly, the organisational platform provided the opportunity of NGOs with less resources or limited scope to reach out to new audiences around the world, and to bring local issues to global debate. Thus, from the launch of the campaign, the Control Arms campaign had identified and devised plans in influencing their targets: 'the decision makers with the power to make the change that they were seeking' (Coe and Smith, 2003: 95).

The creation of the Control Arms coalition, however, was not without its frictions. As a vastly diverse group composed of different cultures, languages, resources and broader institutional priorities, steered by mostly British NGOs, it struggled to constantly retain a delicate balance of interests and responsibilities, where 'decision-making on key issues [was] quite a complex process involving [...] decision makers and decision takers' (Mack and Wood, no date: 25). This was despite having a relatively small democratic collection of NGOs part of the steering committee, which consisted of a convener chosen by consensus on a yearly basis, and who served as a 'caretaker for the [...] group's principles, objectives, internal procedures, and criteria for membership' (Mack and Wood, no date: 8-9). Whall and Pytlak note that the development of a set of Golden Rules, an idea put forward by Amnesty International in 2008, did 'not have the consensus of everyone in the [...] coalition' (2014: 2). However, in 2009, after considerable internal debate, Control Arms developed a position paper consisting of 'golden principles' of what the treaty should include which 'acted as a compass to guide the advocacy' and 'enabled consistent messaging' for the large organisation (ibid: 3).

Internal pressures within organisations were also particularly high because of the global financial crisis, as well as time and resources dedicated to the campaign. Consistent calls made by NGOs for states to negotiate a treaty as fast as possible (as in the case with Ottawa Treaty) was unsuccessful, and they therefore committed themselves to a long-running campaign. Anna Macdonald, Head of Arms Control at Oxfam, reflecting on her organisations' position, noted that some staff struggled to balance coalition demands with other organisational priorities (2014c: 7-8). Tensions between Amnesty staff and the International Secretariat, the department leading its campaign work and responsible for the

majority of the organisation's research work, were never fully resolved (Smith, Tibbett and Coe, 2013: 2). The tension was 'centred on the nature and speed of guidance provided by the Secretariat, and role Amnesty should play in Control Arms, and approaches to the UK government made by the Secretariat', which created some tension within the coalition and impacted staff energy levels and morale (ibid). Major funding for IANSA had also been cut off, and there were some frictions within the coalition. For undisclosed reasons, Rebecca Peters resigned from her role as Director in 2009. According to one pro-NRA critic, her 'radical' view on domestic possession of guns made her a target of criticism (Simone, 2010). Similar issues in NGO coalition work have been well documented, particularly in terms of tensions over 'specific policy solutions' and 'commonly-agreed upon global problems' (Keck & Sikkink, 1998: 19 in Bob, 2010: 11-12), and unequal power and 'gatekeeping' (Bob, 2010: 11). There have also been frequent debates about North-South NGO partnerships and the power imbalances and inequalities that accumulate as a result of financial input and size (capacity) differences.

The only opposing voices from non-governmental groups was from the National Rifle Association and other non-profit groups that advocate for gun possession rights. While some observers argue that the latter were successful in holding the US to a sceptical position on SALW and ammunition, and that the US request for 'more time' which ultimately blocked the first vote in 2012 on the ATT was due in part to Obama's desire not 'to further alienate the powerful pro-gun ownership body [...] during election year' (CAEC, 2013), Control Arms did not see similar levels of opposition in terms of other provisions they were proposing. Public support in favour of an ATT was comparatively high compared with those advocating against it. The Million Faces petition, set up in 2003, had reached 956,000 from 130 countries around the world by 2006, demonstrating a growing awareness of the conventional weapon issue (Control Arms 2006c). There was a large increase from the 250,000 supporters recorded in 2005, and was mainly due to the coalitions Internet campaigns. Reaching its one millionth face, it is regarded as the world's largest photo petition (Mack and Wood, no date: 15). It was initially used to build support for the Review Conference on Small Arms in July 2006, where, in response, NRA members also 'flooded the UN with over 100,000 letters and email messages' demanding that the 'UN keep its hands off their guns' (Bob, 2010: 10). Despite using a number of other strategies including phone polls and frequenting on some news channels, and being 'well organised and well-funded' (Utnes, 2010: 39), gun groups did not have the same degree of outreach and coordination that could

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match the same degree as Control Arms.

3.2.1. Discussion

In summary, because Control Arms worked on multiple issues, rather than on one substantive issue or goal concerned with one weapon (like the Ottawa Treaty, PoA and Convention on Cluster Munitions), tensions were created in terms of policy formulation and strategy. Some NGOs had more experience, financial and technical ability, which created hierarchies within the group. Nevertheless, their diversity, expertise and outreach was crucial for a global campaign focussing on a treaty consisting of multiple and complex issues and numerous states. Finnemore and Sikkink claim that, whatever the platform, 'norm entrepreneurs and the organisations they inhabit usually need to secure the support of state actors to endorse their norms and make norm socialisation a part of their agenda, and different organisational platforms provide different kinds of tools for entrepreneurs to do this' (1998: 900). Despite Control Arms' many disagreements, this was achieved, as demonstrated in the following section.

3.3 Events that led to the tipping point of the ATT

Public support for the ATT from both states in the global North and South from Mali, Costa Rica and Cambodia, and later Macedonia, Finland, and New Zealand was important as the 'prelude' (Hampson and Hart, 1995) to formal and informal discussion on an ATT. This support was achieved in part due to the redrafted Code of Conduct from a group of NGOs that was circulated at the First Biennial Meeting of States to the PoA (Spies, 2009). The draft Framework Convention on International Arms Transfers' objective 'was to prevent the transfer of arms in violation of international law or obligations, or if the exporting state has reason to believe the weapons will be used to violate human rights or [IHL] or commit crimes against humanity or genocide' (ibid). From here, there were a number of marked events that led to the development of establishing diplomatic coalitions that led to conditional agreement to start work on an ATT.

The first 'critical state' to support the ATT initiative was the UK, in a meeting organised by Saferworld in September 2004. As one of the largest arms exporters in the world, and a permanent member of the UN Security Council, the UK's support particularly important for the campaign. During that year,

Finland took the lead in promoting the ATT by hosting a conference of interested governments in 2004 and a follow-up conference in early 2005 (Oxfam and Saferworld, 2005). Oxfam and Saferworld noted, however, that even at this stage 'a larger number of other governments were interested in the ATT at this time and wish to be engaged in its development, although they have yet to make explicit statements of support' (2005: 2). These Finnish-led meetings aimed to reach agreement on the ATT's core principles, 'establish a core group of at least 10 governments willing to drive the process forward', and 'establish the process necessary for achieving such a Treaty' (ibid). These governments were Brazil, Cambodia, Costa Rica, Finland, Kenya, Iceland, Macedonia, Mali, the Netherlands, and the UK (Spies, 2009). Participants recommended 'wide dissemination of the conclusions of the meeting; a commitment by governments to hold more meetings on this issue to move the process forward [; and] the establishment of a dialogue with a variety of stakeholders, including manufacturers, UN agencies, and other relevant international organisations' (Control Arms, 2005: 10). It was also agreed 'that the workshop results should be brought to the attention of the Second Biennial Meeting of States in July of that year and the Review Conference in 2006' (ibid). This initiative essentially enhanced the conditions by which the coalitions of states could persuade other states to support and promote the treaty through various organs, including the UN. This stage marked a critical point in the pre-negotiation phase, the period where parties have '[…] considered negotiation as a policy option and communicated this intention to other parties' (Hampson and Hart, 1995: 25).

By galvanising support from a small number of states, NGOs proposal for an ATT helped states to re-evaluate and restructure their values. There were also many opportunities to promote and establish a mandate for the ATT in 2005 and 2006, through the UN Security Council open debate on small arms, the Millennium Development Summit and the advance Biennial Meeting of States in advance of the 2006 UN Small Arms Review Conference (Saferworld and Oxfam, 2005). The UK's support was also particularly important because it was chairing the G8 Summit during its Presidency of the EU that year. After UK Foreign Secretary Jack Straw publicly called for an international treaty to control the conventional arms trade, momentum started to accumulate behind the idea of an ATT amongst UN Member States (ibid). This was history repeating itself, as the process to introduce the EU Code of Conduct seven years earlier was initiated by the UK during its EU presidency (UNESCO, 1998: 10). The EU issued a statement of support the next month. Up to this point, the Control Arms campaign had also

gained support by key figures such as President Lulu of Brazil and former Arch Bishop Desmond Tutu, in addition to '250,000 supporters from around the world' (Saferworld and Oxfam, 2005). From here, the ATT would steadily increase in support up until the October 2006 Resolution, and subsequently survived more votes until 2010. What were the reasons for this increase of support in such a short period?

Following the lead of those championing the ATT, the UK government pledged to promote the ATT during its presidencies of the G8 group of nations (in July), and in the European Union (Control Arms, 2005: 4). Three inter-governmental meetings were held specifically to discuss the global principles for arms transfers and the proposed ATT in 2005 (Control Arms, 2005: 10). One, in April 2005, was a civil society conference in Nairobi involving 175 participants from 75 countries, who supported the call for an ATT. These were, however, not explicit references of support. Control Arms recorded: 'The conference document agreed that there was a need to continue with discussions of global guidelines and principles for improved arms-transfer controls, based on existing obligations under relevant international law and respect for human rights' (2005: 10). Thirty-one government representatives from different regions agreed on global principles for international arms transfers based on existing international law and a process to take these forward (ibid). After this meeting, foreign ministers of the states of the Great Lakes and Horn regions of Africa announced their support for an ATT at the third Ministerial Review Conference on the Nairobi Declaration (Nairobi Declaration, 2005; Spies, 2009) The next meeting was the Biennial meeting of the PoA saw 55 states making 'positive reference to the need for an ATT'. The idea of an ATT now had 'explicit' support of around 13 states, including, Germany, Ghana, Kenya, Mali and Senegal (Oxfam, 2014c: 3; Control Arms, 2005).

Later, in a Control Arms campaign document, they claim that a campaign of mailing and emailing the French and Italian Governments in the run up to the G8 meeting led to the former major arms exporter to announce their support for the ATT (Control Arms, 2005a: 1). The briefing paper goes on to note that following the French announcement in July, 13 more governments announced their support for the ATT at the UN arms control meeting in New York (ibid: 1). Among these were the governments of Benin, Columbia, Norway, Sierra Leone, Spain, Turkey, Uganda, and the Vatican (ibid: 2). This doubled the amount of governments supporting the treaty to 26 (Control Arms, 2006c). Later

in October the whole of the European Union, which accounted for almost 40% of global arms sales at that time, got behind the treaty, bringing the total to 42 (Control Arms 2006c: 4). This came after the UK Presidency, Saferworld and Control Arms NGOs organised a joint meeting in Brussels on the proposed ATT, with representative from the European Parliament, the European Commission as well as Member States and NGOs from the 25 Member States (Quille, 2005: 6). This also overlapped with a meeting in world parliamentarian meeting in Mexico on Small Arms and Light Weapons (ibid). The European Council 'expressed its that the [EU] should play an active role in this process, together with like-minded states and regional organisations from different parts of the world' (ibid). In November 'it was the turns of the Commonwealth Heads of Governments to issue a statement of support' (ibid). However, Control Arms stressed that after Jack Straw's statement in March and support from an increasing number of governments, it was disappointing that the G8 summit showed no intention of starting negotiations for an ATT (Control Arms, 2005a: 2).

By then, pressure on states to support the treaty was coming from many sides. There were numerous statements indicating the growing need to control weapons multilaterally, for example, the Agenda for Humanitarian Action was agreed by all 191 states party to the Geneva Conventions in December 2003; a report in 2004 released following the UN Secretary General's High Level Panel on Threats Challenges and Change; a statement from the UN Security Council, in February 2005; a positive statement by the UN Secretary General Kofi Annan; and a report by the Commission for Africa in March 2005 (Control Arms, 2005: 6; Commission for Africa, 2005). The statements, along with the current process of the PoA, provided a 'political mandate to discuss and develop international standards on transfers, requiring states to authorise arms exports in line with existing obligations of states under relevant international law' (ibid: 6).

By May 2006, the total number was up to 50 governments (Control Arms, 2006g). On 24 July 2006, the governments of Argentina, Australia, Costa Rica, Finland, Japan, Kenya and the UK circulated a draft resolution, 'Towards an Arms Trade Treaty', among the members of the UN General Assembly First Committee in October 2006. This was co-sponsored by 77 states (Amnesty, 2006e).

This rapid increase in support was in response to the disappointment of the PoA's weakness and the

previously held Review Conference's failure. Indeed, Control Arms worked with the group of like-minded states after the Review Conference to find a venue where the veto power of the United States and other countries could not be used (Bob, 2010: 10-11). Inf.A, reflecting on his personal experiences in the PoA process, said that 'anger and disappointment often drive some of the strongest agreements as a direct reaction to something that's happened that people don't like.' He said: 'for years and years the whole ATT debate was strangled within the constraints of the work on [SALW] within the UN system'. He stressed that 'the best thing that ever happened to the ATT was the collapse of [...] the [PoA] Small Arms process [in 2006] without agreement'. 'What that did was galvanise a group of governments to say that this could never happen again [...] we want to progress on conventional arms controls, and we can't be strangleholded by the political processes such as this'. 'So that was where the whole first committee, UN Committee process was born – it was born out of the collapse of the Small Arms process'. Thus, many states disappointed with the conference saw mutual gains in promoting the ATT as alternative way to find a solution arms trade issues, and to bring a more ambitious arms control agenda back to the negotiating table.

In the following days of the Review Conference, explicit support was expressed by a total of 117 governments, including the UK, France and Germany. Days later, talks began in the UNs' First Committee and proceeded to a vote. Prior to the negotiations, several emerging exporters of weapons, including Serbia, Romania and Bulgaria, pledged their support (Amnesty, 2006d). This came after the influential support from the Canadian, South African, and Brazilian governments (ibid). Other supporters included countries 'that have been devastated by armed violence including Colombia, East Timor, Haiti, Liberia and Rwanda' (ibid). All in all, 153 states voted in favour of the resolution for an ATT, requesting the UN Secretary-General to seek the views of Member States on the feasibility, scope and draft parameters for a 'comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms' (SIPRI, 2015). Twenty-four countries abstained, and one, the USA, voted against the resolution. This shows the norm cascade stage of the norms' life cycle.

3.3.1. Discussion
Through various phases of overlapping arms control processes, issues were identifiable and exploited

by NGOs and supportive states to build alliances. This is reflected in previous studies in multilateral negotiation processes, that negotiations, at all phases, are 'marked by 'turning points,' defined as 'events or processes that mark the passage of a negotiation from one state to the next, signalling progress from earlier to later phases'' (Krasner, 1983: 2 in 1995: 25). More specifically, the phases of multilateral forums such as the PoA in 2001 and the Review Conference in 2006, were 'diagnostic phases,' when parties recognise 'that new solutions have to be invented' and that 'new order must be created' (Wendt, 1992: 417 in Hampson and Hart, 1995: 25), and thus provoking the need for collective action. Similar to the SALW issue generation, it could also be aligned with what Garcia (2004: 6) called the 'acknowledge-generation' process, which was triggered by NGOs and individuals promoting the ATT. When the ATT was brought to the General Assembly, this was symbolic of a more formal 'acknowledgement of the problem' stage, which previously led to the PoA.

When the governments gathered to formulise the draft of the ATT in the pre-negotiation phase, parties had 'come to terms with the need to negotiate' (Hampson and Hart, 1995: 26??). Through the diffusion of support by a number of states after the draft release, and after the subsequent vote, this triggered the 'commitment to negotiate', and later, after the GGE and OEWG meetings, there was an 'agreement to negotiate', where states agreed to enter into formal negotiations (Hampson and Hart, 1995: 26). These areas clarify, to a greater extent, factors that contribute to a tipping point.

Support from major exporters and violence effected states increased the prominence of the norm based on the 'quality' of actors promoting the norm. It is characteristic of what Finnemore and Sikkink argue to be the 'dynamic of imitation as the norm leaders attempt to socialise other states to become norm followers' (1998: 895). Connected to Finnemore and Sikkink's arguments about 'tipping points,' Mattern and Petti argue that these are reached in moments of time where significant energy and exceptional resources is weighted towards 'an idea, logic, rationale for behaviour or so on [...] across the 'chasm' from local to global, micro to macro' (2004: 23). Peer pressure could also be the reason why some states supported the initiative, where regional organisations, in particular, played a role in formulising positions. This section has added more nuance into understanding what makes a 'tip' happen in the context of the ATT, but it still remains unclear whether tipping points are applied to provisional agreement of norms or the ratification stages. Indeed, the individual provisions that

provide the foundations for the Treaty were put to the negotiation table and needed to be supported by a 'critical mass' of states.

3.4 The points at which supportive states established an agenda for individual provisions

After the 2006 vote, the ATT process was still in its pre-negotiation phase. The resolution text contained only guided principles and acknowledgements of arms trade issues. The draft resolution requested the establishment of a group of governmental experts (GGE) in 2008 to examine the feasibility of such as treaty (Sears, 2009). The resolution also requested Member States to submit their views to the UN Secretary-General in 2007 (ibid). After the GGE meetings an Open-Ended Working Group was established, which was open to all states, in order to consider where consensus could be found (ibid). These served a variety of critical functions in establishing what would be negotiated, how they would be negotiated, and when. The meetings sought to establish the basic goals and objectives of the treaty, what weapons should be listed in the scope, and what risks should interpreted in the parameters, among many other issues. The major risk at this stage for many norm entrepreneurs and agenda setters was losing control of the overall purpose and coverage of the treaty.

Most, if not all the identifiable conditional agreements for each of the agendas (set out in chapter 3.1) came during the GGE and OEWG meetings. Other considerations, such as corruption and GBV, came during the Preparatory Committee (PrepCom) meetings and Diplomatic Conferences (DipCons). Numerical estimations, such as one-third of states supporting an idea indicating a 'tipping point', have been supported by many scholars, including Finnemore and Sikkink. But how many states need to support a single provision in a single negotiation document before we can call it a 'shared assessment'? Following the 2006 vote, the Secretary General asked states to make submissions regarding the scope, feasibility and parameters of an ATT in order to assist the GGE in their report to the Assembly at the 63rd session. From this, states' submissions can be analysed numerically. The preceding GGE report, or any other quasi-legal document, would, in most cases, symbolise a conditional acceptance for each provision, based on the compilations of states' views before and during the negotiations.

NGOs worked particularly hard to persuade their governments to make these submissions. In the run

up to the GGE report, NGOs held People's Consultations around the world, 'devised to emulate the diplomatic process at the UN' (Mack and Wood, no date: 16). The objectives of the Consultations were to encourage governments to make submissions to the UN by bringing the voices of ordinary people affected by gun violence. By the end of April, 52 states had submitted papers, 95 per cent of which, according to Erickson, were positive and along the same broad lines (Erikson, 2007). It was noted that 'with an absolute deadline of 28 June 2007, this number is already significantly higher than the 20-30 papers usually received in such exercises' (ibid: 4). Amnesty later noted that the 'majority of states where the consultations were held made submissions to the UN' (Amnesty International 2007a). Eventually, 101 states made submissions.

62 states out of the 101 submissions included SALW, and approximately the same number wanted ammunition to be included in the scope of the treaty (Seay, 2015: 56). This high level of acceptance was in part due to current PoA debates, and the success of framing the argument that 'weapons without bullets are useless'. For OCW, Parker's 2007 report found that 'most states indicated that an ATT should cover "all conventional weapons", including "tanks and other armoured vehicles", "combat aircraft", "helicopters", "warships" and so on' (2007: 5). Having been already controlled under national and regional export controls, she noted that 'a number of states suggested including or adopting an existing list, such as the UN Register of Conventional Arms and other regimes' (ibid: 5). The report also found that 51 of the 101 states called for manufacturing technology, technology or technological development; 49 called for parts and components; 31 called for 'existing list' (UN Register, International Tracing Instrument, EU Common Military List, and the Wassenaar Arrangement Munitions List); dual-use goods, 27; explosives, 25; and manufacturing equipment, 8 (ibid: 6).

Submissions for OCW and ammunition were enough to be sufficiently debated in the following GGE meetings in 2008, where states generally expressed support for using either/or the Wassenaar Arrangement categories and the UN Register Lists (Holtom, 2015: 30). Many states recommended that the ATT 'should regulate all conventional arms as well as ammunition, explosives, and other components via the [UN Register]' (Arias Foundation, 2008: vii), as well as SALW, ammunition, and manufacturing technology (Vollmer, 2008). Nevertheless, discussions on the scope was limited and no

conclusions or recommendations were made (Wood, 2015: 70; Spies, 2009). National representatives of the GGE 'observed that globalisation had changed the dynamics of the international arms trade. They noted that the types of weapon systems, equipment and their components being manufactured in cooperation, under joint ventures and licensing was increasing and that most arms producing States were increasingly relying on technology transfers and upgrades from external sources, rather than from their own indigenous production' (Group of Governmental Experts, 2008 in Gruselle and Le Meur, 2012: 6).

Nevertheless, having agreed this arguably minimal list, NGOs and states would have to reframe arguments to expand the list of weapons, as many NGOs argued that the UNR7 only covered offensive weapons and was outdated. Since there was no real consensus about the list of OCW covered, discussions on the scope carried on into the 2009 OEWG meetings and subsequent PrepCom meetings. It was not until the March 2011 PrepCom meeting that the chair's draft included a list of conventional weapons similar to the UNR7 list, including their parts and components and ammunition, in addition to technology for their design, use or manufacture (Wood, 2015: 70; Chair's Paper, 2011). This is where provisional agreement for OCW reached provisional agreement. In summary, while there was one-third of states generally supporting the inclusion of the UNR7 list, plus SALW and ammunition, quasi-legal coverage of other elements was achieved either through a process of convincing other states to support these, or because the chair's decision to have it in the text was a major factor.

The provisional agreement for corruption and GBV came much later in the treaty-making process, the former of which never went beyond 68 states strongly supporting it, according to ATT Mapping Database data. In 2007, 'corrupt practices' was only mentioned in the reports of 13 states, whereas 'sustainable development' – linked with corruption – was included in 38 submissions. Parker noted that 'most simply listed corruption as an issue without elaborating further. This included 'corrupt practices involved in any state of the transfer', 'corrupt practices at any stage – from the supplier, through any middlemen/broker, to the recipient' (Parker, 2008: 34). In comparison to other elements, Parker explained that 'it does not appear to be a priority' (ibid: 34).

The vagueness in statements regarding corruption was reflected in the preceding negotiations, and it

was not explicitly referred to in the GGE and OEWG reports. Attempting to keep the agenda afloat before the final OEWG meeting, Oxfam released a Practical Guide: 'Applying Sustainable Development to Arms-Transfer Decisions'. The guide offered questions that could be added to an assessment in the criteria, and thus provided more specified debate. For example: 'has the recipient state experienced a persistent pattern of well-founded allegations of corruption in its defence or security sector? Has the recipient signed and ratified the UN Convention against Corruption or the UN CATOC? And does the state have the capacity to [...] prevent, investigate, and prosecute corruption in defence and security sector arms procurement?' (Oxfam, 2009: 7-8). These questions may have opened up debate in diplomatic circles. Nevertheless, it is difficult to put a precise time on when acceptance to having provisions for corruption were widely agreed. By the time it found its way into a quasi-legal paper released by the chair, states were either supportive of it only being *mentioned* in the Treaty, while others wanted it in the first or second tiers of export assessments. This example shows how much the chair exercised influence on the text.

While submissions in favour of sustainable development were relatively high, it was not as firmly agreed upon as other proposed criteria. The General Assembly Resolution 64/48 (2006) text cited development-related wording: 'Recognising that [...] problems relating to the unregulated trade of conventional arms and their diversion to the illicit market is a contributory factor to armed conflict, the displacement of people, organised crime and terrorism, thereby undermining peace, reconciliation, safety, security, stability, and sustainable social and economic development' (United Nations, 2006). Its place in the Resolution was likely due to the inclusion of developmental concerns in the EU Common Position and the PoA, but its slow road to provisional acceptance indicates a wide concern over the 'subjectivity' of risk assessments against the developmental needs of states. Nevertheless, in addition to its 38 submissions, nine states made arguably similar references to transfers against the 'Legitimate Defence Needs' of states, and eight submissions included 'Economic Considerations' (Parker, 2007: 10). It was also supported by 'a number' of states in the OEWG meetings (Spies, 2009).

As with corruption provision, NGOs tried harder to highlight possible approaches states could consider, to ensure that the agenda was kept on the table. Before a GGE meeting, Oxfam released the

paper, 'Arms transfer decisions: considering development', which provided a detailed summary of existing licensing processes considering development. Later, with IANSA and Saferworld, they also released a paper before the General Assembly in October 2008, 'Africa's missing billions: International arms flows and the cost of conflict'. The papers were developed to both assist and make recommendations for the making of the GGE report, and focussed on the impact armed violence has on the wider local, regional and international development initiatives (Oxfam, 2008: 1).

The timing was right for gathering coalition support for developmental considerations. As the second half of the timetable for governments to reach MDGs, and before the final meeting of the GGE, Oxfam released another briefing paper, 'Shooting down MDGs, How irresponsible arms transfers undermine development goals' (Oxfam, 2008a: 1). Like previous reports, it provided states with a list of considerations that would help meet their MDGs. Oxfam also released a practical guide, 'Applying Sustainable Development to Arms–Transfer Decisions,' before the final meeting of the following OEWG in 2009. Such papers were enough, it would seem, to influence debate around the feasibility of applying developmental considerations. While the first PrepCom in 2010 did not focus on criteria, at the second PrepCom, Moritan's series of papers that set out a draft framework for the treaty as a whole, and included 'specific criteria' which considered sustainable development 'when authorising a transfer of arms' (ATTM 1.6, 2011: 4). This time represents provisional agreement of SED considerations, despite it being unclear whether 70 or more states supported it.

Provisional agreement for GBV was reached during the July 2012 negotiations. Supporting the one-third 'tipping point' claim Finnemore and Sikkink make, it was recorded during this time that approximately 75 states supported gender provisions. However, GBV was part of the chair's text during the third PrepCom before this level of explicit support was reached. Due to the speed at which it gained support, and due to the diversity of tactics used by NGOs, it is better explained in chapter 5. As this chapter discusses, GBV would not have emerged without activism by NGOs, particularly IANSA Women's Network.

Respect for HRL and IHL was already explicitly mentioned in the October 2006 Resolution. 72 states also mentioned human rights and 65 mentioned IHL in their submissions in 2007 under the category

'likely use' (Parker, 2007: 10). These were among the highest mentioned elements in states' submissions. 20 states also included 'genocide'. A paper released by Amnesty International named 'Compilations of Global Principles for Arms Transfers' indeed made it to the hands of those considering making submissions. The paper outlined states' obligations based on relevant international law treaties and customary law, principles recognised by the UN, including international HRL and IHL and the Articles on State Responsibility (Amnesty, 2007b: 22). According to Amnesty, some states expressed that the report was a useful framework in which to work around (ibid: 22).

Amnesty recorded that the language in submissions ranged 'from ensuring that the criteria take into account "respect for international law including [IHRL] and [IHL]…" to an ATT that will assist in "the prevention of a breach of [IHL] [and] prevention of abuses of human rights"' (ibid: 29). In June, at a conference in New York, Ban Ki-Moon made his decision and confirmed the proposed treaty would '[...] make a major contribution to the attainment of humanitarian, human rights and development objectives worldwide' (ibid). While states were largely supportive of having human rights and IHLs in some form of criteria during the GGE and OEWG meetings (Spies, 2009), NGOs still worked to increase support for a treaty that ensured their consideration in risk assessments. For the NGOs, human rights were, ideally, part of the overall goals and objectives of the Treaty. In order to assist and make recommendations for the making of the GGE report, and responding to some concerns about sovereignty, Amnesty released the paper: 'How to apply human rights transfer decisions to arms transfers', which outlined detailed indicators for transfer denials to ensure decisions were made fair and objective (Amnesty 2008x: 1). Papers similar to these made by Amnesty, such as 'Blood at the crossroads', used case-studies of human rights abuses in chosen countries, and Oxfam's Practical Guide, both were released before intergovernmental meetings. Provisional agreement for human rights, IHL and other criteria was seen in various 'draft concept papers tabled in 2011' (Da Silva and Wood, 2015: 117). Da Silva and Wood argue that the 'parameters proposed by States and included in discussion papers of the chair during the process were influenced by initial formulations for criteria promoted during the 1990s by [the] group of Nobel Peace Laureates and [NGOs]' (ibid). Overall, this demonstrates the successes of the frames made by NGOs, since all agendas reviewed in this thesis, despite opposition, were conditionally agreed at different stages.

3.4.1. Discussion

There was a danger of losing control of the agenda through the GGE, OEWG and subsequent meetings, particularly considering that states could not agree to the goals, objectives, scope and parameters. But a significant number of states kept most of the weapons and parameters initially advocated for by NGOs on the negotiating table, and the chairs' influence was important for keeping other weapons and parameters on the negotiating table. Numerical assumptions about what constituted provisional or norm acceptance are largely applicable to the weapons and parameters framed. However, the inclusion of some elements, such as parts and components, manufacturing, corruption and other fringe concerns, were not as secure. This, in part, supports the claim that norms will likely diffuse if one-third of states support it.

3.5. Conclusions to chapter 3

The aim of this chapter was to identify how the ATT was framed and how these frames were used to set the agenda for the treaty. It also aimed to identify points at which states supported the ATT and certain provisions. It found that various arms control processes in the 1990s and 2000s gave NGOs the opportunity to identify flaws in existing regimes, and too propose an ATT as the alternative. While there are several types of frames one could use to interpret their arguments, framing focussed on critical elements missing in existing arms control initiatives, delegitimising current norms, quantified issues in the arms trade, highlighted institutional weaknesses and offered solutions-oriented reports and proposals for the ATT. NGOs arguments for an ATT came at an adequate time when current arms control meetings, such as the Small Arms Review Conference, were not, according to NGOs, addressing critical areas for achieving international obligations. Delegitimisation, reconceptualising issues, and offering replacements (or solutions) are therefore very important in agenda-setting. The establishment of, and subsequent issues that emerged from, the EU Code of Conduct made it possible to argue about the practicalities of agreeing and applying risk assessments to arms transfers, and since it only covered a proportion of the largest exporters and importers, made the case for a global treaty much more viable. In this context, Finnemore and Sikkink note that adjacent claims or path dependence increases the likeliness of a norms influence, and that 'this is most clearly true for norms within international law, since the power of persuasiveness of a normative claim in law is explicitly tied to the "fit" of that claim within normative frameworks' (1998: 908). Convincing 'critical states',

such as the UK and affected countries was critical to the campaign in adding credibility to the proposal for an ATT, but also in galvanising support through formal and informal diplomatic channels.

Despite opposition by some major exporter and importers between 2006 and 2009, many of NGOs agendas for the scope and parameters were kept afloat in the meetings. This was due to the success of the framing and current processes in arms control formulating states' positions. This substantiates arguments made by Burch, who states that 'the creation of international legal instruments […] can have a strong positive effect on the establishment of norms and that the more widely accepted a norm is, the stronger it is' (Burch, 2000: 449). However, states had different stakes in the treaty that were not necessarily driven by moral obligations, but for economic reason, as demonstrated in the next chapter. Payne argues in connection to this that the 'the apparent causal power of frame resonance might more accurately be considered a 'quasi-causal' effect (Yee, 1996: 96–8) of communication' (Payne, 2001: 44). Furthermore, as argued in this chapter and the next, the chair exercises a lot of power over the text, particularly on provisions that were not widely agreed. Additionally, provisional agreement for GBV came much later into the negotiations, thus agreement of elements at the pre-negotiation stages does not mean new topics and new issues will not emerge and gain importance.

Finnemore and Sikkink's 'tipping point' concept is largely applicable to understanding the emergence of the ATT. However, by identifying 'turning points' (Hampson and Hart, 1995) in decisions to promote the ATT its provisions through formal and informal processes, the chapter contributes to recent scholarship concerned with how 'tipping points' happen. Analytically, because the ATT contains many elements, arguably consisting of 'overcrowded or shifting agendas' (Tallberg, 2010: 244), it still difficult to neatly apply Finnemore and Sikkink's stages to processes like the ATT.

The establishment of the Control Arms coalition was necessary given the numerous agendas, the scope of expertise needed, and working with and persuading a great number of states. While it was natural for such a large organisation to have disagreements, its outreach capability was extensive, and its issue coverage was adequately, though not consistently, demonstrated to be successful at reaching provisional agreement on all frames explored.

CHAPTER 4

Institutional Factors Influencing the Behaviours of States

4. Introduction

The aim of this chapter is to understand how bargaining power was utilised in the ATT negotiations, and how the consensus rules and the chairpersons conditioned the behaviours of states and the implications this had on the outcome of the treaty. This analysis concentrates on literatures concerned with multilateral negotiation processes, which are used to refine the focus to develop further understandings of state behaviour in norm development. While it relies less on constructivist approaches, it seeks to fill some gaps in understanding norm evolution. It addresses the secondary research question, how was power exercised in the ATT negotiations, and how did this affect the outcome of the ATT?

The first section (4.1) discusses the differences in interpretation of the consensus rules and the implications this had on the process. It analyses how the consensus rules affected state strategy. The power dynamics that emerge out of the consensus rules are then investigated in 4.2. This section first establishes the broad negotiating blocs and individual positions in the negotiations. This lays the basis for discussions in sections 4.3, 4.4, and later chapters, which identify the significance of major exporters, importers, and affected states, especially where they disagreed or found agreements, and the tactics they used to increase their bargaining leverage. Section 4.3 also discusses the role that defence industries played in formulating some states' positions. Finally, section 4.5 pays attention to the role of the chairs in the negotiations, identifying how some of their management styles and arrangements potentially influenced the outcome of ATT norms.

4.1 Defining consensus and its effects on the negotiations

As explored in the literature review, consensus decision making is generally believed to have positives and negatives. Responding to the US request in 2009 to negotiate on the basis of consensus brought its own foreseeable and unforeseeable obstacles and opportunities. The main opportunities were that it brought deeper engagement from the US, China, Russia and many other 'sceptical' states. It would also ensure that there would be a balance between states' concerns with their right to acquire weapons to meet security needs, enhance and improve states' international law obligations, and help stem the

flow of illicit transfers. Based on some progressive governments and NGOs' fears, however, the negative view of consensus decision making was that it brings about a 'lowest common denominator scenario in which any state can function as a spoiler and prevent movement forward based on any individual provision' (Prizeman, 2012: 2). Indeed, consensus was widely seen as the old enemy of pro-control NGOs. The weakness of the PoA and the 2006 Review Conference's failure led to IANSA, Oxfam, and Amnesty International's search 'for a venue in which to avoid the veto power of the US and other major countries' (Bob, 2010: 10-11). This plan unsuccessful, and NGOs even debated whether it would be better to proceed with the ATT negotiations without the USA (Utnes, 2010).

The bargaining dynamics that this produced are numerous. Most evidently, states would have to condition their behaviours (Payton, 2010: 13) to counterbalance the demands of competing interests to prevent a veto, and therefore carefully decide whether to oppose or concede in order to reach agreement on individual elements. The risk of conceding to conflicting demands, particularly for those calling for an all-encompassing humanitarian treaty, was that it might lead to a weakening of the treaty and its individual provisions, and thus lead to the text being weak. Conversely, the risks of not conceding may lead to deadlock, a low number of signatories, and insufficient implementation. Additionally, states might also even try to sabotage the process if their demands are not met, as seen in some examples in previous UN processes. States that are sceptical to the whole process could also work to weaken the provisions even without intention to agree or ratify the final document.

What was particularly unsettling to the process was the lack of agreement as to what rule of consensus, in particular, would guide the negotiations. Operation paragraph 5 of UN General Assembly resolution, which dictated the rules of procedure for the negotiating conference, held an "open-ended" rule on what consensus *is,* i.e. that the resolution 'does not actually indicate what consensus means or what consensus should apply to', as expressed by Norway's delegate (ATTM 4.2, 2012: 6). The resolution stated the UN conference preceding the PrepCom meetings 'will be undertaken in an open and transparent manner, on the basis of consensus, to achieve a strong and robust treaty' (UN, 2010). The provisional draft at the fourth PrepCom indicated that 'representatives will make "every effort" to make all substantive decisions by consensus' and if 'consensus cannot be achieved, the Rules allow for a two-thirds majority vote, except where the final treaty text is concerned. The final treaty text is to be

adopted by consensus, without a voting alternative' (ATTM 4.3, 2012: 1). This effectively meant that abstentions did not count against a consensus decision. Nor did it specify how many abstentions implied a lack of consensus, or if one no-vote indicated lack of consensus (Payton, 2010: 3).

Because the rules of consensus were ambivalent, they were therefore interpreted differently depending on a state's support or scepticism to the negotiations, despite some legal advice available to clarify this. States confronted what type of consensus rules guided the negotiations during the fourth PrepCom. However, before the July 2012 conference (almost 2 years later), there was still little agreement on exactly what "consensus" meant (ATTM 4.1, 2012: 3). The open-ended wording worked in favour of both progressive and sceptical positions in different ways, but it did, as the Norwegian delegation later argued, "negatively affect the negotiations and reduce the quality of the outcome" (ATTM 5.19, 2012: 2). This is reflected in the stall in the March 2013 negotiations, when the rule of consensus 'meant that countries pushing for a strong treaty made several compromises [...] in order to bring more sceptical states on board' (ATTM 6.9, 2013: 2). Hence, according to pro-control NGOs, there were 'substantial loopholes' at that time (ibid).

The topic of consensus influenced states to work in blocs to counterbalance the contrasting views of other states. This was also because states held highly divergent views, some of which could be agglomerated. Others positions, held by a relatively small number of states, were not negotiable. Thus, the requirement for universal support, with no voting option, but also with the possibility of a majority vote if the negotiations failed, conditioned the behaviours of states, leading them to form groups to counteract each other's demands. The 'sceptical' states, for example, wanted 'to interpret consensus as meaning unilateral veto' (ATTM 4.1, 2012: 6). The US and EU wanted 'consensus applied to only adoption of the final document, while others such as CARICOM want a process that 'strives for consensus' in a broad sense, but without denoting official unanimity on any individual element or stage of the treaty' (Prizeman, 2012: 2). Differing interpretations, and discussions concerning clarity on the rules thenceforth, consequentially reduced time on negotiating the elements of the treaty. Material, utilitarian and moral interests and overcrowded agendas further restricted the ability to reach universal support in the final documents.

The open-ended wording of the voting rules at the July negotiations came after the US proposal to negotiate the treaty on the basis of consensus in 2009 (see U.S Department of State, 2010). Utnes recorded that a number of states came together for a series of informal meetings after the US sent out the proposal, naming themselves "Friends of a Better OP5"' which consisted of Germany, Norway, Netherlands, Mexico, Ireland, Austria, Liechtenstein, and New Zealand. German diplomats were in Washington in an attempt 'to broker some amended language for OP5 without losing US support' (Utnes 2010: 59). Utnes further recorded that there were 'confidential sources affirming that the paragraph was changed to a more abstract formulation, effectively not tying the consensus to decision-making any more, but that no one was sure what this meant, i.e. if it was a success or a worsening of the situation' (ibid: 59). While the US request for 'more time' to consider the final July text stalled the negotiations, it did not block the vote. A new mandate for what became the March 2013 DipCon at the 2012 UNGA, the consensus rules were changed to keep the ATT on the 'UNGA 67th Session agenda even if the conference failed to reach consensus' (Bolton and James, 2014: 8). This was because of 'intense lobbying by civil society' to allow the consensus rule to be 'eclipsed by UNGA's usual majority-voting rules of procedure' (Oxfam, 2012 in ibid). A small number of states and NGOs had thus gained some advantage by formulating the voting rules, which inevitably led to the adoption of the Treaty. This meant that at the March negotiation, states were less willing to heavily concede their position for an all-encompassing humanitarian treaty, emphasising how behaviours were conditioned in this context.

NGOs and progressive states were correct if predicted that the March negotiations would be blocked. It was widely recorded that many sceptical states purposely hampered progress at the July 2012 Diplomatic Conference, reduced negotiation time for all elements, and then abstained or voted against the treaty. A new Diplomatic Conference was agreed which strengthened the text. When the Treaty was blocked again, this time by Iran, North Korea, and Syria, it was taken to the UN General Assembly to be adopted by a majority vote. Before the majority vote was considered, Mexico attempted to encourage the President to proceed with an adoption of the text without a vote, declaring 'that there [was] no definition of consensus' (ATTM, 6.10, 2013: 1).

Thus, the vague and, later, more subtle definition of consensus played into the hands of progressive

states, but the veto power was still influential in making many progressive states concede on some rules. The US influence over the rules, with the backing of some sceptical states to the process, also sufficiently increased their potential to control the outcome of the Treaty with the intention of maintaining US dominance in the arms trade. This reflects what Finnemore and Sikkink call utility maximisation, in that actors will strategize to channel behaviour in order to get what they want.

4.2 The dynamics of the negotiations under consensus

One of the major barriers to refining negotiating positions was the lack of unity on the objectives and purpose of the ATT at the initial stages. The first chair of the negotiations, Ambassador Roberto Garcia Moritan, noted that states had different conceptions about the purpose of the treaty, ranging from illicit transfers of weapons aligned with PoA's objectives with no restrictions on the legal international trade in arms to others wanting the treaty to encompass the highest possible standards (Moritan, 2015: 20). With many participants, and thus the greater likelihood of conflicting positions, this made it more complex to establish interconnections between all these interests. Pinpointing the separate camps more generally, 'proponents of creating a "floor" argued that the ATT should be written with minimum standards, and simply exist as a bare minimum by which states can expand upon in their national capacities, while their counterparts wish to create an all-encompassing, truly universal treaty' (ATTM 1.3, 2011: 3). Importers, major exporters and states affected by armed violence also had generalised views of what they wanted out of the treaty. Many exporting states wanted to have an agreed set of standards (Woolcott, 2015: 13). Importing states wanted a treaty that offered them 'the ability to choose their military and security equipment in pursuit of their legitimate right to self-defence under the UN Charter' (ibid). States affected by armed violence and instability generally wanted the treaty to address illicit arms transfers, and the 'practical benefits to their national security and the security of their communities through a strong and well-implemented treaty' (ibid). Therefore, it was difficult to find consensus with many large import-reliant states, particularly in export risk assessments.

The divisions of interest consequentially influenced states to work in negotiating groups to demonstrate common ground on some provisions ('issue-linkage'), and to counterbalance the influence of some individual states and small groups. This was beneficial in a number of ways.

High quantities of less-powerful states with similar interests would be able to shape the agenda as long as they attracted the interest of some powerful states. This was achieved. Many major exporters and importers from Europe and Oceania found common ground with 'affected' states in Sub-Saharan Africa, and South and Central America, which roughly comprised half of UN member states on certain provisions, particularly on subjects such as human rights, IHL, development, SALW, and ammunition. Due to the veto option, while establishing shared benefits by making collective statements, this majority group did not enjoy proportional impact on the positions of minority groups seeking to limit restrictive measures, or powerful individual states such as the US, Russia, and China.

Other coalition groups with 'collective identities' and strongly held regional values also represented a strong negotiating position on certain provisions. These mostly consisted of democratic states such as those in the EU, which was key to formulising their individual positions. Other states under regional arms control regimes, such as ECOWAS, also had strong common positions. Having commitments within regions to promote norms such as human rights, they were influential in forming interregional coalitions in the negotiations. In this way, coalitions also helped to 'decompose' complex interests into collective messages, keeping human rights norms and IHL's, for example, on the agenda through most of the negotiations.

There were also intercoalition dynamics that changed the nature of the negotiations and affected the cohesion of states. For example, Russia, China, and the USA succeeded in convincing France and the UK in their direction through collective statements as the Permanent Members of the Security Council (P5), calling for minimal standards to make implementation less demanding (see for example China et al, 2011). The UK and France found themselves divided in their positions between the 'pragmatic' and 'progressive' camps, seeing gains in both positions. These clashes of interests and ideological affiliations produced a tug-of-war of competing positions, and this in particular affected the ability to find universal support at July DipCon. Other states, such as South Africa and Turkey, with no close affiliation or membership to regional organisations, were quietly 'progressive' in their alignment. Turkey's interest in joining the EU, but also having closer cultural and security interests with its neighbours, and with a growing military-industrial complex, was also split between 'identity' and

'interests'. A similar argument can be applied to South Africa, which holds a desire to exercise leadership in the region, in addition to being a BRIC member (of which the majority were largely 'sceptics') with a growing arms industry.

While some of these preferences overlapped, contrasting negotiating positions and tactics made any possible agreement less achievable. The "fronting" tactic, in which states deliberately lead 'an argument or position knowing that others will benefit by following in its wake' (Johnson, 2009: 51), was used by both progressives and sceptics. One sceptical fronting tactic was employed by Russia, which advocated on behalf of the P5 and a number of other sceptical states. They also argued for the scope and criteria to be moved to the implementation section of the treaty, with the possible intention of limiting the legality of the contents. Johnson argues that on some sensitive topics, a 'less powerful ally will sometimes front for a stronger delegation in situations where that state does not wish to be exposed' (ibid). Examples include the UK and France who, although not "allies" with all P5 states, and with comparatively smaller militaries, made statements on behalf of the P5, which were contrary to their preferences within the progressive group (see for example France et al, 2013). Norway and some developing states in Sub-Saharan Africa and the Caribbean often made statements on behalf of the progressive states, which consisted of major exporters.

One major power dynamic in the context of the ATT was importers' dependence on exporters, and vice versa, which affected group clusters. Considering that there had been a 17 per cent increase in international arms transfers between 2008-12, doubling to Africa and modest increases to the Americas, Asia, and Oceania, and, with 32 per cent of all imports across the world going to India, China, Pakistan, South Korea, and Singapore, stakes were high on all sides (SIPRI in ATTM 6.2, 2013: 5). In this regard, strong opposition to controlling ammunition was reflective of the increases in its value and production (explored in chapter 5).

Other major exporters and importers were in unique positions of power to shape the negotiations. 'Red lines' were proposed by the USA, China, India, and a number of other states before the two Diplomatic Conferences, some of which were 'non-negotiable', were 'a uniform way of making states sacrifice some of their preferences and negotiating these outside the UN system' (ATTM 5.1, 2012: 3).

It may have made some states reluctant to show their explicit support for some norms. Some of these red lines were 'made in private and unofficial outside of the negotiations' (ibid: 3). However, Zuber noted that 'these 'red lines' will be nuanced according to diverse national and organisational interests, but mostly represent triggers for states and other stakeholders to begin to distance themselves from a 'weak' treaty process' (ibid: 6). He added that 'the notion of red lines is not meant to be provocative but rather is intrinsic to the consensus process that some larger and middle powers insisted upon at earlier stages of the process' (ibid: 6).

In summary, there were several coalition and bargaining dynamics that were significant to the ATT process. Economic and political interests, and fear of the veto, influenced the formulation of coalitions. This kept many provisions relating to human rights, trade, and economic interests on the agenda. The next section explores these aspects in more depth.

4.3 The P5 and other major exporters and importers

Before the July negotiations, the feeling was that achieving consensus largely depended on the text that the P5 could accept, because China and Russia were more engaged in the process (Wood, 2012). This was important because the P5, plus Germany, were responsible for 80% of international exports of conventional weapons (Villacampa, 2012: 3). Relations were strained between the P5 and the progressive states. France and the UK were caught between the two. In the final days of the March negotiations, for example, Anna Macdonald noted: '"we do think the UK is [being] pressured from other members of the P5 to compromise their position"' (quoted in IPS, 2013). The chair was also under pressure from the P5 to take their views on board, often making changes identical to the P5's proposals. Zuber argued that the P5 sustained a 'take it or leave it' mentality on a range of issues within and beyond the traditional scope of peace and security' (ATTM 5.4, 2012: 7).

Considering the P5's weight of influence, the ATT would indeed require 'some investment of political capital, especially if large manufacturers in powerful countries are to accept some measure of international oversight on national control system for exports and imports' (Prizeman, 2012: 3). Prizeman added: 'large manufacturing states must be active and productive participants in the ATT process if the treaty is to have any real impact on the arms trade – both cooperating with the

provisions as well as providing international assistance to smaller states to build the necessary national implementation capacity' (ibid: 3).

Even after the stalled July negotiations, the P5's position for a "pragmatic" treaty hardly changed. In response, 108 states joined together and warned that 'a weak treaty could serve to legitimise the irresponsible and illegal arms trade' (ATTM 6.2, 2013: 1). The UK signed both the P5 and the 108-country statements (ibid: 1, see Mexico et al, 2013; France et al, 2013). During this time the UK was seen by NGOs as stepping back from its previous leadership role and being less proactive (House of Commons, 2011: 40-41). The role of the UK defence industry, which worked closely with UK delegates (Duncan, 2013), could have been influential in this context. Ray Acheson remarked that the UK's position 'seems curious, until one realises that the P5 do not envisage an instrument that will affect their current practices' (ibid: 1). France was also noted for supporting both the EU and the P5 statements, which often contradicted each other.

Andrew Wood, writing from a position of the UK defence industry (Rolls-Royce), noted that 'creating idealistic or compromise language that fails to take account of the practical aspects of implementation will critically undermine the treaty's longer-term success'. He stressed that 'governments and [NGOs] sometimes do not fully understand the enormous scale and complexity of the global supply chain in defence goods and technology. From their experience in this area, the defence industry understands the dynamics and the practicalities, including the negative effects that could result from imprudent language that is impractical to implement' and 'will be most directly affected by its implementation' (Wood, 2012). Consistent calls by some individuals with close connections with NGOs and governments to keep the treaty 'simple' and 'avoid disruption to existing arms sales relationships and regulatory exemptions' was influencing key states' positions in the meetings and negotiations. Lichtenbaum, Stohl and Wood wrote that it was an important national security interest 'not to create a process that materially affects the ability of governments to continue arms sales to key allies around the world' (2011: 5).

Employment could also have been a factor shaping major or emerging exporting states' preferences. Cooper states that despite all the support that it receives from the UK government, 'BAE's UK

workforce is in long-term decline and its role in the UK economy is unexceptional' (2012: 15). He explains that export orders are unlikely to change this decline 'as the trend is for more goods to be made assembled in the purchasing country' (ibid: 15). Indeed, the ATT could be seen as providing opportunities in long-term recovery of a declining European arms industry at a time of global economic recession. Wood wrote: 'at no time in recent memory has the concept of a "level playing field" been as important as it is today' (Wood, 2012). The US also stated before the July DipCon, following a year of 'record sales', 'that it wanted to increase its arms sales in order to "highlight America's commitment to [...] strengthening American jobs at the centre of our foreign policy"' (Bromund, 2013). NGO sources also consistently highlighted the US's apparent cynicism for a treaty that aimed to reduce human suffering and violence, and instead proposed that the ATT should 'make it easier to acquire and control weapons legitimately required for security', and to improve the 'internationalisation of commerce in conventional arms [...] for manufacturers and suppliers of weapons' (ATTM, 3.2, 2011: 1).

Industry input was not unwelcome by NGOs, as it was seen as crucial in ensuring the credibility of the treaty. Years earlier, in 2006, the 'Million Faces petition in the UK was presented to the UK Foreign Office by Control Arms and the [Defence Manufacturers Association] jointly, which sparked particular media interest' (Oxfam, 2014c: 5). Oxfam claim that support spread in the industry sector throughout the rest of Europe, 'and this in turn helped with outreach to the North American industry' (ibid). While defence Industry involvement was 'largely absent from the first years of debate' due to the lack of debate on practical considerations (Kytomaki, 2014: 19), they propagated the argument that the treaty would level the playing field, and thus benefit industry and states' foreign policy aims. Industry perspectives that were apprehensive about a 'over-broad' or a 'poorly worded' treaty that covered transfers of technology, research and development, manufacturing equipment, and parts and components (Lichtenbaum, Stohl and Wood, 2011: 5) affecting business is reflected in the final text, and reflected in the positions of some EU states. The final treaty text does not include transfers of technology, research and development, and manufacturing equipment. Additionally, addressing some defence industry concerns about over-bureaucratic coverage of all parts and components, for example, only exports of parts and components that, as a whole, can be assembled into weapons covered in Article 2 (1), and not as single parts (not used to construct a single item), are reflected in

the final text. Another area in which industry concerns are reflected is the absence of re-exports and re-transfers, which were, it was argued, 'inconsistent with existing practice' (Lichtenbaum, Stohl and Wood, 2011: 6).

Through interviews, Kytomaki found that '[v]ery few countries opted to include industry representatives in their national delegations', and '[o]nly US and European firearms industries joined the process through accreditation as NGOs rather than as part of any delegation' (ibid: 19). However, UK delegates had monthly meetings with their domestic defence industry, whom, according to Richard Tauwhare, then Head of the Arms Export Policy Department, were 'very supportive of this treaty and has worked closely with us all along' (Kimball, 2013a). The North American industry 'was never persuaded to speak out publicly in favour', but Control Arms believed that it still 'played a positive role by not actively opposing the treaty' (Oxfam, 2014c: 5).

With increasing competition from China, Russia, and Brazil, with friendlier risk assessments, levelling the playing field was thus a primary aim of other Western major exporters and their industries. Edelman noted that 'though some ATT opponents argue that the arms export market is too competitive for companies to turn down any buyers, no matter how corrupt, Western suppliers are currently being undercut by the poor practices of other suppliers' (ATTM 6.6, 2013: 6). He added: 'When producers worldwide are held to the same standards, when one producer rejects a sale that is unauthorised, another one cannot pick up that same sale [...] Thus, with a strong ATT, arms exporters will not risk losing business by being ethical' (ibid: 6). He further added that 'Governments with strong export controls would also benefit because current regulation inconsistencies permit actors involved in the illicit arms trade to transplant their operations to countries with more favourable conditions for illegal activities' (ibid: 6). This is why, at the very minimum, the ATT, to European states, should mirror their national and regional export controls.

Wood also noted that 'many governments have expressed a desire to rebalance their economies, moving towards high-value manufacturing and new wealth-creating industries'. He added: 'At the same time, ethical and reputational factors in public and private investments are playing an increasing part in where the smart money flows' (Wood, 2012). The EGAD, the UK defence industry body

concerned with export policy was, for example, 'supportive of the philosophy' of the ATT and hopeful that would will be 'effective in curbing the activities of irresponsible proliferations' (Cooper 2012a: 2). The secretary general of the European arms industry lobby ASD also said: "increasing the number of countries operating under common standards of control will provide more predictability and confidence for organisations that operate in a global market place and with global supply chains" (De Vries, 2013).

Some major exporters and importers thus had more in common than meets the eye. For example, the Arab Group said that they wanted 'a treaty that will facilitate the sale of weapons to developing nations' (ATTM, 5.3, 2012: 1). Regional powers such as Brazil, South Africa and Turkey were, among many other states, 'also seeking to import technology to boost the ability of their arms industry to compete on international arms markets' (ATTM 6.3, 2013: 5). Indeed, concerns were raised by many states when the language was changed in one draft released during the July negotiations, removing 'language stating that preventing violations [of] international humanitarian and human rights law [as] an objective of the treaty' (ATTM 5.12, 2012: 1). Even after the release, the US, for example, 'argued that the current provision relating the human suffering should be weakened even further' (ibid: 1-3). Finnemore and Sikkink also make an important point in this context. They note that 'norms about issues congruent with capitalism and liberalism' can be particularly powerful (1998: 907), and, in the case of the ATT, pragmatist motivations can often be blurred into value approaches. UK Foreign Secretary William Hague made a statement in 2013 that reflected this. He said that the treaty 'will not stigmatise the legitimate trade in arms. Instead it will protect it, [...ensuring] countries can defend their citizens without undermining human development' (Kytomaki, 2014: 20).

Industry and states with commercial interests in mind might have known that even with existing controls, there is still room for interpretation. A paper written by Cooper named 'The [ATT] in the Context of Post-Cold War Conventional Arms Regulation', supports this view. He found that, based on the number of times that a criterion was cited as a reason for rejecting a licence application in France and the UK between 2001 to 2010 under the EU Common Position, France, for example, was more likely to reject a transfer based on criterion 8 (recipients developmental versus security needs) than the UK. The UK was more likely to reject a transfer based on criteria 2 (respect for human rights) than

France (Cooper 2012a: 10).

In summary, the view that the treaty could potentially bring emerging exporters to similar standards as European or North America export controls, was part of sequencing and triangulating moral and economic gains. This benefited the process by ensuring that some major exporters ratified the treaty. But in doing so, they risked simplifying the treaty and jeopardised the humanitarian agenda in favour of the minority position, and, through intercoalition linkage, this brought the UK and France, for example, to a less 'progressive' position.

4.4 'Progressive' states and smaller states

The power of the P5 and other major exporters was a significant threat to the interests of states affected by illicit flows and armed violence. Many states were not on an equal footing when it came to negotiating on the substance of the treaty. Joseph recalled that 'small' states, particularly those in CARICOM, had limited human and financial resources, capability, managerial time, and overall leverage (2013 :97). He added that the 'average cost for one delegate from CARICOM to spend a month at the negotiations' was higher than the per capita income for most states in the region (ibid). Bromund claims that only an estimated 10 states at the conference 'possessed the technical capacity to negotiate seriously', with a US delegate complaining about 'wasting an enormous amount of time explaining basic facts to everyone else' (Bromund, 2013). The chair remarked on the need to level the playing field, and tried to make considerations to less powerful states, 'noting that there [was a] need to address the unequal capacity among delegations' (ATTM 4.4, 2012: 3). Violence affected states, while finding some common ground with sceptics in their desire to avert illicit transfers, were on a back footing in terms of getting all their interests addressed in the chairs' texts.

Middle-power states that were not affected by armed violence had, on the other hand, less to lose in terms of advocating for the strongest provisions. This is where interests between states with arguably good arms control processes and states that sought alleviate violence through the ATT found common ground, such as CARICOM members, Latin American states and ECOWAS members. Joseph called this "the like-minded and similar circumstanced states" (2013: 105). South American states and many other middle-powers could adequately implement a strong treaty (see for example Arias Foundation,

2008). This lessened the extent to which compromises would affect them. Indeed, like their European counterparts, norms that are already so widely accepted and have been 'internalised' made 'conformance to norms almost automatic' (Finnemore and Sikkink, 1998). For this reason, Finnemore and Sikkink stress that 'internalised norms can be both extremely powerful (because behaviour according to the norm is not questioned) and hard to discern (because actors do not seriously consider or discuss whether to conform)' (1998: 904). But violence affected states had more to lose in terms of making major compromises, particularly on the scope, transfers and implementation of the treaty.

Working together thus strengthened their negotiating positions. Notably, due to the small number of states unwillingness to compromise, and the disappointment with the chairmen for not taking on board the majority position in their texts, groups of progressive states found common ground and made collective statements to increase their bargaining leverage. In the final hurdles of the March negotiations, 69 states for ammunition, 40 for sustainable development, and 59 for the treaty to address gender-based violence, for example, signed or made joint statements in response to pressure exerted by the major sceptical exporters' demands (IPS, 2013). Two other examples include when negotiations had to carry on behind closed doors during the weekend at the end of the July negotiations. Before this happened, 74 countries issued a statement demanding stronger rules on certain elements. There was a noticeable difference in the chair's paper that correlated, albeit only to a certain level, to their demands. Norway and Switzerland also made a proposal, supported by 67 states, which prompted a significant improvement in the language and comprehensiveness of references to customary international law in article 6(3) (ATTM 6.7, 2013: 6; see also Norway et al, 2013). These statements were supported by more countries than group statements made by the sceptics, which usually spanned from as little as 3, to just over 20 states. Middle-power states and representatives of regional groups, as well as NGOs, were also proactive in taking leadership roles in galvanising support for joint messages. Joseph also notes that the major powerful countries prefer to interact and engage in diplomacy with CARICOM as a whole, through preparatory workshops to develop common positions, rather than the individual states (2013: 100).

Some of these leadership roles were critical to ensuring that the treaty was adopted. As noted earlier,

the co-authors of the draft resolution, plus Norway and Mexico, had ensured 'the text included a provision wherein the General Assembly decided that it would "remain seized of the matter during its sixty-seventh session", calling upon the President of the final conference "to report on the outcome of the Conference to the General Assembly at a meeting to be held as soon as possible after 28 March 2013"' (UNODA, 2014: 29). The Mexican delegate wrote that '[t]his language proposal [thoroughly discussed with civil society representatives] proved to be critical by the end of the second or "Final" Conference, when consensus was not reached and a group of delegations decided to bring the text of the Treaty to a vote in the General Assembly' (ibid). Thus, in some cases smaller and middle-power states working in large groups had sufficient impact on the chair's decisions as much as the major exporters and importers.

While these coalitions were a forcible opposing voice to the demands of a smaller number of states, some delegations found it difficult to attend parallel meetings. Zuber recorded: 'I was reminded by diplomats – especially from smaller missions – of the many responsibilities that they must discharge in a week as hectic as this one. Between CSW, CSD and ATT, the North Lawn Building has felt a bit like the central Mumbai train station, diplomats and others trying to find food and other resources before they run out and make snap judgements about whether gender, development or arms trade problems are most deserving of their immediate attention' (ATTM, 1.5, 2011: 1). This may explain the reasons for so many 'no-statements' (now removed from the ATT Mapping Database) was recorded on certain elements. Zuber further added that some 'diplomats assigned to two and even three GA committees struggled not only to make appearances and cast votes, but also to master the often complex issues on which their votes depend' (ibid: 1). All these issues thus led smaller states to be selective and make compromises. In comparison, richer states such as the US were 'able to benefit by having a different negotiator head their team every few hours, to ensure they were fresh, aware and awake' (ATTM, 5.13, 2013: 8).

NGOs were involved in aiding countries with small delegations to maximise their potential by organising regular meetings to devise strategies and share knowledge. From 2011 onwards, 'Norway, Mexico and New Zealand, later joined by Nigeria and Trinidad and Tobago, began coordinating together with Control Arms, and invited others from progressive nations from across all regions'

(Oxfam, 2014c: 3). Oxfam noted that this 'progressive group became a key ally, working closely on tactics such as joint statements on particular treaty content, anticipating and planning for treaty opponents' tactics and strategizing together on who to influence at every stage of the negotiations' (ibid). Australia also sponsored the attendance of 50 delegates from 35 developing nations, or 20 per cent of the 193 Member States (Bromund, 2013), of which 14 were from CARICOM (Joseph, 2013). Other examples include Australia and the Pacific Small Islands Action Group playing a 'key role' in the development of the 'Pacific Island Forum Common Position on the [ATT]' that was supported by 16 states (Pacific Island Forum Secretariat, 2012; Australian Department of Foreign Affairs and Trade, n.d.; Pacific Small Arms Action Group, 2013 in Bolton and James, 2014: 7).

Thus, part of NGOs' strategies was not so much about influencing governments directly, but rather 'getting governments to influence other governments' (Utnes, 2010: 49). Inf#2 in Utnes's study said that there was 'a move to try and influence African governments to put pressure on China on the account of them being important commercial clients and because they have legitimacy within the Chinese government that progressive European governments, and NGOs, lack' (ibid). Such a strategy paid off because, as noted by Oxfam, 'China's interest in stability in Africa, combined with its deep resistance to perceived western NGOs, meant that it was a much more effective strategy, and China's acceptance of the inclusion of both small arms and ammunition within the treaty can at least in part be attributed to this tactic' (Oxfam, 2014c: 4). When asked about China's position in the March negotiations in a news interview, Anna Macdonald of Control Arms stated: "China began with a very negative attitude towards the [treaty]" – however, 'this time around, China are being more cooperative in negotiating process' (but still pushing for certain loopholes) (IPS, 2013).

The extent to which the blocs of power or regional organisations' strategies influenced the positions of sceptical states is open to question, but there were several significant victories, and indeed direct and indirect influences that changed the dynamics of the negotiations. One interviewee in Whall and Pytlak's study argued that 'despite opposition from the US, and from China, India, Pakistan and Iran, alliances between civil society activists, African countries and CARICOM states were able to ensure that the final text was 'considerably stronger that it might have been' (2014: 5). Where developing states worked particularly effectively with middle-power states was on GBV provisions. Green et al

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note that '[d]ue to sustained pressure from a handful of champion governments – Iceland, Trinidad and Tobago, Norway, Finland, Kenya and Malawi – inclusion of an assessment of the risk weapons would be used in GBV moved rapidly from a 'fringe concern' to one of the 'hot-topic issues' of the two conferences' (2013: 553). This was achieved in part by working together to develop appropriate legal language, gathering signatures from other states, and holding offsite meetings and working dinners that brought together state delegates and experts to develop strategies (ibid). With help from NGOs and some states, this was something considered to have not been achievable by a single, small delegation.

Over time, relationships and negotiating positions seemed to become stronger. The influence of these positions, particularly during points in the negotiation when time was strained, effected ATT-sceptics' positions. In the final days and hours of the March negotiations, Natalie Goldring said: '"we are seeing countries work in coalitions much more effectively than they did in July (2012)"' (IPS, 2013). She added: '"so-called sceptics were now making positive statements," including 'Pakistan, Iran and "to a certain extent" India and Algeria"' (ibid). Indeed, based on the final outcome of the Treaty, Inf.A said that the sceptical 'voices were essentially marginalised during the various negotiations,' adding that in the end, the 'text does not speak [from a] sceptical viewpoint. Many of the things that they wanted to see in that text or not in that text are either in that text that they didn't want to see or not in the text that they tried to get. So basically, they lost the argument.'

State identity and belonging was important in terms of preference shifts. Inf.A noted that 'the biggest U-turn of the lot was the position of the United States government.' He said that at the time of the March negotiations, the USA basically changed their mind because they often had similar views with the three pariah states (Iran, North Korea, and Syria) – 'the bringers of doom' – and so 'the US basically became one of the group of progressive governments'. Inf.A recalled that the US 'ended up sitting in all the delegationary [sic] meetings with the progressive group which was, you know, very startling to diplomats and the US themselves. They even joked about it, you know, that they were sitting next to New Zealand and Mexico with a common purpose when they spent 10 years on the other side arguing against them.' He added that this was the dynamic of the negotiations; it was unpredictable, and 'the way that the [Iran, North Korea, and Syria] played out the final days, it had a

real impact on a number of governments and what their final viewpoint on the Treaty would be'. Their disassociation with the three states was reflected in their later comments. In reaction to Iran, North Korea and Syria's 'no' votes to the Treaty, US representatives said that their action "speaks for itself in terms of the respect of the [UN]," and "the fact that [the three states] voted against it is reason enough to sign" (US Department of State, 2013 in Stavrianakis, 2013).

In summary, coalitions of 'progressive' states overall simplified and facilitated the bargaining process, bringing overlapping and 'conflicting' agendas together to influence the text. Many progressive states were proactive in finding common positions on what they deemed were critical issues with the text, and, in turn, shaped the outcome of the ATT. Ultimately, it was down to the chairs to decide what would and would not be included in the text. Therefore, the following section considers the role of the chairs in the process, and what areas of the bargaining dynamics was reflected in their papers.

4.5 The chairs' effects on states' behaviour and ATT provisions

Following the adoption of the 2009 resolution, Prizeman stated that the first Chair of the conference, Ambassador Roberto Garcia Moritan of Argentina, had been 'able to keep the consensus rule from derailing the preparatory process by trying negotiations carefully to the Chair's Papers drafted under his own authority' (Prizeman, 2012: 2). Adamson and Pollard stressed that for the previous GGE meetings to be successful 'a good chairperson was required' (2015: 150). Having previously been President of the Conference on Disarmament in 1992 and 2009, and with professional knowledge of international security issues (Da Silva and Wood, 2015), Moritan had sufficient experience with handling fragile and sensitive debates. Despite some governments in the OEWG meetings showing no signs of compromise, Adamson and Pollard argued that he was crucial in the progress of the meetings (2015: 151). From the second PrepCom, the general feeling regarding Moritan was also positive from NGOs. Robert Zuber acknowledged that 'whether working out legislation or treaties, the most skilful negotiators are often sensitive to dissonance' (ATTM 1.6, 2011:1). 'We (Global Action to Prevent War) feel that Ambassador Moritan – in part by virtue of his fearlessness in serving as a 'lightning rod' for the process through the non-papers, he has produced, shared and amended – has exhibited precisely this kind of leadership' (ibid: 1-2).

This view was not shared by some states. Moritan circulated three documents to all states 'which he presumed had been received with 'mutual levels of dissatisfaction by all'' (ATTM 1.3, 2011: 1). NGOs were also praising Moritan at this point because his papers were deemed 'quite strong, seeking to include every element that States have raised during the negotiations so far, specifically focusing on three sections of the proposed treaty' (ibid: 1). This apparent attempt to 'capture everything' was 'aimed at provoking lively and substantive debate between the delegations, who will then be forced to elaborate on their national positions in order to defend or challenge particular elements or language' (ibid: 2). During the fourth PrepCom, Pakistan's delegation argued that 'while some countries believe the views of all delegations have been taken on board in the Chair's [July 2011] text, it does not share this view' (ATTM 4.4, 2012: 2). Zuber claimed, however, that after day one, the strategy of provoking lively debate 'paid off' (ibid). There was 'a great change from the last meetings […] from just the 'usual suspects' making interventions'. He argued that there were 'detailed interventions from countries who've been fairly tight-lipped in the ATT process up to now, including Thailand, the Philippines, Senegal, and most interestingly, China' (ibid). The US delegate, however, claimed that there 'was very little advance in [the new paper]', it 'doesn't reflect commercial reality' and mentioned 'subjectivity, idealistic principles' (ATTM 3.5, 2011: 10).

There were other positive reflections on Moritan's methods. While his draft paper from 14 July 2011 was 'an ambitious and far-reaching document', Prizeman added, that it had 'provided a solid canvas with the needed shapes, colours, and materials' (2012: 7). In the final PrepCom discussions, Wood reflected that Moritan had 'done a remarkable job in marshalling the discussions, gathering a collection of disparate views into a chairman's draft that has been circulated to governments and observers (February 2012) in the [PrepCom] meetings' (2012). This was in response to several delegations, including Pakistan, Syria, and Venezuela, asking that a summary document of all states' opinions, similar to previously released papers, be compiled to adequately address and portray all positions (ATTM 4.4, 2012: 3).

Despite influencing some quiet states to get more involved in the PrepCom meetings, the meetings overall showed little change in terms compromises by states, with many reiterating their well-known views about what the Treaty should look like. Adamson and Pollard note that '[a]t the end of this

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process, an ATT was no further forward and, despite having various options to put on the table, the chair decided to begin the 2012 Conference with no informal paper on which to launch negotiations' (2015: 152). Wood also argued that that 'opportunities had been lost' in the PrepCom, cautioning that July 2012 negotiations would 'now have to mend these schisms before more substantive work on treaty elements can move towards consensus, even as the issue of consensus still remains highly controversial and unresolved itself' (ATTM 4.4, 2012: 3). It was also noted by NGOs that the time allotted to negotiate different elements was not enough. Adding to the disquiet of the negotiators was that the 'discussion paper' released for the July 2012 negotiations was not deemed by many as *the* draft and carried no formal status. However, Wood argued that it did 'not stop many people from thinking or claiming otherwise', adding: 'that view needs to be dispelled. In the UN, such misconceptions often lead to considerable time being lost down rabbit holes' (2012). This is precisely what happened.

As the July DipCon was approaching, Moritan was in headlines across South America, not for his perseverance and unconventional methods in the ATT process, but, according to Uruguayan Diplomats, for an alleged intermediary role he played involving a bribe of $1 million for a canal-dredging project in Argentina and Uruguay. This caused a major diplomatic storm between the two countries. He was also accused by an local anti-laundering unit, of having "various investments and bank accounts abroad" and thus, according the head of the unit, operated "outside the legal financial system" (*Dinatale*, 2012). Moritan stated briefly to a newspaper: "All these issues against me are very unpleasant and do me a lot of personal harm. I do not understand what is happening against me. There must be another issue that I cannot understand. Everything is science fiction" (ibid, translated from Spanish). Moritan, though defended, was charged for having 'interceded' in the alleged financial offer to 'exert influence' on president of the Administrative Commission of the River Plate, Francisco Bustillo, to renew the company Riona SA's contract of dredging the channel (*La Nacion*, 2013; *Diariodemocracia*, 2013). The charge was later revoked (which has now reopened). This damaged his reputation in the period leading up to the Diplomatic Conference.

Before the negotiations commenced, Moritan admitted that the Treaty "was going to be difficult to achieve", though he defended: "we certainly are going to have a treaty in 2012" (PGA, 2012).

Nevertheless, the issue regarding the legal status of the documents and concerns raised by sceptical states would hinder discussions to come. Moritan was consistently accused by a small number of 'sceptical' states for not taking their issues into account, which put severe pressure on him. Nevertheless, he stuck to the same procedure (Holtom, 2015: 31), and he emphasised that his new discussion paper 'in no way prejudices negotiations but is intended to inject some "spice" into the discussions' (ATTM 5.2, 2012: 4). Some states still expressed concern as to the status of some of his papers. Among other issues highlighted was that the discussion paper drew upon a comprehensive list of items in the scope, but it 'did not include the distinctions between conventional arms and 'related materials' (Holtom, 2015: 31). The paper also removed 'technology and equipment designed and used to develop, manufacture, or maintain weapons', and rearranged the criteria into two tiers (ATTM, 5.2, 2012: 4). Similarly, Action on Armed Violence pointed out that the new discussion paper issued by the President on 3rd of July 2012 had removed 'the provision asking states to commit to greater cooperation in ensuring that victims of armed violence get help in recovering from their injuries' (ATTM 5.5, 2012: 3). Acheson reflected that the draft, overall, 'attempts to balance against the concerns of those who genuinely want a strong treaty [but] fails in some very serious ways to ensure that [it] will be able to make such a difference' (ibid: 1). Therefore, there were serious compromises being made by the chair in order to maintain the support and participation of a small number of states.

There were some positive reflections from NGOs about the chair. Zuber argued that '[t]he Chair, as he has done previously, has adopted a strategy that puts elements on the table that stretch consensus and require governments to take active measures to remove them from consideration' (ATTM 5.3, 2012: 9). For example, despite strong opposition to ammunition by the US, Canada, China, Egypt, India, Iran, Malaysia and Viet Nam (UNGA, 2012c in Seay, 2015: 57), Moritan included ammunition and 'military munitions [...] to a range of prohibitions and risk assessment criteria' (UNGA, 2012b in ibid). He appeared to make various nuanced changes to strike a balance between largely favoured elements in his papers and sceptics' interests. For example, a later draft removed definitions on brokering and all other 'covered activities' of the international trade which were subsumed under the single term 'transfer' in another draft (UNGA, 2012c in Wood, 2015: 173). This was in response to finding consensus between those wanting all activities and transfers covered with those that only wanted some covered. These alterations inevitably produced loopholes which meant that further contentious

debate and negotiation time was being taken away.

Some states that were unhappy with the changes, such as ECOWAS, Iceland, and others. Some of these states requested that the negotiations should be based on the July 2011 draft, which was deemed much more comprehensive (see for example Iceland, 2012). Indeed, it was not only Moritan who was under pressure, so too were the other chairs that were holding informal consultations. A new draft produced by the chair of Main Committee I (for criteria) received a negative response from NGOs and progressive states, because the draft apparently addressed the interests of 'some exporters and importers' (ATTM 5.10, 2012: 1). Meetings that were split into different groups also made it difficult for smaller delegations to get involved in all discussions. Moritan released a new paper at the end of the week which, in the view of Prizeman and others, 'offered unfortunate gaps in objectivity', providing 'far too much cover for irresponsible and diverted transfers', including 'glaringly obvious provisions that do not contribute to the legal objectivity that a meaningful ATT requires', among many other supposed issues (ATTM 5.17, 2012: 5).

One commentator argued that 'efforts to adequately address such concerns of [sceptical] states have taken many twists and turns. The text preferred by the majority of 'like-minded' and progressive states has been 're-balanced', diluted, and undermined by significant loopholes in an effort to accommodate the "requirements" of these major arms exporters and importers' (ATTM 5.18, 2012: 3). To try to encourage a 'yes' vote from the US at the July DipCon, among the elements missing was ammunition, which most delegates wanted included. Some key states' positions on the text, most notably Russia, was also not clear (ibid). This added great uncertainty as to the satisfactory nature of the texts and if the texts provided solutions to the strongly held requirements of some individual states. It was at this later stage that the power of individual sceptical states became much more pronounced, particularly in terms of their unwillingness to make compromises within the deadline (ibid).

There are many other areas that affected the process. Elizabeth Kirkham from Saferworld reflected that at the failed July negotiations, in spite of the myriad of views and interests, Moritan skilfully chaired the DipCon and 'contrary to most expectations, came close to delivering an ATT' (2012: 1).

However, some of his decisions in terms of managing and facilitating agreements were scrutinised. Key areas of discussions were 'spilt between two Main Committees: Main Committee 1 addressed the Preamble/Principles, Goals and Objectives, and Criteria; Main Committee 2 addressed the Scope, Implementation and Final Provisions' (ibid: 1). While this may have been a reasonable approach, some delegates (mostly sceptics) expressed concern over this structure, particularly where meetings overlapped.

Adding further pressure to Moritan, the opening days of the July conference were stalled because of a dispute over the participatory status of Palestine and the Holy See, which took some days to resolve (Kirkham, 2012: 1; Woolcott, 2014: 3). The League of Arab States, spearheaded by Egypt, proposed that the Palestine Authority be recognised as a state and granted rights to participate in the conference (Amaniafrika, 2012a). However, this was met with strong opposition from several countries led by the US, Israel and the European Union, a number of which claimed that 'Egypt were out to scuttle the Conference' (ibid). The opposing states supposedly threatened to walk out of the negotiations should the matter be brought before the Plenary where Palestine enjoy majority support (ibid). Moritan and delegates sought a solution to seating arrangements, and, after a break for 4th July celebrations - losing three days in the process - the programme of work had not been agreed until the following week (Adamson and Pollard, 2015: 152). In the final days and hours of the July negotiations, '[m]any authoritarian regimes' also refused to 'allow the conference to split into working groups until its closing hours further slowed the conference' (Bromund, 2013). Thus, while Moritan had considered many sceptical states' concerns in many of his papers, even at the latter stages, the abacus for preventing 'blocking coalitions' from disrupting the negotiations was not reduced.

Some delegates 'expressed frustration' about the delays, 'arguing that it does not matter how the treaty is negotiated but rather what is negotiated' (ATTM, 5.3, 2012: 1). Due to the loss of time, 'main committees, formal and informal, were established, which allowed civil society to attend some and not others' (Adamson and Pollard, 2015: 153). This was in part due to the theory that some discussions were more "constructive" without civil society representatives. Additional closed informal meetings were also held in the last two weeks of the negotiations, sometimes late at night, from 8pm to early morning, and during the weekend (Kirkham, 2012: 1; Adamson and Pollard, 2015: 153). Meetings

were held in the Indonesian Lounge in the UN Main Building adjacent to the UNGA room (Bolton and James, 2014: 6), but the room, according to Adamson and Pollard, was 'not set up for meetings and an improvised cinema-like arrangement had to be put in place to allow the drafting of certain texts'. They commented that 'this method of late nights, hot cramped rooms coupled with food and sleep deprivation was not favoured by many delegates and several began to lose faith in the chair' (2015: 153). Delegates found it difficult to participate, and there were language translation issues in the working documents that marginalised 'non-Anglophone diplomats' (Bolton and James, 2014: 6). Adding to this, with other processes such as the PoA corresponding with ATT negotiations, many diplomats were responsible for covering both processes, and there was concern about the effects of "negotiation fatigue" (Prizeman, 2012: 3).

When the July negotiations led to no adoption, the Russian delegate 'heavily criticised' Moritan, and called for an additional two to three weeks to conclude the negotiations (ATT Blog Spot, 2012c). Many more sceptical states also criticised the text. One major factor in the failure of the negotiations was the inclusion of ammunition in the text despite the US redline (among others) that it should not be in. This supposedly led to the US needing 'more time' to consider the text. According to Seay, this was despite matching coverage to ammunition as closely to the US practice on regulating and reporting ammunition transfers, excluding risks of diversion, and some activities and transactions of ammunition (Seay, 2015: 57). Moritan thanked everyone for their hard work 'and then adopted the briefest of final reports, before accepting "full responsibility"' (ATT Blog Spot, 2012c). He was noted as stating: "I will avoid saying more to avoid being diplomatically incorrect. I merely assume full responsibility and I apologise for not having the diplomatic skill to have led you to a better finale" (Brooks, 2012). A Brazilian delegate said that it was not Moritan's fault that they had not succeeded (ATT Blog Spot, 2012c). Adamson also stressed that '[i]t was not for lack of encouragement by […] Moritan, who pushed himself as hard as he pushed delegates' (2012).

The March negotiations saw the new elected Chair – Peter Woolcott from Australia – take Moritan's place. Moritan was not eligible for selection for the follow-up conference in 2013. Inf.A said that this 'was something that we couldn't necessarily have predicted. It was a kind of accidental thing'. Woolcott's career background was in law and various diplomatic missions and foreign affairs

positions. Among other responsibilities, he also had previous positions as Australia's Permanent Representative to the United Nations in Geneva and Ambassador for Disarmament (2010-14) (Da Silva and Wood, 2015: 11). He had enormous responsibility to take on what was now a sour process to a finalised conclusion. Woolcott was perceived by many campaigners and progressive states to be more sympathetic of their concerns (Bolton and James, 2014: 8). The consensus rules were also reformulated for the March negotiation, as a result of civil society lobbying (Bolton and James, 2014). Therefore, he was arguably less constrained in terms of finding solutions. The July 2012 text was also 'known intimately and its impact on particular national interests was well understood' (Woolcott, 2014: 3).

Woolcott held consultations in many places with governments before the negotiations and intended to offer "no surprises". He was helped through the resolution that, before the close of the July negotiations, allowed for a final conference based on the 26 July text as a basis for his consultations (Adamson and Pollard, 2015: 155). Adamson and Pollard argued that '[t]his crucially meant that there was a solid foundation for negotiation in the Final Conference' (ibid). His chairmanship and the negotiations was not impeded by similar issues raised about the Holy See and Palestine's status, which remerged, but 'quietly settled' (Woolcott, 2014: 3). The Holy See and Palestine agreed to a 'novel arrangement' of being seated alphabetically with other member states with speaking rights during the conference (ibid). Woolcott claims that the latter non-member observer states compromised because 'they did not want to block negotiations towards a strong and effective ATT', and this was a 'key factor in helping preserve the confidence of delegations in the negotiations' (ibid: 3-4).

But Woolcott would nevertheless receive comparably negative responses from NGOs, though this could have been an alternative strategy on their part. Without the same procedural issues as seen in the previous year, and with eight months of consultation and reflection, '[m]any of the same arguments' were made (Adamson and Pollard, 2015: 155). Woolcott's first text intended to provide clearer legal language. However, the text, according to some NGOs, '[failed] to resolve almost all of the major problems in the draft text' (ATTM 6.6, 2013: 1). Acheson argued that the draft 'reads like one drafted by a few of the major exporting states [...] It legitimises the status quo, and, if adopted as it is, will provide legal cover for states to sell arms regardless of the consequences' (ibid: 1). Control Arms

wrote that they 'were expecting a bold, swift stride, not a minimal incremental step' (ibid: 5). Macdonald from Oxfam also said: "The President of the Conference stated repeatedly he would listen to the voice of the majority but instead has spent too much time listening to the P5" (Control Arms, 2013s).

In reaction to the narrowing of the scope of weapons covered, Control Arms issued a press release to the world's media calling for Woolcott, who 'failed to listen to the calls for a strong treaty made by scores of states in a bid to get consensus at whatever price' (Control Arms, 2013l; Reuters, 2013). Macdonald told journalists in front of a live-stream video at the UN: "Our message is quite simple: this treaty is not good enough". "The Chair of the Conference has a stark choice to make. He can side with a handful of countries watering down the text or with the majority representing countless people suffering each day from the unregulated arms trade" (Control Arms, 2013l; Control Arms, 2013u). It was noted, however, that several diplomats said that NGOs were ignoring improvements and exaggerating shortcomings (*Reuters*, 2013). His approach of appointing facilitators to conduct informal discussions was, as he put it, 'a useful process in confirming where a likely consensus would be' (Woolcott, 2014: 4). He added that '[s]ome of these discussions led to a significant reshaping of elements of [Moritan's 26 July 2012] text as well as adding important new elements', but 'some discussions indicated that there could be little further development of a particular issue' (ibid).

Later, after consulting with various groups on contentious issues, Woolcott released his third 'take it or leave it' draft (Adamson and Pollard, 2015: 155). While NGOs argued that loopholes remained, Zuber wrote, 'we were pleasantly surprised that the text took into account [...] several of the concerns of progressive states and many NGOs' [...] 'we send our thanks to Ambassador Woolcott and his team for elevating the text rather than diminishing it further' (ATTM, 6.9, 2013: 10). However, Prizeman argued that 'many significant issues remain unchanged and new ambiguities have been introduced, making the treaty [...] more reflective of the minority interests' (ATTM, 6.11, 2013:2). Reflecting on this, Rachel Stohl who worked closely with both Moritan and Woolcott as a consultant argued that 'the biggest improvement is that there is clarity where there needed to be clarity and flexibility where there needs to be flexibility' (Kimball, 2013). She added that '[T]here was the misframing of the treaty as really an exporters' treaty and that importers weren't getting anything out of this treaty, that it

didn't help them in any way' (ibid). Woolcott wrote that 'the treaty text was balanced and as strong as it could be while still holding together disparate interests demonstrated at the Conference. No delegation left the [conference] getting everything they wanted, but no one walked away empty-handed' (Woolcott, 2014: 4). After the vote was blocked by Iran, Syria and North Korea, Mexico introduced a resolution to adopt the treaty without a vote, arguing that consensus was not defined as unanimity (Abramson, 2013). After garnering support from small number of states, Woolcott broke of the discussion after Russia and Iran intervened, and declared that the existing support for the treaty did not constitute consensus (ibid; Bolton and James, 2014: 8).

While there appeared to be different opinions about Moritan and Woolcott's handling of the negotiations, the latter was still regarded as significantly improving Moritan's 2012 text. Despite deleting explicit criteria referring to the developmental needs and corruption risks of exports, Inf.A said that the final outcome of the document was considerably better considering what it might have looked 'like when Moritan was chairing the conference in 2012 [...], it is a much stronger document'. Reflecting on the outcome of the negotiations, Inf.A said that 'with hindsight, it was a very useful combination of different skill-fits,' adding that the negotiations 'needed a maverick negotiator like Moritan to be able to get us a text on paper that Woolcott – the practical, business-focused, driven individual – could fix. So it needed Moritan's kind of, you know, Svengali, kinda master-stroke style'. He continued that Moritan had 'kept a lot of states guessing about what he would put [...] he kept very tight control on the text [...] no one actually saw the text... he was very skilled at putting rumours out about what the text was going to say, or what it might say or what he was going to concede [...] he very much ran the negotiations as kinda his project, and I think that was necessary to get all states' interested even if they did not like it'. 'I think he played the considerable obstacles of consensus very very well to get to that point, almost by single-mindedly ignoring everybody in the room and just doing his own thing and saying "here's my text, like it or lump it... boom, here it is". He therefore commanded much authority over the text and the dynamics of the negotiations.

Woolcott wrote before the March DipCon that he intended to build on all previous texts, representing 'a fair expression of negotiations, compromise between many different interests in the room, and ultimately, what might command consensus at the end of the Final Conference' (UN, 2013d).

Regarding Woolcott, Inf.A said he 'had a totally different perspective and a totally different view. And this was what was needed.' He described his approach as "here are nine or ten critical errors of the draft that was a good starting point [...] we need to fix those nine or ten errors and that's what we are going to do" [...] and that's what he did'. Inf.A said: 'I think the combination of those two things were essential. You couldn't have scripted that as an outcome. If you were me in July 2012 [where the process] had all gone pear shaped [with all] the squabbling around [over] the Palestine issue was raging [and] losing the whole week of the conference [...] we thought the whole thing was going to collapse there and then [...] I don't think if you had told me [...] that we would have ended up with this Treaty, for the secondary, two week fixing conference with a dramatic no-vote by three pariah states that galvanised the progressive bloc to vote through a stronger text [...] I would have never had considered there would be an outcome'. Woolcott also announced that he was 'indebted to the cross-regional group of facilitators who led delegations through complex issues, sometimes late in the night' (UN, 2013d). Both chairs also made use of "Friends of the Chair" to compile views of states through the Preparatory meetings and Diplomatic Conferences.

With limited negotiating time, conflicting interests and with demands and concessions not made in inadequate time, Moritan and Woolcott's ability to handle the negotiations was constantly difficult. Throughout the negotiations, states typically used a number of negotiating tactics to advance individual positions which was not in the best interests of the majority, as in the case of the Palestine dispute, which obstructed and delayed progress for everyone. Both chairs, especially Moritan, had to deal with states making 'long rhetorical comments that were largely devoid of specifics' throughout (ATTM, 6.4, 2013:3), perhaps with the intention of stalling and frustrating the negotiations and leading some states to compromise for a watered-down deal. Johann Kaufmann's "quicksand" analogy: a tactic used to "bog" 'down a proposal or initiative' by 'objections or demand for a definition, or by insisting on an inquiry or further consultations', is reflected here (Johnson, 2009: 51). Goldring noted that several sceptics 'reverted to offering lengthy polemical statements about [...] the state of international affairs, and the nature of offences committed against them by their adversaries. Some of these countries seemed to go to great lengths to avoid offering any material or text suggestions that would be useful to considerations of the ATT' (ATTM 6.8, 2013: 4). Even at stages where it was important for states to make compromises to move discussions forward, delegates, particularly

sceptics, 'were still largely making statements about 'what they want' and 'what they won't accept', rather than 'what they can live with'' (ATTM 5.11, 2012: 10).

On the other hand, the "all or nothing" approach, initially held by some progressive states, could also affect the chairmen's ability to finalise a text that suited all delegates. Norway, for example, insisted 'everything should be included unless specifically excluded, and that any exclusions "should be linked to the goal of the ATT and be based on humanitarian arguments"' (ATTM, 1.2, 2011:1; see Norway, 2012). This was likely to be a tactic to maximise concessions from opposing states. Johnson explains that this 'is deployed in multilateral diplomacy to ensure that a state's core objectives cannot be dropped or side-lined once the dominant states have got what they want' (2009: 52). It is not obstructive, but rather a 'double-bladed tactic that may be used for positive reasons but which frequently contributes to deadlock' (ibid: 52). Tactics employed by Norway and others, arguing for the "ceiling", conceivably worked in the opposite direction. Thus, while large coalitions can facilitate agreement by establishing joint positions and gains in certain provisions, the 'unwieldly' or 'unyielding' nature of groups also contributed to stalemate (Hampson and Hart, 1995).

In this way, the adoption of the Treaty could have been just as much a twist of fate as it was a feat of exceptional management on the part of the Moritan and Woolcott, as well as the political will of progressive states to push the ATT through to adoption. However, what is certain about the role of the chairs were that their styles and arrangements influenced the behaviours of states in different ways depending on the norm under discussion. They privileged power over others in different contexts and under time pressures. They themselves exercised power through their, sometimes predictable and unpredictable, styles, arrangements, and mismanagements.

4.6 Conclusions

Chapter 4 aimed to understand how bargaining power was utilised in the ATT negotiations and how the consensus rules and the chairpersons conditioned the behaviours of states and the implications this had on the outcome of the treaty. Overall, it has multiple conclusions. Section 4.1 discussed the differences in interpretation of the consensus rules, and analysed how the consensus rules affected state strategy. The adoption of the consensus rules would indicate that it was beneficial to the process,

because it brought many major exporters and importers on board, achieving an inclusive and participatory process. Nevertheless, due to diverse interests in the treaty and the veto option, the balance of influence swung proportionally in favour of a small number of sceptical states above the majority, particularly in the closing stages of the two diplomatic conferences. An open-ended interpretation of consensus also conditioned the behaviours of states, making positions less malleable, and eventually led to the adoption of the treaty through the General Assembly. Discussions about the voting rules reduced negotiating time, and inevitably affected the process and chairs' decisions. It also meant that it was an unfair process in terms of rule-making. Fehl emphasises the importance of 'informality' – if rules are vague or non-binding – as something that may not privilege the strong over the weak, but in essence, it 'effectively benefits the powerful, because it enables them to circumvent existing equal institutions to exploit the flexibility of informal rules to their own advantage' (2013: 509). She argues that strong states 'can impose institutional rules that benefit them upon weaker states through military or economic threats and pressure, or form clubs that generate negative externalities and thus indirectly sanction outsiders' (2013: 516). Because of the disproportionate power of a small number of sceptical states, their veto power created an overriding threat to the Treaty's legitimacy. This relates to what some have coined a realist 'hegemonic stability theory', which 'emphasises coercion as the key mechanism for the establishment and maintenance of unequal order' (Fehl, 2013: 516).

Overall, the findings substantiate claims in scholarship that institutions are hierarchical and unequal (Fehl, 2013). Procedural rule-making by stronger states led to '[n]on-recognised exclusion of weaker states from rule-making' (2013: 509). Though it did not necessarily privilege the rights of stronger states, as every state had the right to veto, every state was allowed to exploit it. Since the consensus rules were left vague and implicit, it allowed less-powerful groups of states, together with powerful progressive states, to counteract agreements with success, knowing that the definition of consensus was down the states own interpretation of it, and the likelihood the Treaty would be adopted outside if it failed. Negotiation context and time-barriers under these circumstances means that certain powers are privileged over others.

Sections 4.2, 4.3 and 4.4 aimed to establish the negotiating groups in ATT in order to examine the

significance of their bargaining power in the negotiations. It found that shared values and interests underpinned by regional norms formulated many negotiating positions. This was an important factor in coalition building and bargaining tactics. Finnemore and Sikkink argue in this context that norms which are already widely accepted and have been 'internalised' makes 'conformance to norms almost automatic' (Finnemore and Sikkink, 1998: 904). For this reason, they stress that 'internalised norms can be both extremely powerful (because behaviour according to the norm is not questioned) and hard to discern (because actors do not seriously consider or discuss whether to conform)' (ibid: 904). Significant in terms bargaining power dynamics, it gave 'norm conformers' a limited level of compromises to deal with during the negotiations. After realising joint gains with states affected by illicit flows and gun violence, this led to some major successes in group strategies by groups consisting of both industrialised and developing states. Some developing countries' concerns with instability perpetuated by armed violence intertwined with the ideational as well as economic aspirations of some major Western exporters. This balanced the influence of power. This demonstrates 'the power or persuasiveness of a normative claim', or the unity of claim with existing normative frameworks are likely to succeed (Finnemore and Sikkink, 1998: 908). But multiple identities and rationales saw shifts in alliances. The UK and France, usually aligned with the progressive coalitions, were influenced by P5 members and their industries to join in their calls for a less restrictive treaty – and this affected the cohesiveness of the 'progressive' bloc. Generally, many preferences overlapped, which benefited the process in terms of triangulating gains. But inevitably this led to the process losing track of its humanitarian basis initiated by NGOs and individuals.

States such as the UK and France had multiple goals and identities that affected the influence of the progressive blocs. Adding to the significance of voting or coalitions with shared preferences, relating to Hochstetler and Milkoreit's work, that developing countries have become more closely involved with the BASIC countries, this was not the case in the ATT negotiations. This is because the BASIC groups, for example, had very different goals for the ATT. It relates with literatures emphasising the evaporation of the ideological divides 'which had polarised international politics' from the 1990s onwards, which has allowed 'small and medium states a freedom they previously lacked to adopt positions of their own', and not 'automatically support one of the two blocs' (O'Dwyer, 2004?: 3). There are some observations that substantiate this point. Relating to Morphet's, Prant's, O'Neill and

others observations, the alliance formations were established as a result of the breakup of the Soviet Union, where Eastern European states are redefining their identities as 'liberal' 'democratic' states, and others, like African states, are less reliant on China to bolster their bargaining leverage, turning to European states and pro-control NGOs to increase this leverage, and supporting provisions intrinsic to their domestic and regional obligations.

This shows the power of states' identity and 'standards of appropriate behaviour' as very important factors for norm acceptance, social pressures, and strategic bargaining. It also shows that the shifts in terms of voting blocs have allowed some states to act according to their regional interests. However, 'ideological' divides remain which formulates the positions of some states which are not too dissimilar to Cold-War styles of politics at the UN.

Coalitions of developing states, middle-powers and some major powers also played an active and critical role in the treaty's adoption. This is in spite of many developing states not being on an equal footing in terms of bargaining weight, technical capacity, and delegate size. Some defence clients and resource-rich states were in a unique position to influence key states such as China. The 'progressive' position held by the majority of states also influenced the US to accept certain provisions. The example of the US shift from a sceptical to supportive position on some elements relates to social pressures associated with legitimation. Finnemore and Sikkink argue that there can be 'costs that come with being a "rogue state" in international interactions, since this entails loss of reputation, trust and credibility' (1998:903). Risse, Ropp, and Sikkink also note in this context that norms themselves 'become relevant and causally consequential during the process by which actors define and refine their collective identities and interests' (1999 (eds): 9).

Time contextual factors were also important in influencing the goals and objectives of the ATT. Negotiating positions were formulated due to the present security and economic climate, making the treaty just as much about protecting profits and securing, maintaining and enhancing defence capability and sales just as much as it was about extending the reach of human rights norms. Industry input therefore demonstrates that other groups, not just humanitarian NGOs, were important in formulating states positions. While industry input may have weakened (or provided practical

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solutions to) provisions in the scope, and the P5's influence in weakening humanitarian-focused provisions, it maintained interest in the process for those seeking to facilitate the arms trade. While Finnemore and Sikkink highlight the importance of connecting emerging norms with capitalism as important to their acceptability, they, as well as analysts concerned with voting blocs, do not connect similar time-contextual factors to their arguments.

Section 4.5 focussed on the role of the chairs in the negotiations, attempting to understand how their management styles and arrangements influenced the outcome of ATT norms. It found that the chairs responsibilities were heightened because of the lack of common ground on many aspects of the texts, meaning that they had further responsibility to balance demands through their drafts. Certain negotiation tactics, such as those that hampered progress and created uncertainty, which channelled much more scrutiny on the chairs. With less-than-adequate venue and time to negotiate properly, mixed with an environment of friction rather than collaboration, this added further pressure and criticism towards the chairs. Informal meetings overnight and in crowded rooms led to some states losing faith in Moritan's leadership. Additionally, while Moritan's approach of releasing "non-papers" and compilations of the views provided a framework to work around, a small number of states were unwilling to compromise, and this affected Moritan's manoeuvrability to find a balance. Despite subtle changes to the consensus rules, the veto power was still influential in conditioning the behaviours of states, and under certain pressures the chairs prioritised some issues at the expense of others. This substantiates arguments made by Tallberg about his analysis of UN environmental negotiations, finding that 'specific bargaining problems drive the power of the chairmanships' (2010: 255). Moritan's compilations of views gave 'equal agenda-setting rights' which produced 'overcrowded agendas' (ibid), meaning that states mostly negotiated rigorously and rigidly to keep their interests secured. This, combined with a large number of participants with various interests, made it difficult to 'identify a zone of agreement, leading the parties to engage the conference chairs as brokers' (ibid). This lead to some provisions being weakened.

The process itself could perhaps be perceived to have "failed" because the consensus rules created adversarial debate and formations of unwieldy competing factions (Harnett, no date). This reflects what Tallberg calls 'negotiation failure' because divergent issues led to 'deadlocks and breakdowns in

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bargaining' that were 'caused by the parties' inability to identify the underlying zone of agreement' (2010: 244). Referring to literatures about negotiation processes, consensus remains to be viewed as hindering progress in multilateral negotiations in the current political climate. While the chapter has focussed less on constructivist approaches and Finnemore and Sikkink's theories, in making this conclusion, it addresses their argument about the need to look 'inside social institutions and consider the components of social institutions' that 'create new patterns of politics' (1998: 891). It also fills a void in terms of understanding where norms come from, and more specifically, 'how they change' (ibid: 888).

CHAPTER 5

Socio-economic, Political and Institutional Factors

5.1 Introduction

This chapter has two aims, both of which revolve around the secondary research question 'how do 'norms' shape state behaviour?'. It also relates with Finnemore and Sikkink's question: 'how do we know norms make a difference in world politics?' (1998: 888). It seeks to answer these questions in the context of how states respond to provisions in the negotiations, rather than addressing state behaviour, acknowledging that for some states, these are not 'norms' on national or regional levels. The first aim is to measure the likelihood that institutionalised norms that are similar to ATT provisions will affect the preferences of states. The chapter therefore examines 'the role norms play in political change' (ibid), testing Finnemore and Sikkink's, and other scholars', assumptions that 'states are constrained by norms of appropriate behaviour' and 'norms actually change ("reconstitute") states' understandings of these interests, thereby leading states to adapt their behaviour in accordance with these new understandings' (Gillian and Nesbitt, 2009: Abstract). The second aim is to identify some of the economic, security, and political factors influencing states' negotiating positions. It is also concerned with the strategic social construction of norms, where actors strategise individually or collectively, through tactics and alliances, which help 'reconfigure preferences, identities or social context' (Finnemore and Sikkink, 1998: 888). The chapter draws on the context of the ATT negotiations, and the outside factors that shaped states' positions. This is closely related to Finnemore and Sikkink's arguments about how rationality is connected with the normative. It also relates to arguments concerning how a states' identity, and Finnemore and Sikkink's notions of legitimacy, esteem and 'chance occurrences', are important issues to consider in terms of norm acceptance. Section 5.A (scope) and 5.B (criteria) first identify various issues raised with each provision, laying the basis for analysis on the multiple factors influencing states negotiating positions. This draws on realist, normative and cultural-institutional arguments. The concluding section (5.C) explores how this relates with Finnemore and Sikkink's hypotheses and broader debates about the influence of norms on state behaviour.

5. 2. States' responses to the scope

5.2.1 General overview of discussion on the scope

States had different interests in the ATT, with some not wanting to overburden their defence industries and facilitate the arms trade. A large number of oil-rich states called for the Treaty to only address illicit transfers. Others wanted the treaty to be 'all-encompassing' (Wood, 2012). Discussions for including SALW focused on both military and non-military weapons, and whether the PoA was a better platform on which to control their trade and misuse. From 2007 onwards, while support for including SALW was high, civilian weapons were exempted so as not to conflict with the Second Amendment (as was argued by some domestic gun lobby groups) and thus maintain US support for the negotiations. This, along with US scepticism regarding including ammunitions, was a non-negotiable subject for many states, and partly a "hostage-taking" tactic employed by the US. Indeed, when the Mexican delegate suggested that the Treaty should cover non-explosive weapons (e.g., bows and arrows), as well as civilian weapons, this reportedly prompted a 'temporary US walkout', and saw Mexico reverse its position (Bromund, 2013; Mexico, 2012).

Nevertheless, states such as Norway, the EU, Cuba and Brazil argued for all calibres of weapons to be included, because of their equal lethality to military SALW and their potential adaptability for military use. Others, however, 'including Japan and Egypt, argued that only the calibres specifically mentioned in the UN Register categories should be included' (ATTM, 1.2, 2011: 2; see for example Japan, 2011). While there was opposition from a small number of states for the inclusion of SALW, seeing it removed from the chairs' texts was unlikely because the vast majority supported it. Following the second PrepCom, the Chair included SALW into his 'non-paper'. This would remain unchanged from the beginning of the July 2012 negotiations to the 'final' conference in March/April the following year. Thus, the inclusion of SALW reached consensus at the early stages of the negotiations.

In comparison with SALW, from the first PrepCom, ammunition was a 'hotly contested topic, despite its centrality to arms control' (SAS, 2010: 54). It was argued by a number of large exporters, especially the USA, that the control of ammunition would be impractical, 'logistically unrealistic', and complicated (ATTM 1.4, 2011: 8, Prizeman, 2012: 2). Strong US scepticism could be viewed as a "fronting" tactic, i.e. making 'an argument or position knowing that others will benefit' (Egypt,

Vietnam, and Iran followed these concerns). Zuber noted that Egypt and others argued that 'the inclusion of ammunition (and any related structural requirements) might jeopardise an otherwise achievable treaty consensus' (ATTM 1.2, 2011:6). It appeared that Egypt, and others, were also trying to "move the goal posts", or use the "best versus good" tactic as a way to thwart something that was achievable.

Other ammunition sceptics such as Brazil, may have been using "hostage taking" and "faking" to trade concessions. For example, Brazil stated that it would support ammunition 'only insofar as its use is explicitly in the context of the seven categories of conventional weapons plus SALWs' (Prizeman, 2012: 2). On the other side, ECOWAS, on behalf of a number of states, said that 'it cannot accept an ATT that does not include munitions and ammunition fully in its scope' (ATTM 5.16, 2012: 1).

Despite the high potential for its exclusion, the so-called 'fuel of war' was introduced to the Chair's first 'non-paper' at the second PrepCom. Despite wide support for ammunition, including a statement by the Liberian President Ellen Johnson Sirleaf (ATTM 5.16, 2012: 1), it remained absent in other critical areas of the text (ATTM 5.9, 2012: 4). 74 countries delivered a statement calling for full coverage of ammunition in the scope. Following this, discussions moved to private meetings. Ammunition was then moved from the first tier of the scope to the export section in article 6.4. This rendered it less rigorous than the 7+1 in language terms, and was only applied for risk assessments in articles 3 and 4 (human rights and IHL), and excluded from considerations concerned with diversion, development, GBV and violence against children, corruption, transnational crime and some activities and transactions (ATTM 5.18, 2012: 1-2; Saferworld, 2012: 3).

The US and China in particular remained stern in their objection to ammunition. In spite of attempts made by progressive states and sceptics to influence the chair, the text on ammunition remained unchanged until the end of the stalled July DipCon. The US request for 'more time' that led to the failure of the DipCon was in part due to its concerns about ammunition coverage. Ahead of the March 2013 DipCon, Secretary-General Ban Ki-moon released a statement reiterating his support of a 'comprehensive ATT' which included ammunition (Control Arms, 2013j). In the days that followed, over 100 states, including some UN agencies and NGOs, called for the inclusion of ammunition and

munitions, and its coverage with other 'critical' articles (ATTM 6.2, 2013: 6; ATTM 6.3, 2013: 1).

After these calls, the Chair finally introduced munitions. However, the major concern expressed by NGOs and progressive states was that it was not rigorously covered in the scope. The next text release applied the munitions to the list of weapons covered in separate articles, but now ammunition would not be authorised if a 'state has knowledge that they will be used to commit genocide, crimes against humanity or a limited set of war crimes' (Doermann and Arimatsu, 2013: 5). While the scope was now 'better structured', according to legal analysts from NGOs, they were still not covered by the activities and transactions. These only covered a limited number of munitions, and were not assessed against the "second tier" export assessments (Articles 3 and 4). 103 countries demanded ammunition to be fully in the scope, and a smaller, but still significant, number wanted the definitions of munitions expanded to capture other weapons, such as hand grenades and land mines (ATTM 6.7, 2013: 5). When the chair released his final text, it was still dissatisfying to many delegates and NGOs. While there were some 'improvements' in terms of accountability (ATTM 6.9, 2013: 4), many of the issues explained above had remained the same.

From the first Open Ended Working Group (OEWG) meeting in March 2009 to the PrepCom meetings, there was still no solid consensus about what other conventional weapons (OCW) the treaty should cover. All meetings centred on whether the UNR7, plus SALW (7+1) would be sufficient, or whether coverage should be more comprehensive (Saferworld, 2009: 2). The most comprehensive for some states was the 7+1 plus related ammunition, components and/or production equipment (sometimes referred to as 7+1+1+1) (ibid: 7). Disagreements centred on the practicalities of 'defining and subjecting to export licensing' parts and components (Wood, 2015: 69). Key importers and exporters, such as the USA, and a large number of states in East and South Eurasia, were opposed to extending the seven categories of weapons, though with some changing their minds later about covering military SALW.

Nevertheless, considering that many exporters at the negotiations were encouraged under the UN Register to report their armaments and transfers, this list of armaments provided a basis to work from, and was thus institutionally and socially accepted. The list of weapons under UNR7 was

reflected in the Chair's second PrepCom paper (ATTM, 1.6, 2011: 7). Technology and equipment designed and used to develop, manufacture, or maintain weapons were also part of the paper, but were removed before the July DipCon. This was due to agreements by many delegates, including 'progressives' and 'sceptics', who stated that technology would be too difficult to control. Nevertheless, by the time of the fourth PrepCom, in reaction to some opposition from some delegates, discussion turned to 'allowing states to define the coverage precisely in their own national legislation' (Wood, 2012), and the Chair's paper was still limited to the UNR7 categories, as well as manned and unmanned systems, and only partly covered parts and components (ATTM 5.17, 2012: 1).

According to sources from the ATT Monitor, the control list allowing states to define coverage 'sparked confusion' among many delegates because it was not clear how extendible and flexible it was (ibid: 1). Agreement on definitions was also an issue, with some that wanted the treaty to define weapons and others that thought there was not enough time in the negotiations to settle agreements (ibid: 1). Statements on the national control list and definitions varied significantly. Most notably, Russia stated that it could not base it on non-binding norms such as the UN Register or the ITI (ATTM 5.9, 2012: 5). The US and Canada 'expressed frustration and discontent over the widening scope in the Chair's paper and the burgeoning discussion on elements other than the 7 weapons of the UN Register and SALWs' (ibid). All these factors put significant strain on the process.

After the failed July DipCon, according to NGOs, the new text release hardly clarified the recent changes and still allowed states 'to make their control lists and transfer decisions as strict – or lax – as they [wanted]' (ATTM 6.1, 2013: 3). In the new paper, there was still a "defence cooperation agreement" exemption that Control Arms argued, 'would prove legal protection for irresponsible arms transfers of the kind seen between Russia and Syria throughout 2012' (Control Arms, 2012f: 3). Oxfam and Amnesty reflected that while 'conventional weapons, their parts and components and ammunition were in there', only 'a floor not a ceiling' had now been proposed (2012o). Overall, due to the demands from a number of prominent exporters from the EU, Sub-Saharan Africa and Central America, parts and components were still part of a 'second tier' assessment process.

Having identified disputes regarding the scope, the following section explores some of the economic,

security-based, and political factors influencing states' negotiating positions.

5.3 Factors contributing to affected states' negotiating position regarding the scope

5.3.1 Economic factors

It is difficult to precisely understand the reasons behind objections to SALW based on economic factors, because of less transparency in transfers of SALW compared with the UNR7 list. The US and Canada, however, were partially concerned with the economic and political effects of controlling the domestic trade and use in non-military SALW and ammunition. The US, for example, produced around three-quarters of the worldwide total of commercial firearms at the turn of the millennium (Batchelor, 2002: 13 in Dimitrov and Hall, 2012: 208). But many other states may have held a similar position since research suggests 'that a clear majority of small arms production and trade across the world is for civilian markets' (Greene and Marsh, 2012: 79). The estimated value of commercial firearms produced in the same year was approximately USD 2.5 billion, compared with the estimated value of all military firearms produced in 2000 at approximately USD 335 million (Batchelor, 2002: 14 in Dimitrov and Hall, 2012: 208).

This is why, potentially, coverage of commercial SALW was not a major compromise in terms of the exclusion of non-military SALW in some states. When cross-referencing voting data against the larger exporters of SALW, one feature emerges when we look at Bromley's work. He noted in one paper that the volume of Chinese exports 'of major conventional weapons rose by 162 per cent between the five-year periods 2003-2007 and 2008-12' (2013: 3). One of China's major recipients is Venezuela, which were also opposed to its inclusion. Economic factors also played a part in formulating states' positions regarding conventional weapons. This was because there is high value in units for conventional weapons such as, for example, battleships and fighter jets, but also value and export increases for SALW, ammunition, parts and components.

Some states made the argument that it would be impractical and damaging to industry to control parts and components. This argument carried some weight. For example, Andrew Wood, an industry representative, argued that 'the practicalities of defining and subjecting to export licensing an average

of 30-40 parts in a handgun are substantially different to the challenges of controlling and licensing some 34,000 parts in gas turbine engine, which in turn is merely one component of a combat aircraft that can have anything between 200,000-250,000 parts' (Wood, 2015: 69). Kytomaki also argued that: '[b]ecause of the volume of the global supply chain, the wording and the resulting coverage of the ATT in terms of parts and components were one of the main areas to which the defence industry provided input, trying to ensure necessary controls while avoiding an over-complication and bureaucratization of defence-sector activities' (2014: 10). EU states, plus South Korea and Norway, dominated the trade of these weapons, and saw recent increases in value in the trade in parts of SALW, equipment and technology (SAS, 2007). Reflecting on delegates statements, three sceptics (Egypt, Cuba, and Brazil) supported the view that parts and components should not be included because they were 'dual-use', and 'their inclusion in an ATT could result in extensive hurdles to civil industry and contradict with industrial and developmental aims of many developing states' (ATTM, 1.2, 2011: 2; see for example Brazil, 2012).

There are other possible economic reasons formulating the positions of sceptics to coverage of parts and components and other equipment. Overall, the SAS recorded that authorised international transfers of the latter alone 'were estimated in 2012 to be worth at least USD 8.5 billion annually' (2012: 241). Parts constituted 1,428 USD million and accessories 350 USD million. The SAS also found that 'the value of [...] weapon sights to be estimated at more than USD 350 million', and that '[a]vailable data suggests that weapons sights account for most of the trade in major accessories for [SALW]' (ibid: 241). Exports of parts of pistols, revolvers, sporting rifles and sporting shotguns had, between 1992 and 2009, seen 'an 88 per cent increase in value of the documented trade in these parts' (ibid: 254-255). Many conventional weapons, other than SALW and ammunition, are not accounted for in SAS's analysis. Brazil in particular, which did not want the treaty to cover parts and components, had seen significant increases in value and exports of parts.

Japan and the USA, which have a comprehensive range of controls for conventional weapons within their domestic systems, were opposed to expanding coverage in the scope. The US and Japan were important exporters of parts of military firearms and light weapons. US exports of parts had declined and Japan's had increased significantly. Japan's recent lifting of restrictions on exports may be a factor.

However, Japan changed their position further into the negotiations (see Japan, 2012). The US 'referred to parts and components and technology as "tricky propositions"' (ATTM, 1.2, 2011: 5). The Arab Spring and other events in the MENA region saw demand for conventional weapons increase. During this time, the US Congressional Research Service, for example, 'released a report noting that U.S. contracts for future deliveries of weapons reached a record high of $66.3 billion in 2011. The US celebrated these sales as 'truly remarkable' and as an exemplary success for the Administration's 'economic statecraft initiative' (Shapiro, 2013 in Bromund, 2013).

Canadian and US scepticism to ammunition is unique, (see Appendix B) as they would not be denied transfers under the ATT's proposed criteria. Both are significant producers and exporters of ammunition and have strong national controls in place. Economics must be taken into account, however, when on considers that their major recipients could potentially be denied licenses under the proposed criteria. US and Chinese exports of ammunition to MENA and Sub-Saharan Africa, for instance, are significantly high. This potentially formulated their positions arguing for the Treaty to focus more on trade, and less on humanitarian issues. Domestic legitimacy was also a key component to US scepticism. They, as well as Egypt and Iran, even went as far as making the non-inclusion of ammunition a red line before the July DipCon (Prizeman, 2012). Domestic factors were also important. Previously, the NRA had also 'been blocking efforts to pass the US Senate ratification of the OAS Firearms Convention because of its inclusion of ammunition' (*The World Post*, 2011).

Many top ammunition producers in Europe and South America supported ammunition coverage in order to level the playing field. Many progressive states wanted to expand the list of ammunitions to include 'munitions', because many believed that this fell into the ammunition category (ATTM 1.4, 2011: 5; see for example European Union, 2012), and the majority wanted it fully integrated in every part of the risk assessments (ATTM 5.7, 2012: 1). Overall, ammunition accounts for up to half of transfers compared with other elements discussed for the scope (see Fig. 1).

Figure 1.

Documented and Undocumented Transfers in Percentages
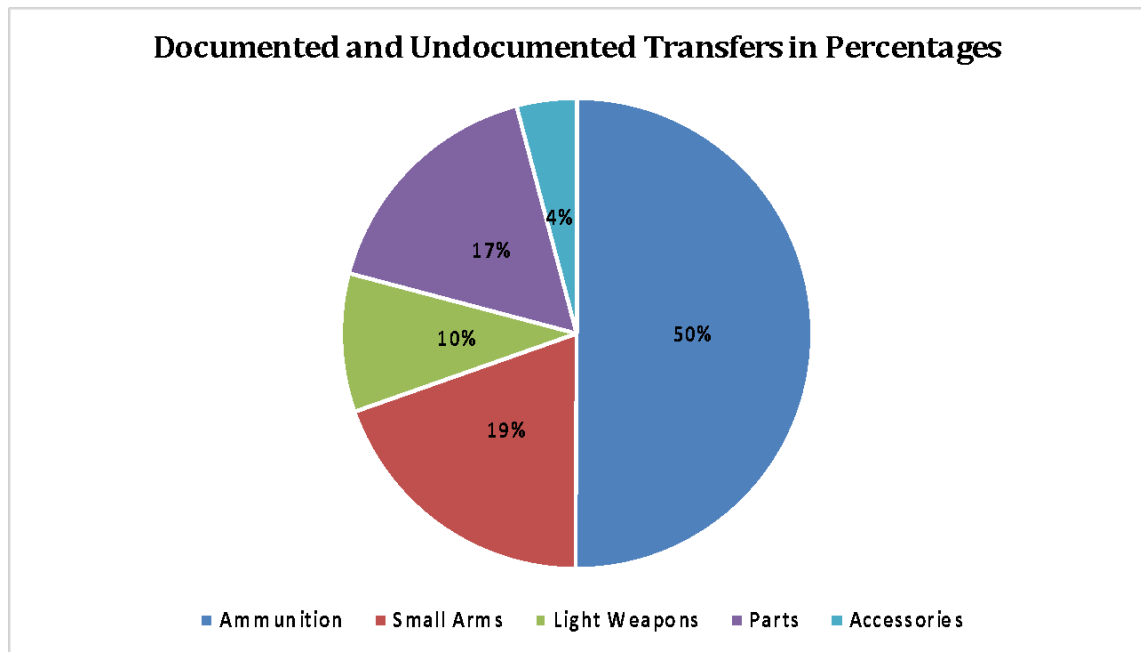
Generated from Small Arms Survey, 2012. Based on data collected between 2009 and 2012.

It should be noted, however, that many states' negotiating positions were not necessarily driven by economic or security concerns based on international ammunition transfers. According to the SAS, 'governments procure most of their light weapons ammunition from domestic producers where possible. Therefore, international transfers [...] are probably a small percentage of global public procurement' (2010: 3). They added that ammunition imported by Western countries is overwhelmingly sourced from Western companies, with less than four per cent of their light weapons ammunition (by value) being from non-Western firms (ibid: 3). This may support the view that many Western states, which would not be denied transfers on proposed ATT criteria, supported ammunition because their ability to import ammunition would not be hindered. Another study made by SAS suggests that the sale of ammunition in comparison with other conventional weapons is comparatively higher. This emphasises both the economic and security factors that may influence states positions. Considering that 'at least 76 countries are known to industrially manufacture small arms ammunition,' with this number growing and becoming more competitive, the economic benefits of exporting ammunition were high (SAS, 2012; Oxfam, 2006h: 2).

5.3.2 Security and Political Factors

Egypt stood out as being particularly sceptical to supporting a comprehensive list of weapons for multiple reasons, one being because of the high potential of being denied licenses during the Arab Spring, and another being because of its reservations in other areas concerned with arms controls (ISS, 2009) It was previously argued that Egypt's reservations to the ATT 'may partly be attributed to the inconsistencies within the current disarmament and non-proliferation regime, particularly concerning the possession of nuclear weapons' (ibid: 7). Egypt views such international approaches as discriminatory, and holds the view that 'peace and security can only be achieved through the establishment of just and parallel international and regional mechanisms' (ibid). Many MENA states with similar concerns and desires, as well as China, Indonesia, India, Brazil and Japan were still expressing their preference to controlling only weapons under the UNR7 during the second PrepCom (ATTM, 1.2, 2011: 2).

Major exporters in the EU, the US and Canada (along with a significant amount of other states, including Norway, Brazil, Japan, and CARICOM), while supportive of military SALW were backtracking on some of their calls for a comprehensive scope during the Arab Spring (ATTM, 1.2, 2011: 2, ATTM, 1.6, 2011: 8; see for example Canada, 2011). As for SALW coverage, unexpected events, such as Utoya Island massacre in Norway and the Aurora cinema shooting in Colorado, among others, would not see a shift in US and Canadian positions on non-military weapons.

NGOs consistently questioned why certain states were opposed to expanding the 7+1 when they already have national and regional instruments in place that cover the same weapons and systems. A Saferworld paper found that over 98.8 percent of those states it studied – including progressive states and sceptics – were 'from jurisdictions that cover an extremely broad range of conventional military items, their ammunition and components, to the point where it could be considered that a comprehensive international standard is, to all intents and purposes, already in place' (Saferworld, 2009: 4). Informed by the interrelationships in Appendix C (Existing Controls against Human Rights Risk with Economic Trends and Preferences), trends indicate that the potential denial of licenses under the proposed ATT criteria formulated the positions of states sceptical or opposed to the

inclusion of a comprehensive range of defence goods.

Another factor that could also have contributed to certain states' positions, and in particular to many MENA states during the Arab Spring, was the ominous threat in terms of state authority from opposition groups, and indeed capacity issues in terms of military, police, or even domestic manufacturing capacity to prevent or combat violence (Greene and Marsh ed., 2012). Legitimacy and poor resilience are factors relating to state fragility as a threat to state authority (ibid: 17). With many major exporters supporting pro-democracy rebels (and other groups), MENA countries feared that the Treaty would be used politically in conflict with their right to self-defence and territorial integrity. Additionally, the Arab Group's reluctance to support defence goods beyond the UNR7 list may also be connected with the potential denial of emerging technologies that are deemed strategically and tactically important in certain security or military contexts.

Illicit flows potentially feeding the possibility of intrastate conflict was possibly key to their negotiating positions, and thus discussions in the PoA were influencing many SALW sceptics' positions in the ATT. However, because 'sceptics' of SALW, including China, India and other states, expressed a willingness to include SALW if states were prepared to compromise in other areas of the treaty (Bromley, Cooper and Holtom, 2012: 1043-4 in Da Silva and Wood, ed., 2015: 32), opposition to SALW was a provision essentially taken "hostage" and only "released" if demands were met. This bargaining dynamic, where concessions are traded, therefore distorts our understandings of economic and security factors influencing states' preferences.

Scepticism to the inclusion of a range of conventional weapons could have also been a political statement that 'trade' and acquisition should not be hampered. It was illicit transfers that required greatest attention. Despite the dominance in the trade for SALW by around 20 countries, there are no major barriers in obtaining SALW from many suppliers (Dreyfus et al, 2009: 8 in Dimitar and Hall, 2012: 208; Marsh, 2012). This is because ammunition production is usually produced and sold for domestic and regional markets.

Reliance on imports of ammunition is low if sceptics produce ammunition domestically, that is, if they

have production capacity for the specific types of weapons systems they use. Since many SALW last for decades, and ammunition is expendable in training and conflict, some sceptics reliance on imports, perhaps, is more significant. The interrelationships between voting records and the potential denial of licenses under the criteria, in line with production capacities, and high levels of acquisition of ammunition (See Appendix B), show that the vast majority of sceptics to ammunition were significant producers or importers of ammunition. For example, significant importers may see the Treaty as a threat to their ability to acquire ammunition under the parameters. If sceptics rely on imports from Western countries with existing "strong" controls in place, this concern may be limited to some specific countries. On this point, because there has been active trade between some states sceptical to its inclusion, it also seems anomalous that they would not support the inclusion of ammunition. For example, the Philippines reported exports worth $3 million a year between 2002-2004 to other states (Oxfam, 2006h) that were sceptical or opposed to its inclusion, including Indonesia, Singapore, Thailand, USA and Venezuela.

Discussions on ammunition were also important in shaping SALW-sceptics. Some 'conceded' to allowing its inclusion because, as many violence-affected states argued, guns without ammunition were useless. To the contrary, coverage of ammunition without inclusion of SALW provided a 'logical' affirmation that made it difficult for sceptics to respond. It essentially allowed for stronger arguments for both SALW and ammunition coverage. Having ammunition only partly covered in the criteria and not robustly covered in marking, tracking and reporting requirements could have also been a factor influencing support from initial sceptics.

Overall, this demonstrates that some stated positions on conventional weapons are expressions of real concern, while others are fabricated to minimise restrictions on sales and acquisition. This emphasises a self-serving state behaviour which affected the ability for the negotiations to agree on a comprehensive list of weapons.

5.3.3 Social and Institutional Factors
Considering that many exporters at the negotiations were encouraged under the UN Register to report their armaments and transfers, the list provided a basis from which to work. Recent debates in the

PoA also formulated many states positions on the inclusion of SALW. However, other elements not listed in the UNR7 were disputed despite being covered by many states (see Appendix C). Canada, Russia and the USA, for example, were sceptical to controlling ammunition and a list of weapons beyond the UNR7 despite being parties to the Wassenaar Arrangement and having national controls in place. Other states, with existing national controls that covered a comprehensive list of weapons, did not support similar ATT provisions. This example adds importance to the economic, political and security factors influencing their positions. US, Russian and Chinese scepticism would have prompted many states, and particularly their clients, to support these positions to increase their leverage on limiting the treaty. With the veto power, this would have significantly benefitted their negotiating positions under consensus. However, all signatories to ECOWAS, the EU Common Position and the Best Practice Guidelines on SALW in the Horn and Eastern Africa, were supportive of their inclusion. There were many states, the vast majority European, that were large ammunition producers supporting its inclusion in the scope. The majority of states also supported a comprehensive list of defence goods that had controls for parts and components and defence equipment. EU states' motivations to level the playing field, rather than 'automatically' conforming to these norms, were also a significant factor. Moral and logical arguments were also applicable. For example, supporters of 7+1+1+1 argued that the weapons covered under the UN Register list were outdated (due to emerging and existing technologies), limited, and unsuitable for transfer control agreements. They also wanted the Treaty to be "future-proofed" to allow new technologies to be part of the scope.

Overall, many states supported weapons in the scope that reflected their national and regional control list, and even supported technologies that went beyond these lists. The outcome of articles 2 and 3, however, would indicate that scepticism to having a comprehensive list is reflected in the Chair's papers. This demonstrates the power and influence of a comparatively small number of states on the outcome of the document.

5. 4. States' responses to the parameters
5.4.1 General overview of discussion on parameters
Talks on the Treaty's parameters brought about divisions between sceptics and progressives about the application of risk assessment criteria and, of particular concern to the 'sceptics', its potential

politicisation, exploitation, misuse, subjectivity, and conflict with the principles of the UN Charter. Concerns were frequently raised about the supposed unequal level of responsibility given to exporters under the Treaty rules. There were also issues raised about what constituted a 'crime against development', and while it was argued, especially by NGOs, that there was a 'legal responsibility to development' (for example, Millennium Development Goals) enshrined in the UN Charter (ATTM 1.2, 2011: 8; Amnesty, 2010d: 9). Some sceptical developing states argued that license denials under these terms would affect their security and, particularly in line with technology transfers, their economic development.

Compared with a smaller, but significant, opposing voice, many states supported strong human rights and IHL criteria, and these were mostly aligned with many other articles in the treaty. Support for criteria related to SED, corruption and GBV, however, were less explicit, and therefore these criteria were organised into a second tier and subject to lesser restrictions. Despite frequent changes to the chairs' texts throughout the years, strong language relating to IHL principles always remained in the preamble and in export assessments.

In response to sceptics' concerns, through various text releases in the July DipCon, the wording of the tiers and other areas were arguably weakened to allow space for security implications and concerns that override the risks associated with the license. For example, despite many states, NGOs, and UN agencies calling for the wording 'substantial risk' in the license approval or denial process, the Chair, responding mainly to the US preference for 'overriding risk', favoured the latter. Additionally, responding to India's and others interests in contractual obligations and defence cooperation agreements not being restricted, the Chair introduced what NGOs called "escape clauses", 'where states could override a transfer decision if they decide 'that other political and economic interests are more important'' (ATTM 5.13, 2012: 3; ATTM 5.16, 2012: 2; ATTM 5.18, 2012: 1). Many states, including the P5, plus Brazil, India and Syria, briefly persuaded the chair to have the criteria decided on a national, rather than international basis (ATTM 5.9, 2012: 3). This was later scrapped after many concerns raised (ATTM 5.13, 2012: 3). Disagreements on this 'weakened' wording absorbed much time and energy away from negotiating other elements (Wood, 2012). This was part of the intention of some 'sceptical' or 'pragmatic' states to allow them to circumvent the criteria if it may contribute to

peace and security, and also to purposely hamper progression in the negotiations.

The criteria and the initial purpose of the treaty were also under threat through changes in it, with some alterations influenced from those arguably wanting to facilitate the arms trade and/or exclusively address illicit transfers. Time dedicated to deal-making was also absorbed away over discussions attempting to strike a balance between the apparent disunity between "moral" norms with technical aspects. Some states were reluctant to push for the former until the latter formed the foundations, much to the frustration of those advocating for a Treaty that 'saves lives' (ATTM 4.4, 2012: 7; ATTM 4.1, 2012: 3).

Talks of anti-corruption provisions in the ATT gained pace during the third PrepCom. It was listed in one the chair's non-papers. Despite more vocal scepticism to SED criteria, this was listed too. After frequent opposition by some states, and after a weekend of closed meetings, they were moved to the second 'tier', and therefore only covered by certain weapons and activities. This movement prompted many states to make strong statements in support for corruption to be moved back (ATTM, 3.2, 2011: 8; ATTM, 3.3, 2011: 8; Prizeman, 2012: 3; see for example European Union, 2011b). In the second tier at the July DipCon, it called for assessment of substantial risk that the export will be subject to corrupt practices, or have severely adverse economic impacts within the recipient state that would significantly outweigh the security benefit of the export (UNGA, 2012).

Statements regarding corruption were low in comparison with other provisions, including SED criteria. However, anti-corruption provisions received increased attention following a statement of support by 21 large institutional investors (see IDSP, 2012). The investors collectively represented 'assets of over USD 1.2 trillion,' and demanded 'than an ATT includes a commitment by State parties "to prevent the transfer of conventional arms [...] which are likely to encourage corruption and unaccountable and non-transparent diversion of public spending"' (ibid). Nevertheless, to the point where consensus was not reached, corruption and development still had not moved to the first tier.

During the first days of the March DipCon, overshadowing some calls from progressive states, a number of states called for the deletion of corruption in the treaty (ATTM 6.4, 2013: 5; ATTM, 6.3: 8;

ATTM, 6.7: 6; ATTM, 6.8: 8). States including Brazil, India, China, Ecuador, Russia, Malaysia and Zimbabwe either wanted the deletion of *all* references to development, or the criterion itself deleted (ATTM 6.3, 2013: 8; ATTM 6.4, 2013: 5). Both corruption and SED, but particularly the latter, were potentially affected by language changes in the criteria sections, the goals and objectives, and structural changes in the text in both DipCons.

Despite some states seeking to "bridge-build" disagreements on SED and corruption, with (the most noteworthy) statement coming from 'Costa Rica, on behalf of 40 states, suggested language for 4(6)(e) that reads, "seriously undermining the socio-economic development of the importing State, taking into account its legitimate domestic security and defence needs"' (ATTM 6.3, 2013: 8), it would come to no avail. Under considerable strain at the final days and hours of the March negotiation, and attempting, but failing to ensure no state would block the vote, Woolcott removed corruption and development for the criteria all together. It may have been compromised because many supporters of SED and corruption criteria were focussing their attention at strengthening other areas of the Treaty that were perhaps deemed more important, such as calling for "substantial" wording in risks assessments and maintaining the existing list of weapons in the paper.

The emergence and acceptance of GBV is unique compared with the aforementioned areas and is strongly attributed to the role of NGOs and 'norm promoters' such as Iceland, and 'chance occurances' such as concurrent UN discussions concerning gender. Gun-violence and its connection with 'gender' was, it would appear, not recognised by some states. It tended to be discussed in reference to 'vulnerable groups' such as women, children and the elderly. The Holy See, for example, said that gender is a "vague" and "undefined" term (ATTM 5.16, 2012: 8). Other delegates thought that human rights and IHL covered gender violence issues. For example, the USA reportedly expressed that GBV and violence against children should be "folded into" IHL and IHRL because it doesn't "make sense" to have a separate criterion (ATTM 5.14, 2012: 6). Nevertheless, GBV provisions gained increased support (see Fig.) from the second PrepCom due to a number of reasons.

Figure 2.

Growing Support for Gender Provisions Expressed Through Statements
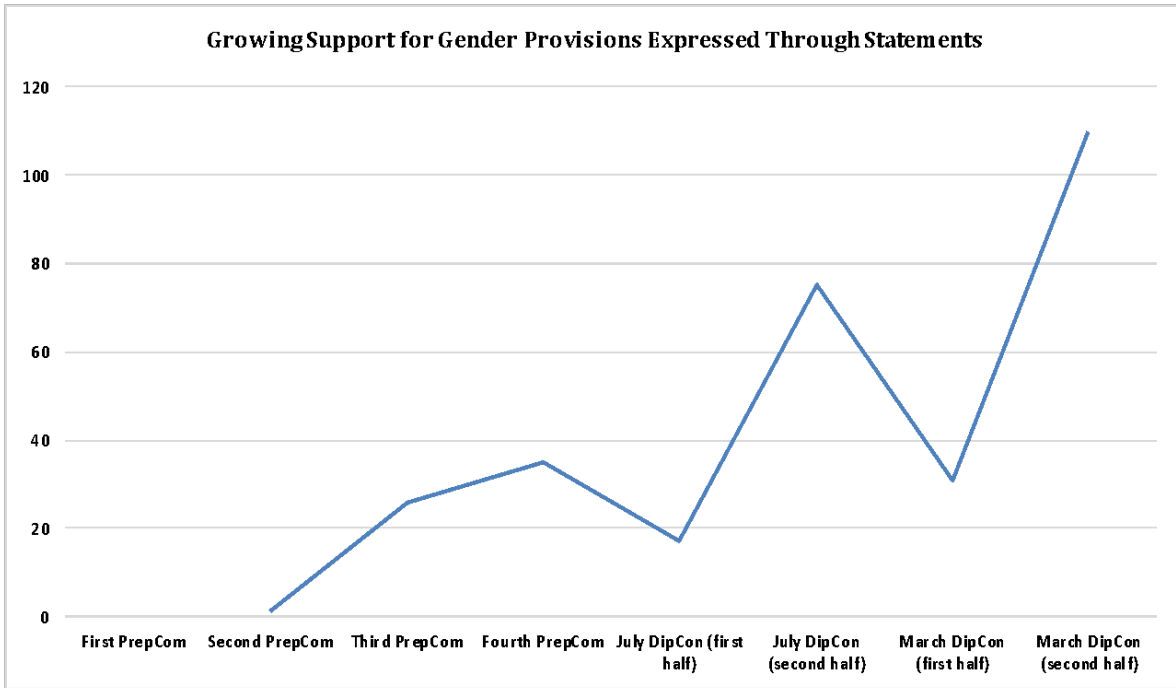
While GBV was not mentioned by any states in their submission in 2007, Control Arms tried to bring GBV issue into the OEWG discussions around through various activities outside the meetings and through their position papers. Nevertheless, despite various NGO activities over the next years, it was only until Iceland, and other states that followed its lead, such as
Australia, Norway, Pacific Small Island Developing States, Tanzania, and the UK, strong supported in during the second PrepCom. Trinidad and Tobago, Mali, and Nigeria were initially supportive of approaching gender violence through victim assistance provisions, but would revert to expanding coverage in all areas (ATTM 1.6, 2011: 5, see for example Trinidad and Tobago, 2011). Others were questioning the balance between the disproportionate differences in violence against men and women.

While the meetings coincided with the 55th Session of the Commission on the Status of Women, the Chairs papers did not reflect the emerging calls for GBV provisions. Through a series of lobby meetings and side meetings held by the IANSA Women's Network, Amnesty, Forum, IPPNW and ICRC

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(IANSA, 2011cc; IANSA, 2011n; IANSA, 2011x), and petition signature collections from Nobel Laureates, corporate and security sector leaders, military and peacekeeping personnel, and academics from around the world' (IANSA, 2011aa), momentum for support for GBV gathered pace. The signatures, which included 53 'peacewomen advocates' from 53 countries, 105 national and international organisations, and 90 signatures from other individuals, were handed out to delegates at the meeting and handed to the Chair. GBV was eventually included in the preamble of the next draft (IANSA, 2011as). IANSA noted that, while it was good to see GBV mentioned in the preamble, several states, among them Fiji, Saint Lucia, Grenada, Trinidad and Tobago, and Kenya, made very strong arguments to include gender in other areas of the Treaty, including in the principles, goals and objectives, criteria and victim assistance sections (Control Arms, 2011d; Fiji, 2011; St. Lucia, 2011; Trinidad and Tobago, 2011). It was also noted that the UK and Spain, along with the initial supporters, called for GBV to be included into the criteria.

Through a number of other events leading up to the July DipCon (see IANSA, 2012j; IANSA, 2012r; Control Arms, 2012c) which included making policy drafts and collecting signatures, support increased further. At the July negotiations, more states began to support GBV in the criteria, including Norway, Finland, Ireland, Iceland, Sweden, Lithuania, Sierra Leone, Ghana, Gabon, Malawi, Kenya, Zambia, Liberia, and Samoa. After the Chair introduced GBV language to the goals and objectives, and then removed it, after frequent calls, notably by Iceland, CARICOM, Ireland, Italy, Malawi, and Portugal (ATTM 5.13, 2012: 3), GBV was included in the first tier of export assessments. After intense debate, and with GBV moved to the second tier along with corruption and SED, approximately 75 states had shown their support for its inclusion in various areas of the text (ATTM 5.19, 2012: 2). NGOs lobbied in many areas to gain support for GBV after the July negotiations stalled. During the March 2013 negotiations, approximately 91 states expressed their support for strengthening GBV provisions through a collective statement in response to some states asking for its removal in all areas (Control Arms, 2013r). After the Chair weakened some provisions concerned with GBV, '96 states called for a binding criterion on [GBV]' (ATTM 6.7, 2013: 5). This increased to 'more than 100' states and 'more than 100' NGOs expressing support for 'binding provisions on GBV' before the next draft was released (ATTM 6.8, 2013: 2).

One of the final drafts made GBV a legally binding criterion (ATTM 6.9, 2013: 3).

5.5 Factors contributing to affected states' negotiating positions on parameters
5.5.1 Economic factors

There are many similarities between the findings from the scope section with regards to positions on the parameters, particularly for the major exporters. For example, there are correlations between large exporters and their major clients being sceptical to having strong criteria (outlined in Appendix D). According to SIPRI, between 2009 and 2013, the USA delivered 28 per cent of its arms to the Middle East, and the highest recipients of US weapons were in Asia and Oceania (2014a). Russia's main recipients between 2004 and 2013 were India, China, and Algeria. China's major recipients were Pakistan, Bangladesh, and Myanmar. In terms of the major importers, the majority of which were sceptical of the inclusion of human rights and IHL criteria: India received most of its imports from Russia, USA, and Israel. China's major imports were from Russia as well as France and Ukraine. Some states therefore had economic interests in not having strong export criteria. The US was certainly bold in expressing its economic interests in the Treaty. The Chairs therefore made provisions consistent with security and commercial interests, and left room for interpretation in the export criteria.

There were low levels of public statements made about corruption (see Fig. 3). Many states that were reluctant to express their views, or actively opposed its inclusion, had the highest risks of corruption (see Appendix E and Appendix F). It is difficult to measure the economic benefits of corrupt practices, but estimates from the US Department of Commerce before the ATT negotiations commenced indicated that 50 per cent of all bribes were paid for defence contracts (Courtney, 2002: 5). For importing countries, it may benefit individuals more than the state economy, but if the transfer involves the recipient acquiring manufacturing licenses, technology transfers and research and development ventures, and other tangible and intangible transfers for example, creating jobs and expanding markets can have economic benefits for both the supplier and purchaser.

Courtney also highlights a number of factors that drive importing and exporting companies to involve themselves in corrupt practices. For exporters, 'the payment of large commissions to individual officials in defence procurement deals can provide an incentive for the recipient to increase the technical specification of the weapons and even to persuade governments that entire systems should

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be purchased unnecessarily' (ibid: 6). Overall, extensive subsidies can be 'granted to defence industries by exporting governments through export credit guarantees, research and development grants and official and military promotion of defence exports. Public money therefore can be used to subsidise companies who obtain contracts through corrupt means' (ibid: 6). Additionally, demand for weapons and ammunition becomes higher if, for example, embargoed states and non-state actors require them. Some defence companies can offer higher prices to sell weapons through illicit channels (DellaVigna and La Ferrara, 2010). These are just a fraction of some of the economic benefits of corrupt practices.

A common theme in the statements of many sceptics to SED criteria was that denying licenses would impede on their right to security and inhibit their economic development (see for example Malaysia, Vietnam and Iran's statement in ATTM 4.5, 2012: 3). Statements concerning technology transfers fed into these statements and formulated negotiating positions. Many significant acquirers of technology (see Appendix G) were states with low socio-economic development resilience. Many ASEAN states are major technology acquirers and were against including this in the treaty. Indeed, after establishing that controlling technology under the parameters would be difficult, many technology owners also supported its exclusion. But this emphasises how economic and security factors intersect and formulate negotiating positions.

As noted by Anderton, imports of technology can maintain a comprehensive defence industrial base. Transfers can also prevent a so-called 'technology lag' in developing states, reduce foreign debt, and used to develop capability (u.d). Developing countries also 'often seek to establish indigenous defence industries, reduce import dependence, and or secure and retain jobs within the country' (SAS, 2007: 11). Malaysia and India are used as an example of this, with both trying 'to spur the transfer of foreign technology to the local defence industry through licensed production agreements' (ibid: 11). Additionally, India relies much on Russian technology, whereas 'Libya [appeared] anxious to restore its defence industry after the lifting of the embargo against the country in October 2004' (ibid: 11). Gruselle and Le Meur added that sceptical states that were not supportive of technology transfers were unable 'at the moment to support a completely independent defence technological and industrial base that would meet all of its military and security needs. Therefore, they still rely on export and

transfers of technology to respond to their perceived security needs' (2012: 25). They added that for emerging global and regional powers such as Brazil, India, and Arab Gulf states, 'the desire for economic development and the establishment of a defence technological and industrial base seems to go hand in hand with the desire to become a regional power, and to increase their own network of influence at an international as well as regional level' (ibid).

Generally, these concerns were taken into account in the Chair's papers in loosening the language in risk assessments and in other areas of the text referring to states' economic development.

5.5.2 Security and political factors

Correlations in Appendix D (Preferences and Risks against Large Importers) indicate that all but two states (the USA and Singapore) could potentially be denied a license under ATT criteria concerned with human rights. The vast majority of those listed as having the highest defence budgets and reliance on imports (if defence production is low) were sceptics to the proposed criteria. Their recorded reasons – that such criteria were too "subjective" or "politicised" – were also connected to this reliance on imports, in that they do not want outsider interference with domestic affairs. This is why many states wanted strong provisions relating to their rights to self-defence, territorial integrity, controlling illicit transfers, and ensure 'peace and security' would be considered in risk assessments. China and other sceptics held the treaty "hostage", arguing 'that if the principle of non-interference is not included, it will not be flexible on the inclusion of any references to [IHL] and [IHRL]' (ATTM 5.16, 2012: 3). These demands, as well as other strong statements by MENA states, Indonesia, Iran and India, were influencing some states to change their positions. France, Australia and Finland, for example, were becoming quieter at the end of the July DipCon, and later openly supporting drafts that had weak human rights and IHL criteria (ATTM 5.18, 2012: 4). Many NGOs argued that some sceptics' demands for having risks interpreted on national basis was to allow security and strategic concerns to override the potential of end-user abuse.

While there is no significant correlation between opposing states to GBV criteria that might be denied a license on these grounds (the exception at that time being Syria), there are correlations between states that objected to corruption and SED provisions. Many sceptics to SED criteria for example were

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using tactics to prevent its inclusion. Malaysia and India, perhaps "waiting for Godot", were using the lack of internationally agreed definitions of development to argue for its exclusion due to time constraints of the negotiations (ATTM 5.11, 2012: 4). There are also links between those that openly objected to corruption as an assessment criterion, and those that wanted the treaty to address illicit brokering. As previously explored, brokering and sustainable development are intrinsically connected to corruption in the arms trade. Additionally, supporting the "silence procedure" claim, many states that made no statements were high in defence corruption (see Appendix E and Appendix F). Why were these states, which were vocal about other provisions, quiet on an issue that may inhibit their ability to import weapons? There is a possibility that they were unable to vote. They may have employed the "slipstreaming" or "silence procedure" tactic of concealing their preferences behind the positions of other states to avoid ridicule. Indeed, voting records from the ATT Mapping Database would suggest that discussions around the 'practice of bribing or providing incentives to recipient states' were either minimal or behind closed doors. Statements on corruption received the highest amount of no-statements/no data and the lowest number of 'strong support' of any other provision in the criteria. This may be reflective of what Courtney argues, that 'corruption is more regular and institutionalised than the frequency of its exposure suggests' (2002: 5). Involvement in corrupt practices can also benefit importers for a number of reasons that relate to their security. The most indisputable is the practice of bribing individuals or companies that decide on defence licenses or contracts for defence goods that are highly sought after and or strategically important. On the exporters' side, competing with other suppliers and winning contracts can have longer-term financial and strategic benefits.

Figure 3.

Percentage of Votes for Corruption based on 193 UN Member States

- Strong support: 32.20%
- Mild support: 2.10%
- Objection: 6.20%
- No Statement/data: 56.50%
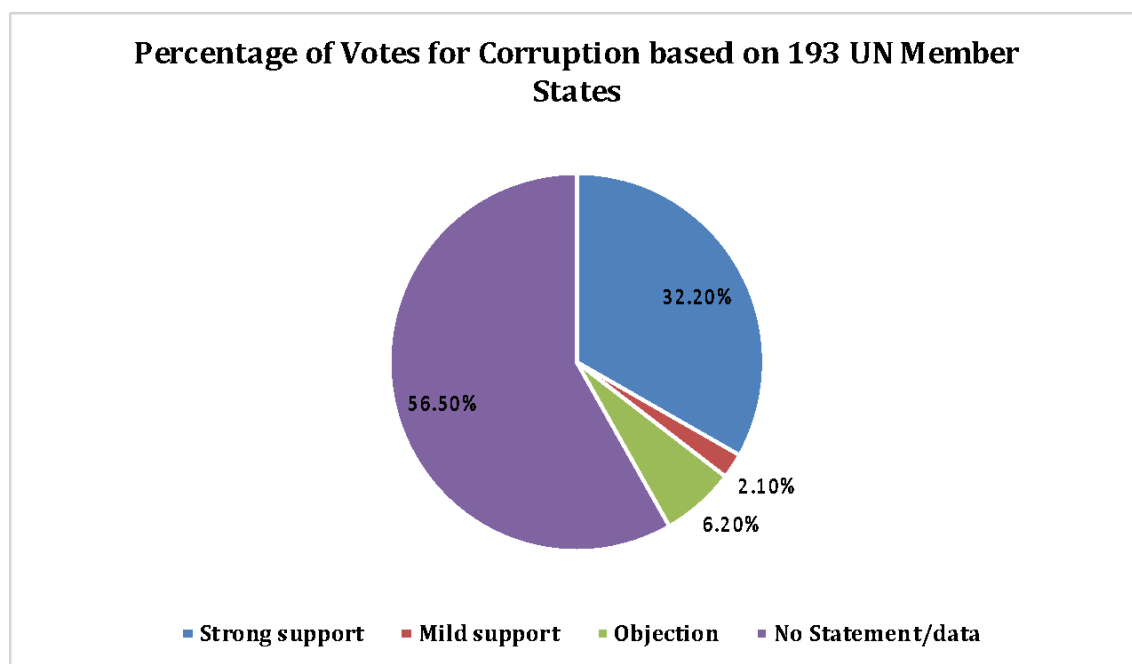
Based on ATT Mapping Database data.

Additionally, Parker also stressed that 'from a practical point of view, it has been commented that the fact that the value of arms is not required to be reported to the UN Register (or under the EU Common Position on Arms Exports or Wassenaar Arrangement) allows incentives, commissions or bribes to be disguised'. She added: 'this has implications for the reporting mechanisms adopted by an ATT' (Parker, 2008: 35). In this context, transparency, reporting, and verification was opposed to by the majority of MENA states and others that opposed corruption. Deepayan Basu Ray and Tobias Bock noted that 'in many countries, defence procurement accounts for a significant share of public procurement expenditure. [However,] the need to protect national security may in some cases genuinely limit the extent to which procurement systems can be transparent and open to security' (ATTM 4.4, 2012: 5).

Thus, security and political factors were intrinsically linked with opposition to some related criteria. The moral applicability is sometimes eclipsed by the other norms associated with human behaviour, such as survival, meaning that even 'internalised' norms does not mean they will be widely accepted

in emerging processes.

5.5.3 Social and Institutional Factors

One of the many factors that influenced some states to support provisions that may inhibit their ability to acquire defence goods, were regional and international norms, as well as and sanctions in place, and regional common positions. Most states that were under an UN or EU arms embargo were also supporting strong export criteria (Appendix H). For example, Central African Ministers, supported by UNREC, adopted the "Sao Tomé Declaration on a Central African Common Position on the [ATT]", which included strong commitments to ensure that human rights criteria were included in the Treaty (UNSAC, 2011; UNODA, 2011). UNREC also assisted ECOWAS Member States in the drafting of a common position and also contributed to the drafting of the African Union common position on the ATT (UNODA, 2011).

Many states that were under a UN and EU arms embargoes also supported strong human rights criteria. These were Ivory Coast, South Sudan, Eritrea, DRC, Central African Republic (from December 2013), Liberia, Rwanda and Guinea (EU, lifted in 2014). There are other states that could potentially be denied licenses under proposed corruption criteria, mostly in sub-Saharan Africa, South-East Asia and Oceania, that supported it. There are multiple reasons why they may take this position, and many states also supported 'objective' and 'transparent' risk assessments (Joseph, 2013: 101). It may be related to other sections of the Treaty, such as the diversion section (Article 11). In terms of the negotiation context, seeing that many African delegates were trying to persuade China and others to support strong criteria and 7+1+1, this strategy position was used to influence the latter to compromise. This could have been a direct or indirect strategy not specific to arms control matters, but to diffuse the idea of 'collective security'. Due to China and other sceptics' interest in stability in Africa, resource-rich states had a unique negotiating position. Additionally, since the criteria involved risk of diversion involving SALW, supporting the criteria was part of a wider package for affected states. Affected states' position regarding strong export criteria and weapons listed was therefore "a means to an end" in that it helped to achieve the wider aim of state building, handing more responsibility to exporters in preventing diversions, and achieving wider institutional and regional priorities.

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The negotiations also saw states, notably in the ECOWAS region, with extreme levels of corruption and development needs, collectively supporting criteria related with these two issues (See for interest Appendix I). Strong references referring to socio-economic development was part of the ECOWAS Common Position. Corruption, however, was not explicitly referred to in this common position, therefore some states may have been persuaded in other ways. States that are parties to regional norms with strong developmental considerations (apart from Djibouti) such as the ECOWAS Convention on SALW and their ammunition, and other related materials (2006), and The Best Practice Guidelines for the Implementation of the Nairobi Protocol on SALW (2004), strongly supported SED provisions and criteria. No states that were part of the EU Common Position on Arms Exports (2008) were against the inclusion of development criteria.

Only a small number of states that were against or sceptical of developmental considerations were parties to The Wassenaar Arrangement Best Practice Guidelines for SALW (2002), the OSCE's Principles Governing Conventional International Arms Transfers (1993) and Document on SALW (2000), all of which were supposed to take into account developmental impacts of arms transfers (Ray and Thorsen, 2011). These were Argentina, Canada, USA and Russia (see for example Russia, 2012). Those that follow at least one of these instruments, but did not make any statement, were Uzbekistan, Tajikistan, Kyrgyzstan and Azerbaijan. This would suggest that socialisation of developmental norms may have anchored the majority of states to support it in the Treaty.

As for GBV provisions, many states that could potentially be denied a license on these grounds were strongly supportive of its inclusion. Existing national, regional and international initiatives could have been factors. Among the Council resolutions, UN Millennium Development Goals, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and other norms with gender-based language such as the Cartagena Action Plan, of which many states with high levels of sexual violence in conflict supported. Arms embargoes are also significant here. Those with significant risks of sexual violence, including Ivory Coast, Central African Republic (from 2013), Democratic Republic of Congo, Sudan, Zimbabwe (EU arms embargo) and Somalia are under multilateral arms embargoes. Some affected states' support for GBV criteria was such because it may not have served as

a major compromise since it is implicitly covered under relevant criteria under IHL. GBV criteria could be seen as mainstreaming gender provisions rather than having distinguishable applicability in comparison with IHL law in the first tier of export assessments, and therefore, a 'headline' norm that funnels attention and praise to its advocates.

There are a number of reasons based on literatures concerned with multilateral negotiation processes that help to interpret the negotiation positions of affected states. Resource restraints and with small delegation teams means that establishing large coalitions allows small states to increase their bargaining leverage, and in that process, concede some of their individual positions. Establishing coalitions and collective strategy for the sake of simplifying and facilitating bargaining processes was considered the responsible strategy given their wider desire to improve their economic and security welfare, and because the many incompatibilities in interests and rival states' desire to limit the humanitarian objective of the Treaty. Additionally, when the goals and objectives of the Treaty switched to being a 'trade regulation' treaty from a more 'humanitarian' focussed one, it meant that negotiating positions of affected states became stronger and solidified on supporting provisions consistent with human rights and other obligations.

The ATT process could also be seen as precipitating from a 'crisis' for many states (Hampson and Hart, 1995). In this context, the consistent modification of the treaty to serve commercial and strategic interest would have certainly antagonised some violence-affected states. Since the bargaining power of affected states was low in comparison with major exporters and importers, collectively calling for strong criteria, under the institutional circumstances, would balance out the goals and objectives of the treaty to be concerned with human rights principles. In this way, affected states may have tried to advance all possible arguments, even if the voting-based risks were somewhat high, in favour of having provisions that could affect their security.

Many affected states that worked closely with EU states which had economic interests in the treaty also saw joint gains in supporting strong export criteria (Hampson and Hart, 1995). The ATT process in this context was a sort of integrate crisis in that it enhanced 'perception that potential costs to all parties can only be reduced or eliminated via cooperative measures and solutions' (1995: 35). Such

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'crises' can, as Hart and Hampson argue, 'encourage parties to define a problem as a common concern when the nature of the problem permits solutions that benefit all parties or when the gains of one party do not represent equal sacrifices by others' (ibid).

Many affected states may have been caught up in the coalition or regional strategies. This meant that they had to deny formal and informal pressures by 'sceptical' states in order to compromise, and perhaps also support provisions that they would not support individually. For example, Hampson and Hart argue that coalitions held down by common principles can be 'unwieldy entities' and 'inflexible negotiators' where, after having developed a common position, 'a coalition may be reluctant to change or modify it, since doing so may lead to conflict within the coalition' and leading to its breakup (1995: 30). This 'toughness dilemma' (Zartman, 1988 in ibid), with hindsight, and even with the removal of explicit references to SED and corruption criteria, could have led to some sceptical states abstaining or blocking both July and March DipCons. Affected states' support could also simply be for practical reasons: since they already acquired arms from states with already strong export licensing processes, the risks of supporting the norm was low.

Additionally, since many developed and middle-power 'progressive' states were taking leadership positions on some elements, some states that did not have stern positions on treaty elements followed what was deemed to be in their national or regional interest. Dubey (in Lall, ed., 1985: 161) argues that there is an educating process that 'goes on in multilateral groups is an important aid to the formulations of […] positions'. Dubey argues that a country can 'formulate its position, basically, in the light of its perception of national, regional, and wider group interests involved in the negotiating issue. Very few countries are immediately able to see the regional or general interests to be articulated and safeguarded in the negotiating process. The vast majority of them come unprepared to the negotiating table, quite willing to be guided by, and to cooperate with, those who happen to know better' (ibid: 161-162). It could also be argued that if states do not have strong interest in the Treaty, they may follow the preferences of the winning negotiators, or the most progressive or benevolent. Joseph also highlights the importance of individuals in strengthening region negotiating positions. He writes that the engagement of the political executive of some CARICOM states added political importance to the cause, and political leadership, both inside the negotiations and outside, 'helped offset power

asymmetries and provided delegates with greater confidence' (2013: 102).

There are other social factors potentially influencing the positions of affected states. Because Australia was funding the attendance of 50 states, this also reflected, to some degree, some financial influences in their decision-making, and the preservation of those positions. For example, 14 of these states were from CARICOM who were strong supporters of a strong treaty (Bolton and James, 2014: 7). Joseph reflected that this funding 'raised the issue of state neutrality, donor pressure and independence' but'[f]ortunately, as a like-minded state, Australia shared similar and coherent positons on the ATT with CARICOM' (2013: 97). Based on previous accounts of multilateral negotiations, other informal, behind-the-scenes deals relating to trade, aid dependence, or security issues may influence the positions of some states. For example, 30 per cent of British official development assistance in 2010 was directed towards fragile and conflict-affect states (Abrahamsen, 2013: 6), suggesting that this argument carries some weight. NGOs may have had some influence in formulating preferences of conflict-affected states. NGOs in the West African region, for example, have also carried out numerous disarmament, demobilisation and destruction programmes (Florquin and Berman, ed., 2005: 338). Since there were high levels of NGO activity inside and outside the negotiations, and with some acting as delegates, NGO persuasion may also be a major factor.

Relating more closely to Finnemore and Sikkink's ideas about conformity and esteem, sanctioned states may support the inclusion of strong export criteria because they might welcome this as an opportunity to improve their image as 'violators' both domestically and internationally. Government legitimacy in fragile countries is more pronounced than in countries that have the capacity and structures to protect its population. Numerous anti-corruption initiatives have been part of the political agendas of West African states (Florquin and Berman, ed., 2005), and corruption and socio-economic issues are seen as drivers of unrest and conflict. Support for these provisions could have been a trade-off to increase capacity to lower the potential for illicit trafficking of weapons that is contributing to insecurity in their countries. It is handing further responsibility to exporters dealing with the potential that weapons would diverted to non-state actors that may have formulated positions of affected states. More inwardly, support for development criteria was seen as promoting better decision-making at the national level 'to ensure that decisions on arms procurements reflect the

interests of a country by taking into consideration development needs' (ISS, 2009: 5). Support for norms may also be seen as providing 'pathways' out of state fragility, and part of their keenness to address the 'underlying drivers of fragility that they face', such as socio-economic development, non-state actor crime and insecurity (Greene and Penetrante, 2012: 139; see also Florquin and Berman, eds, 2005: xiv).

Nevertheless, many states that are parties to international and regional instruments concerning the proposed criteria were opposing or making no statements on these subjects. For example, a small number of ratified states to the OECD made no public statements about corruption during the negotiations, and a large number of South and Central American states that were parties to IACAC also made no public statement (Department of International Law, 2014). More significantly, the vast majority of those states that did not make any statement about corruption were also parties to the UNCAC. This would suggest that existing political instruments on corruption were largely unsuccessful in influencing the preferences of those states that had signed. Many of these states also have high levels of defence corruption and corruption perceptions (see Appendix J).

Another factor emphasised by Dubey is much more complex. He writes that if an 'issue is so politically sensitive and a country does not want to adopt an open and categorical position on it', the delegates capitol may ask them 'to resist the temptation of playing a leadership and a too active role and to get his national positions reflected through other delegates who do not suffer from the same constraints'. He continues: 'When the issue is politically so sensitive that even canvassing for support with other delegates is likely to have an adverse effect on bilateral relations, then the delegate is asked to keep quiet and wait for others to do his job, and if others do not oblige, then to reconcile to a measure of erosion in the known position of his country on the negotiating issue' (in Lall, ed., 1985: 161-162). Connected with legitimacy and esteem arguments, states not making statements on provisions that include sensitive topics may have been employing the "silence procedure" tactic to avoid confrontations during large discussions and escape unnecessary media coverage (Sidhu, 2007).

Other institutionalised norms also took precedence over 'moral' norms. For example, despite the US having national control systems considering the human rights impact of an arms license, they did not

strongly support these provisions in the ATT process. Similar to many affected states, numerous 'UN resolutions on disarmament reflect that states can pursue their legitimate security interests – including arms transfers – based on the principle of undiminished security' (ATTM 1.3, 2011: 5-6). Countering 'progressive' arguments that the ATT should be based on existing humanitarian norms, Article 51 was also frequently cited by major importers.

Opposition to certain provisions was also reflective of intrinsic values and beliefs. The Holy See's and other states' opposition to GBV provisions were reflective of religious interpretations, and these states did not want gender conceptions entering mainstream international discourse. Onwutuebe, for example, argues that 'Christian and Islamic leaders have [...] espoused teaching and dogma that declared women as minors in the spheres of religion, politics and governance, economic ownership, and socio-economic matters. These forms of religious interpretations often reiterate certain portions of religious texts while ignoring other areas in a bid to sustain the institution of patriarchy' (2012: Abstract). That is not to say that secular societies are not patriarchal, but that some non-secular states view "gender" wording in international law as a threat. For example, the UN resolution regarding sexual orientation and gender identity became part of a document-bill that was thought to 'limit the freedom of the Church' (*Vatican Insider,* 2011). States affected by GBV in armed conflict generally opposed or made no public statement about gender provisions in the treaty, perhaps out of fear of attracting domestic or media interest. In addition, for some states, it was also in conflict with the core values of the governing ideology. These examples show how ideology and culture plays into state identity and preference formation.

5.6 Conclusions

The first aim of this chapter was to investigate the role norms play in political change, measuring how institutionalised norms shaped the preferences of states and the ATT. It found that recent and concurrent work on the PoA and the long-established UN Register list of weapons provided a basis (or a "floor") to negotiate, and therefore carried a shared assessment of its applicability to the scope and criteria. Nevertheless, many negotiators had national controls for extensive lists of weapons, going beyond military SALW and the UNR7 list was heavily disputed. While many states had existing controls for a comprehensive list of weapons and ammunition, they did not support them in the

negotiations, indicating that UN norms had greater influence on the majority of its Member States, particularly the 'sceptics'. However, economic, political and security factors may have also influenced some sceptics' positions. There were also different philosophies about what the ATT should address. Nevertheless, the majority of states supported a comprehensive list of weapons and equipment. For example, instruments such as the OSCE and EU Common Position which both include technology transfers, while being different in terms of decision-making, generally shaped how technology owners supported its inclusion. Many Western states were interested in levelling the playing field. Therefore, this distorts our understanding in relation to how such norms affect state behaviour.

Human rights, IHL norms and existing well-defined export criteria in many national and regional controls, meant that these were widely supported by many states in the negotiations. Regarding corruption, however, based on objections and no-statements/data of many of those that have signed and ratified international and regional norms, the findings suggest that existing political instruments about corruption were largely unsuccessful in influencing the preferences of some states. While corruption is prevalent and widely documented in the arms trade, translating it into risk assessment criteria was sensitive, and since there was not the same degree of enthusiasm on the part of states for its inclusion, it was removed from the text. While existing in national and regional norms, and being supported by many states that took into account the development needs of recipient states under these regimes, SED criteria were also removed from the criteria. Other norms relating to SED, such as those under the UN Charter, took precedence over the impact arms in these areas. Resistance to the latter parameters shows that while norms are internalised, they will not automatically be accepted in other emerging norms without being wholly convinced of the frames.

Higher responsibilities handed to exporters in the Chair's texts added further to the anxieties of SED-sceptics, which were largely major importers. The indication that internalised norms affect state behaviour, therefore, has some flaws. Since there were many agendas being managed within a short time, negotiating energy from many supporters of strong criteria was focussed on other norms deemed more critical, thus drifting attention away from corruption and SED criteria. Additionally, one cannot fully determine if ratification of some norms signify or "reconstitute" change in behaviour if states are supporting norms for economic reasons. Intrinsic values and beliefs, though not

institutionalised as an instrument, but rather connected to religious conceptions of patriarchy, formulated the position of some members that disagreed with 'gender' provisions for instance. Norms associated with survival as eclipsed the moral and obligatory applicability of some provisions.

The second aim of this chapter was to identify some of the economic, security and political factors influencing states negotiating positions. All of these factors are interrelated, and they do not portray the national interests of all states, but reveals trends that could be useful for further research. The most notable findings in this chapter indicate that reliance on imports of ammunition and parts and components shaped many sceptics of the latter, and, with the US economic and security ambitions, succeed in influencing the Chair to have these controlled under a 'second tier' of export assessment. For similar reasons, many of the highest technology acquirers objected to its inclusion.

Many significant producers of ammunition were only mildly supportive or overtly objected to its inclusion. In some cases, objectors to ammunition were from both the suppliers and their major purchasers, and this is especially supported in discussions around human rights and IHL, where the same states were against "politicised" provisions. Many objectors were concerned that the proposed export criteria for these weapons would obstruct their ability to acquire certain defence goods. During the Arab Spring, controls for many weapons would further solidify these positions. On the contrary, most of the major exporters of ammunition, the vast majority European, supported its inclusion in the scope. Framing SALW and other weapons as 'useless' without ammunition was also influential in terms of formulating positions.

The dynamics of the negotiations also formulated states positions. The exemption of commercial SALW and critical debate on the inclusion of ammunition was due to US resistance to their inclusion. Influenced by domestic gun groups during election times, this was in many ways a no-go area for many states, and thus a "hostage-taking" tactic on the part of the US. Many 'sceptics' followed behind the US position. For example, Egypt, China and Iran were "waiting for Godot," arguing that SALW should was better approached through the PoA. Tactically, opposition to SALW could be regarded as a fake position. It was opposed so that it would pressure 'all-encompassing' states to concede on extensive weapons coverage. This proved to be an effective strategy.

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Additionally, arguments about a 'humanitarian' treaty verses a purely 'trade' treaty, as well as dilemmas associated with how the treaty might infringe upon the security of importing states, had a "quick sand" effect on some norms in favour of the sceptics. To add salt to the wound of states calling for a 'humanitarian' treaty, the major sceptics later stated that they would accept the Chair's text at the end of the March negotiations, which included relatively strong criteria, and ammunition in the second tier. This would perhaps indicate that concession trading had worked in their favour.

Other themes that emerge from this chapter are that many states (which were very vocal on other provisions) remained quiet about their positions. They may have employed the 'slipstreaming' or 'silence procedure' tactic of concealing their preferences behind the positions of other states to avoid ridicule. Additionally, a number of states were purposefully wasting negotiating time, asking for definitions, not making their positions known in adequate time, and making statements that did not offer solutions. Overall, a comparably small number of states were influential in reducing coverage of the scope and having corruption and development omitted, which recapitulates arguments about power inequalities under the consensus rules.

Not all states at risk of being denied licenses on provisional export assessments were opposed to the above provisions. This could be connected with domestic legitimacy arguments made by Finnemore and Sikkink, arguing that governments might support progressive ideas if their position of power is being threatened, especially if they are under an arms embargo. Image and self-esteem could therefore be a factor influencing affected states positions. Shared moral assessments of norms, such as gender-based violence, also formulated the positions of many states. In this context, there are ongoing arguments that many multilateral and unilateral embargoes are ineffective. However, the evidence in this chapter suggests that more states under a multilateral arms embargo supported human rights and IHL criteria than those that objected or made no statement. While only rhetorical assertions, this relates to Finnemore and Sikkink's self-esteem argument, but also, more generally, the social effects that sanctions have on sanctioned states.

Thus, state behaviour was conditioned by negotiating tactics and alliance formations. States held

diverse social, economic, security conceptions and political aspirations. However, by finding common ground on some areas of the text, many states were willing to support norms that may hinder the utility function. The forming of social groups of delegates, therefore, distorts our understanding about changed behaviour and the impact of framing. This is because, states may feel pressured to support provisions in order to counter to demands of their rivals during the bargaining process. States may therefore reconfigure preferences not because they support the norm, but because they are pressured to do so.

In summary, what this chapter has tested is the suggestion that internalised norms shape state behaviour or preferences, as indicated in particular by Finnemore and Sikkink. The chapter found that in most cases, this is true. States are looking for certain gains in the negotiations, and, because of the bargaining dynamics, it is difficult to really be certain if norms do make a difference in world politics. This is where this chapter makes a contribution to knowledge in norm evolution debates.

CHAPTER 6

Contagion, Peer Pressure and Trade-offs

6.1 Introduction

The aim of this chapter is to identify changes in state preferences on certain provisions and the ATT, and link the possible social, institutional and time-contextual factors with these changes. It addresses Finnemore and Sikkink's question about what motivates states opposed to norms to eventually adhere to, and adhere quickly? (1998: 902). Specifically, sections 6.2 and 6.3 aim to identify changes in state preference to ATT provisions, finding that social, institutional and time-contextual factors influenced some preference changes, including the chairs decision to delete corruption and development provisions from the criteria. Section 6.4 aims to explore how regional networks and voting blocs influenced the preference formation of members. Section 6.5 specifically aims to understand how formal and informal events and other factors influence states to support the ATT, contributing to Finnemore and Sikkink's tipping point claims. The conclusions section (6.6.) expands the arguments in line with the theory. Overall, this chapter based on the secondary research question concerned with state socialisation, questioning whether states conformance is linked to behavioural change or social pressures.

6.2 Scope

This section identifies some changes in state support for small arms and light weapons, other conventional weapons, and ammunition. The overall conclusions for this section are addressed in section 6.6.

6.2.1 Small arms and light weapons (SALW)

Analysis of the monitoring documents showed that there were less states openly calling for the inclusion of SALW at the initial stages than there were in submissions in 2007. Support for SALW nevertheless increased after a number of regional organisations adopted common positions on the treaty, which coincidentally pressured other states at the regional level. The adjacent claims relating to the consequences of SALW on human rights and socio-economic development, as well as concurrent PoA discussions, added to the increase in support for SALW.

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Noticeable pressures came following US red lines before the negotiations, EU states were backtracking on calling for the broadest range of military and non-military SALW (See for example European Union, 2012). This was also likely due to pressure exerted on the UK and France within the P5, which were calling for individual national control lists. Sweden also appeared to be interested in keeping non-military SALW out of the treaty. Despite being affiliated with a collective statement from the EU, Denmark advocated for non-military weapons, and later the EU would bounce back in support for including all SALW (military and non-military) (Denmark, 2012). Chile, Columbia, El Salvador, Guatemala, Mexico, Peru, Uruguay and others, too, jumped onto the bandwagon to support military and non-military SALW (see Bahamas et at, 2012). It was notable that EU states were pressured to support a comprehensive scope through common regional positions. Nevertheless, regional statements calling for the addition of non-military weapons was limited. Ethiopia and Indonesia, perhaps after China agreed to support military SALW, and changed their opposition to its inclusion. China and India stated that they 'might agree to the inclusion of SALW in the scope [...] if their concerns in other areas were met' (Bromley, 2013: 6). India, nevertheless, would revert to objecting to SALW in the final stages of the July negotiations, and China would abstain.

When cross referencing states which mildly supported or opposed SALW, but eventually voted 'yes' to the Treaty, trade-offs were being made as a way of accepting the remaining elements. All states that mildly supported the inclusion of SALW in the treaty (ASEAN states and Israel) eventually voted 'yes' at the UN General Assembly in April. Of the six states that objected to its inclusion, Ethiopia, initially sceptical though later changing their mind, was the only 'sceptic' to eventually vote in favour in 2013. Turkmenistan, which did not make any statement, eventually voted in favour in 2013. As noted above, China were willing to support SALW due to pressure exerted by African states, but abstained from the Treaty. Overall, this shows that sacrificing support for commercial SALW was necessary to ensure a 'yes' vote for the USA, and all 'mildly supportive' states. Despite some states deviating from network preferences, this trade-off was influenced by the EU and many South American states. The delegates and the chairs nevertheless failed to convince opposing states to support SALW, and a treaty that included these.

6.2.2 Other Conventional Weapons (OCW)

"Contagious" effects in support for OCW are more difficult to observe given the many variables under discussion. Regarding all weapons in the scope, the findings indicate that Canada appeared to support more provisions as the treaty evolved, following the US in their position on SALW and ammunition. Ethiopia changed their position dramatically on OCW, SALW and ammunition. Djbouti also changed their minds from generally opposing to supporting some areas of the scope, and also human rights wording later in the negotiations. Japan were recently outspoken about the treaty covering only UNR7. But they changed their position later in the July negotiations, supporting 7+1. The Japanese delegation then backtracked on calling for SALW, and hence back to supporting the UNR7 list. Their support in the scope then changed, expanding further when they joined in group statements calling for ammunition and P+C (7+1+1+1). It is unclear why they changed their mind. Expansion of the scope might have prompted them to accept SALW at a minimum to avoid ridicule. Their fluctuating preferences, though, appeared to change in rhythm with general regional preferences (ASEAN), their alliances (USA) and their "foes" (China, South Korea). They were also considering lifting their constitutional ban on arms exports.

During the PrepCom meetings, it was visible to see that, like SALW, most of EU states were backtracking on some of their preferences during the Arab Spring. Many influential importers and exporters, such as those in the EU, China, India, the USA, and Brazil would ensure that going beyond having SALW, ammunition, and parts and components would be very unlikely. Other influential states such as Indonesia and Japan (the latter at this time not wanting to go beyond the UNR7 list) would aid the 'sceptical' states in narrowing down the scope of weapons covered.

Some states would consequentially abandon calls for other elements in the scope. ECOWAS, for example, joined a large group of progressive states at the March DipCon in calling for the inclusion of parts and components and explicit references to technologies (Bolton and Zwijnenburg, 2013). In spite of this, in statements to follow, ECOWAS would not include technology in their calls. Norway, which was initially supportive of expanding the scope as far as possible, also abandoned these calls, likely due to the need to compromise at the final stages of the DipCons.

Of the sixteen states that mildly supported OCW, only Pakistan, Thailand and Singapore in this list eventually voted for the treaty. Of the twenty-eight states which objected to the inclusion of OCW, Bahrain, Brazil, Djibouti, Ethiopia, Iraq, Jordan, Lebanon, Libya, Malaysia, Morocco, Somalia, Tunisia, and the UAE eventually voted for the treaty. This is less than half the number of those objecting. Overall, this shows that the despite the treaty only covering the UNR7 list and parts and components, it was not enough to sway many sceptics to support the treaty. However, partial coverage of parts and components in the treaty likely influenced the above-listed states to support the treaty.

6.2.3 Ammunition

Approximately 41 states were openly calling for ammunition to be included during the PrepCom meetings, much less that in states submissions in 2007/2008. Australia and New Zealand both supported ammunition in their submissions in 2007, although they seemed to acknowledge the problem concerned with reporting, particularly for smaller states, and therefore preferred to have it with fewer restrictions. In reaction to some states attempts to weaken many provisions in the treaty, support for ammunition increased to 74 states.

Some of the most repudiating compromises were being made at the final hurdles of the July negotiations due to the consensus rules. Australia, the UK, and others appeared to be becoming pacified by the absence of ammunition fully in the scope. More profoundly, the EU and CARICOM were not making regional statements – as they were before – for the inclusion of ammunition fully in the scope, with the exception of some individual member states. Brazil and Japan, however, both previous objectors to including anything beyond the UNR7, jumped on to the bandwagon in support of ammunition. Germany, the UK, and France – previously quiet on the issue – bounced back in support for ammunition in the first tier of assessments, likely triggering EU and ECOWAS support. These were all part of a 69-country statement before discussions commenced on ammunition in the closing days. This was less than a previous 74-country statement in support for ammunition, which was due to the need to make compromises in order to get the US on board in support for the vote.

Now in a less stringent part of the scope during the March negotiations, only 30 states expressed dissatisfaction with this. Ammunition in the text would hardly change throughout the March

negotiations. Many delegations, even strict sceptics to ammunition, acknowledged improvements to the overall text. However, 103 state delegates collectively expressed dissatisfaction, giving a statement calling for ammunition to fully integrated. The EU, CARICOM, and the PIF were part of this statement. Nevertheless, Germany and the Netherlands changed their mind, saying that having them in the second tier was now acceptable. A number of governments made a final attempt to persuade the chair to have ammunition in the first tier. Supportive regional organisations and a large number of influential states did not include themselves in these final statements.

Russia, Israel, China, and Canada generally did not want full coverage of ammunition included in the treaty. Despite modifications made by the chairs to have ammunition partially covered in the treaty, only Canada eventually supported the treaty. Out of fifteen states which objected to the inclusion of ammunition throughout the treaty-making process, only Pakistan, Philippines, Singapore, and USA eventually agreed to the treaty. Three states did not make statements for the inclusion of ammunition. Bolivia, however, eventually supported to treaty in 2013. Overall, it was necessary to have only partial coverage of ammunition to secure a 'yes' vote from the USA and other major importers. This was only a partial victory for NGOs and progressive states, as many influential exporters and importers were not satisfied that this addressed their concerns.

The US compromise, however, was part of a wider settlement for the inclusion of ammunition. Inf.A argued for example that many of the red lines made by states were political bluff and posturing. He used the example of the US opposition to ammunition, against the EU's red line that ammunition must be 'in'. He said in this scenario that 'you have two […] red line issues that were unsolvable because […] one was saying categorically it won't be in, and one saying categorically, it will be in, otherwise they are going to walk away from this entire process'. He stressed that the US 'was a fake red line because [they] have to say no for domestic, political reasons, but they were open to finding an accommodating solution...they were taking the floor and saying that [it] *will never go in*. But what they actually meant were '*we need to find another way to deal with this problem, it has to be fixed... we can support having it in a separate article that gives it the same obligation, but just not subject to certain things like full reporting because that is what we can't have*'. Inf.A added that red lines were therefore subjective, and sometimes they can become meaningless and lose purpose in what red line-holder is trying to do.

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6.3 Parameters

This section identifies some changes in state support for human rights, international humanitarian law, corruption, socio-economic development, and gender-based violence. The overall conclusions for this section are addressed in section 6.6.

6.3.1 Human rights and international humanitarian law (IHL)

Increasing state support for criteria relating to human rights and IHL can be attributed to simple textual suggestions or the criteria's application to weapons covered. The most notable shift in support for human rights was Viet Nam, initially sceptical, and then later strongly supportive. The UK and France, negotiating with both the P5 states and the 'progressive' states (see China et al, 2011), were vacillating between strong and lighter wording in risk assessment processes. Many EU states remained relatively quiet in opposing the weakening of human rights and IHL provisions at the final stages of the July DipCon, and were relatively passive in other changes made in the preamble and criteria. Therefore, time pressures and multiple negotiating positions saw consistent arguments and counterarguments about coverage of human rights and IHL criteria.

With regards to wording that would clearly define the basis of licensing or denying a transfer, the initial 11 states that were calling for "substantial risk" (as opposed to "overriding risk") language, 8 more would join them. Along with 6 UN agencies, towards the end of the March negotiations, an additional 10 states (approximately) would join in the call for "substantial." It was also noted that Norway and Switzerland's proposal for the improvement to cover war crimes more comprehensively and effectively received support from 25 states. After little changes were made from this proposal, support increased to approximately 67 states.

All states which mildly supported the inclusion of human rights (Brazil, Kazakhstan and USA) eventually supported the treaty. Thirty-four states objected to its inclusion. Of those, Algeria, Bahrain, Djibouti, Iraq, Jordan, Lebanon, Morocco, Pakistan, Singapore, Somalia, Thailand, Tunisia and UAE eventually supported the Treaty. Two states which mildly supported the inclusion of International Humanitarian Law – Brazil and USA – eventually voted in favour for the treaty. Fifteen states objected

to its inclusion, but of those, Algeria, Pakistan, Singapore and Thailand eventually voted in favour for the treaty. Overall, despite a relatively large coalition calling for "substantial risks", the inclusion of the "overriding" option in the treaty was perhaps necessary to increase the likelihood of US and many other importers voting 'yes' at the General Assembly in April 2013. However, it did not rest the minds of those that could potentially be denied licenses on human rights grounds.

6.3.2 Corruption

Support for anti-corruption provisions was comparatively low compared to other elements explored here, but this gained support though regional organisations. From the initial 13 states calling for corruption to be included in the treaty in 2007, at the third PrepCom, the EU and accession states, plus Bangladesh, Costa Rica, and Switzerland brought the number of supporters up to approximately 38 states. As noted earlier, states that were affiliated or applying for EU membership may have been pressured by the latter to support corruption provisions (see European Union, 2011). Following calls from investors (see corruption section in chapter 5), support for anti-corruption provisions trickled upwards, eventually having explicit support by 68 states towards the end of the negotiations.

Analysing trade-offs between opposition and votes are less significant considering that explicit coverage of corruption issues in the criteria were deleted. Canada, USA, and Brazil all 'mildly supported' the inclusion of corruption, but voted 'yes' to the treaty. Of the twelve states which objected, Argentina, Malaysia and Singapore eventually voted for the treaty. Many states that made no public statement about corruption voted for the treaty. Therefore, the chair was partially influential in getting these three states to support the Treaty by removing corruption, but nevertheless unsuccessful in achieving consensus among the many that objected to its inclusion.

6.3.3 Socio-economic development (SED)

Changes in states' preferences regarding SED fluctuated between textual changes and its relation to weapons covered in the scope. Many of the aforementioned states in the corruption section were against socio-economic criteria. In comparison with low submissions calling for SED in the 2007, support for its inclusion in the treaty increased almost tenfold. EU states were fragmented in their support for SED criteria, although they acted together in response to it being moved to the so-called

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'second tier' during the July negotiations. Like corruption, there was relatively little active opposition to it being removed from the text in March 2013. This was due to it being take away at the later stages of the negotiations, and therefore there was not sufficient time to call for its return to the text.

Anomalous among many states under study, Somalia had two very contradictory positions of SED at different stages. It is unclear why this was the case, but could be related to pressure within regional blocs, with the Arab Group being largely sceptical of criteria and the Africa Group being generally supportive of provisions that related with states' wider development goals. Like corruption, development criteria were removed in Woolcott's paper. Twelve states that mildly supported the inclusion of SED in the treaty criteria, only three (Malaysia, Canada and USA) eventually voted for the treaty in 2013. Of the thirty-one states that objected, only ten (Morocco, Algeria, Tunisia, Mauritania, Libya, Iraq, Pakistan, Brazil, Argentina and Thailand) eventually voted in favour for the treaty. These results show that, for the deletion of corruption and SED, this was partially influential in getting Canada, the USA, and many sceptics, particularly Malaysia, Thailand, Argentina, Brazil, and some MENA states, to vote yes.

6.3.4 Gender-based violence (GBV)

Some state delegates were reluctant to recognise links made between gender and armed violence, with some preferring to promote criteria relating only to risk of violence against women and children. CARICOM and others initially made similar statements to the Holy See in framing the issue as women and children as being particularly vulnerable, and not seen by others as a wider gender issue. Later, in the July negotiations, some members of CARICOM and initial sceptics such as Uganda and Tanzania were calling for GBV in the criterion in regional statements, or in mixed-country joint statements. Egypt, one of the most vocal critics to any criterion, were against the inclusion of GBV language, but joined an African Union statement calling the "violence against women" in the criteria. Egypt, however, remained opposed to any criterion.

Following the chair's first mention of gender considerations in the preamble at the start of the July negotiations, a number of governments jumped onto the bandwagon in support for gender provisions in different parts of the treaty (see Appendix K: Building Support and Opposition to GBV Provisions).

The UK and Spain initially made statements in support of having it in the criteria at the PrepComs, but appeared quieter when the July DipCon began.

Following anti-gender violence language in the chair's papers, Italy, Belgium, and Portugal appeared to be convinced of (or obliged to support) the claims, and joined other supporters in calling for GBV in the criteria (see ATTM, 6.8, 2013). After the failed July negotiations, members from the ECOWAS held a meeting and agreed to push for gender-specific language, but this would not reflect in their respective statements in March 2013. This was a possible compromise in order to reach consensus. The delegates of the EU and other regional organisations were still fragmented in their preferences. Nevertheless, support by European states was increasing. The UK, Denmark, and Finland were particularly vocal about strengthening language on GBV at the start of the March negotiations, followed by five more states, making 36 explicit expressions of support (see Denmark, 2013; Finland, 2013; United Kingdom, 2013). This would jump dramatically to 91.

Anna Macdonald explained the reasons for this sudden jump. She noted 'that the same countries that pushed for an outcome document in the just-concluded 57th session on the Commission on the Status of Women – which focused on ending violence against women and girls – continued pushing for [GBV] to be addressed in the ATT' (IPS, 2013). Thus, the time-context was crucial to the increasing popularity of the norm. This increased again to 96 states and then 110 in the final stages of the March negotiations. Unfortunately, these states are not specified in the monitoring documents, but they were likely to be states that were initially quiet on the issue rather than actively opposed to gender provisions. This included a large number of African and European states and Mexico, among others. This was enough to see GBV as a criterion for the second tier of weapons covered in the scope. Overall, of the seven states which mildly supported GBV, Algeria, Cambodia, UAE, and the USA eventually voted in favour for the treaty. Canada did not make any explicit statement about the inclusion of GBV, however, still voted for the treaty. Of the three states that objected to its inclusion, Pakistan eventually voted in favour.

The Holy See are not recorded in the ATT Mapping Database, but were regarded as being strongly supportive of the outcome despite it containing explicit references to gender violence. Inf.A used the

Holy See's opposition for gender-based violence (GBV) provisions to as political posturing. He stressed that 'they didn't [want] any reference to [GBV] in the treaty', and this 'wasn't from a stand point to do with the arms trade, […] the Holy See did not want to see in international law the issue of [GBV] in any Treaty. It didn't matter if it was the ATT, it could have been any instrument in any treaty, any negotiation'. Noting that GBV found its place in the criteria, albeit not at the strength they wanted, it was nevertheless included which did not see the Holy See ditching the whole treaty process. He added: 'they still voted strongly in favour of [the ATT] and they support and advocated it as an important humanitarian instrument even though, in public, one of their red lines was crossed'. Overall, GBV is implicitly covered in articles under human rights and IHL, thus it may not have been a major compromise for some sceptics. Nevertheless, the majority of those that were sceptical to its inclusion voted 'yes' to the treaty. Being that it stands as a separate risk assessment against the weapons in the scope, this could also be a factor influencing sceptics' decisions.

6.4 Peer pressure within groups

The aim of this section is to identify how regional groups and voting blocs influenced the preferences of their member states. This involves identifying increases in state support for certain provisions between 2007 and 2013. A relatively large number of states began to support proposed provisions later in the negotiations that were initially absent from their submissions. Absent submissions on specific elements may indicate opposition or lack of acknowledgement of the problem associated with the specific provision and its relation to the arms trade. Moreover, it could emphasise a reluctance to mention the provision in question, be it for economic or security reasons. Whatever the reason, a correlation emerged between those that eventually "strongly supported" that were initially absent from their submissions and their membership, or desire for membership, to a regional organisation with a strong common position.

The majority of regional organisations met at various times during the negotiations to agree on common positions to increase their influence in negotiations. Some common positions were stronger than others. The only reliable sources to argue this claim are statistics based on states that did not include submissions for ammunition, parts and components, brokerage, human rights, and IHL in 2007. Many MENA, South Asian and South-East Asian states, the majority being sceptical to the

inclusion of these provisions, did not make submissions, and were regarded as not being part of any strong regional common position. Strong common positions were made by EU, ECOWAS, CARICOM, and PIF states, and informal positions were made by the South America Group of Friends (11 states active). The latter group were mostly active before and during the March negotiations, and agreed on a common position informally. ASEAN and the African Union could not agree on all elements to make a collective common position; therefore, member states were less likely to be pressured into changing their minds on norms they initially left out of the 2007 submissions.

There are a number of factors influencing states to support norms due to network pressure. For those wishing to apply for EU membership, for example, from the emergence of the ATT through to its adoption, a number of Eastern European states that were applying for EU membership were tagging along with EU statements (see for example: European Union, 2011a; European Union, 2012). This may have been driven by the terms of membership. Non-member states wishing membership under the Treaty on European Union (Article 49) 'lays down the conditions a candidate country must meet to become a member state', including respect for 'common values of the Member States and undertake to promote them may apply to become a member of the Union' (European Commission, 2015). Relevant to the ATT, these include 'the rule of law and respect for human rights', and under the accession (or Copenhagen) criteria, economic, administrative and institutional capacity. These are 'the essential conditions all candidate countries must satisfy to become a member state' (European Commission, 2015a). Non-EU states were in this way conforming to group pressures as a way of redefining their identities as Western states following the breakup of the Soviet Union. Keck and Sikkink in this context describe the vulnerability of target actors being a key point in terms of moral leverage, stating, for example, that countries [that] aspire to belong to a normative community of nations are more susceptible to network pressure (1998: 29 in Utnes, 2010: 48). Caroline Fehl argues in this context that in the case of export control arrangements, 'informality of clubs added an inequality *within* the club membership, because more powerful member states' – perhaps with the intention of levelling the playing field – 'are better able to interpret and use the club rules to their own advantage' (2013: 514).

The CARICOM, the ECOWAS, also holding strong regional common positions, and the African Union (consisting of both progressive and sceptics), like the EU, believed that the ATT should adopt the

7+1+1 formulation, with the former also wanting to include parts and components (Prizeman, 2012: 5; see for example Trinidad and Tobago, 2012 (on behalf of CARICOM)). CARICOM further believed that 'States must carry out in good faith the obligation to assist states that lack the capacity to implement their obligations' and '"consensus" refers broadly to the process, not the final document' (Prizeman, 2012: 5). CARICOM, along with 11 states from Latin America, worked together against the demands of the "easy-to-implement" calls of the P5. CARICOM and the Africa Group especially 'invested a lot of negotiating energy in pushing for inclusion of SALWs in the scope […] perhaps even more vigorously than they have pushed for the inclusion of ammunition' (ibid: 7). The former organisation had also recently agreed on the CARICOM Declaration on Small Arms and Light Weapons, which formulating their positions. The Pacific Island Forum wanted a comprehensive scope and criteria, but were more selective about not including civilian weapons. Discussion of allowing regional organisations to accede to the treaty would, too, have had a likely effect on regional positions.

Overall, the results indicate that of 30 states that did not mention ammunition in their submissions, 17 eventually "strongly supported", 3 "mildly supported", 5 objected, and 4 made no statements further into the negotiations. Those that strongly supported ammunition, the vast majority were part of, or generally affiliated to, the above regional organisations with strong common positions (EU: Belgium, Croatia, Cyprus, Greece, Poland, Serbia; CARICOM: Costa Rica, Trinidad and Tobago; ECOWAS: Benin Mali, Nigeria; PIF: Samoa). Those that objected were not part of a strong common position on ammunition. These were Cuba, Egypt, Indonesia and India. A similar trend appears for submissions for parts and components, human rights and IHL criteria. The latter was the most successful: of the 36 states that did not mention IHL in their submissions, 24 eventually strongly supported it as a criterion, 1 mildly, 7 objected and 4 made no statements.

Regional organisation were not only key to homogenising state preferences. There were other voting blocs that had strongly held collective positions on other provisions. The group of 77 developing countries, excluding China, were very active in pushing for the strongest rules. The Group of Arab States, ASEAN, or sometimes collectively expressed as The Non-Aligned Movement, generally argued that 'any ATT must respect the principle of sovereignty and the right to self-defence and the [PoA] remains the primary framework for addressing the illicit trade in SALWs' (Prizeman, 2012: 5). This

was a position strongly held not because of the regional pressure, but all, due to geopolitical tensions and reliance on imports, individually felt this was necessary. They were also largely in favour of a limited scope. Equally important are the 'alliances that never appear in the public view' (Sidhu, 2007: 33), and hence, there are social pressures that are uneasy to capture in this analysis. Indeed, already long institutionalised groups that were not noticeable during the negotiations – JUSCANZ, The Rio Group, Southern African Countries, The Alliance of Small Island States (AOSIS), Organisation of Islamic Conference (OIC), and others – may have brought together long cultural, historical, economic and political unity on some fronts.

Thus, in summary, regional organisations and informal groups were key to formulating the preferences of states. This ties in with arguments made by Finnemore and Sikkink about the importance of identity and belonging formulating states' decisions to adopt certain norms. But at the same time, it further obscures our understanding of changed perceptions and understandings of issues, meaning that the argument that states are socialised to change their behaviours is a too simple assumption to make.

6.5 Peer Pressure and Contagion Following the Vote

The signing and ratification process, as outlined in the literature review and methodology, has similarities with Finnemore and Sikkink's tipping point claims (Bially Mattern and Petti, 2004). Similar with the approach in sections 3.3. and 3.4 in chapter 3, in this section, it attempts to add to debates about factors influence states to sign and ratify. There are a number of themes identified that may have influenced some states to sign and ratify the Treaty. The first (1) is simply feeling obliged to support the Treaty because of previous strong support for it, and gaining attention and recognition for such; (2) it is compulsory under regional organisational membership; (3) informal and formal events adding pressure to sign, creating insiders and outsiders; (4) as a process of identity change; and (5) waiting for rival or critical states to sign. It was also the arbitrary deadline of 50 ratifications required for the treaty to enter-into-force that intensified momentum.

To further clarify on some of the themes, in recent stages before entry-into-force of other norms, ideological and domestic processes have determined whether a state chooses to support or oppose

new norms. Regime changes during the Arab Spring explain much of the reasons why some MENA states eventually signed the Treaty in 2013 and beyond, particularly when one attaches Finnemore and Sikkink's arguments about esteem issues and identity. From a geostrategic or "client relationship" perspective, relating more closely with theme v, Johnson argues that an "after you" domino effect emerges that 'means that ratification by one may make it more likely that others will follow' (in UNA-UK, 2013: 11). Applying her arguments to the dynamics of the global arms trade, China may wait for the US to ratify before they do. Pakistan, reliant on 50 percent of its imports from China, may wait for the latter (Bromley, 2013: 2). Germany may have waited for France and the UK, and India may wait for Pakistan to sign or ratify before they even consider the idea of signing and ratifying. Some analysts also argue that such acts of good deeds (signing and ratifying) are 'prompted and propelled by fear and peer pressure' (Adjibolosoo, 2006: 138). These may be related to themes 1, 2, and 3. States that feel obliged to support and take the lead on the Treaty (theme 1) are the torchbearers that would stand out as not being true to their words in they do not sign and ratify the Treaty. Other related areas concerned with network pressures have been discussed in previous chapters, and are applicable here.

Signing and ratification carry different meanings in terms of 'conformity'. Inf.A said that 'when you sign [national representatives] basically […] say that they will apply the spirit of the Treaty in good faith, you'll try to adhere to the rules even though you're not necessarily legally bound by all of the obligations'. He added that signing 'is a little bit of a "halfway house"' which is 'quite useful in situations where you think it will be difficult for a state to formally ratify it,' for example, where in the US it has to go 'through the senate and congress'. He further noted that signatures are 'really important because they've signalled that it is their intention, even if they can't legally ratify to honour what is in the Treaty.' Ratification, he added, is like saying 'I am legally honoured to play by the rules.' Thus both signing and ratification carry different meanings in terms of how a state chooses to apply itself to the ATT. While many states have to go through various domestic processes before formal ratification, there are many social factors that both compel states to adhere or refrain from adopting the ATT.

6.5.1 Signalling intention to sign

After the adoption of the treaty in April, three cases emerge where strong advocates for an ATT felt

obliged to sign; it was mandatory to sign; and informal events added pressure on states to sign. This came when the signing ceremony was signalled to start on 3 of June at the UN in New York. Reflecting the former, Trinidad and Tobago, one of the leading proponents of the ATT with CARICOM – were, on 8th May, the first country to publicly confirm that they would be signing the Treaty on 3rd of June (Control Arms, 2013ef).

On the same day, the European Council proposed a Council decision authorising all European Union Member States to sign (Control Arms, 2013eg). Catherine Ashton of the European Commission, said that 'The EU and its Member States support early signature and ratification of the [ATT], not least so that we can build on the momentum created by the recent General Assembly vote and ensure quick implementation' (ibid). The document released added: 'As the ATT concerns matters of exclusive EU competence, Member States are not in a position to decide autonomously on the signature of the Treaty. They can only do it in the interest of the Union, after authorisation by the Council upon a proposal by the Commission' (Control Arms, 2013eh). Sweden was the first EU member state to confirm that they would be signing the Treaty (ibid). These examples emphasise how adherence to the ATT is not necessarily chosen by states, and thus disrupting Finnemore and Sikkink's argument about 'conformity'.

Relating to the argument that formal and informal events add pressure to sign, the UK Foreign and Commonwealth Office and Control Arms hosted a reception to mark the adoption of the ATT, and 'to build momentum in advance of the 3rd June signing ceremony' (Control Arms, 2013ai). Around 500 guests, including many London-based Ambassadors and High Commissioners, parliamentarians, and media attended (ibid). Only days later did Norway, Japan, New Zealand, Germany, and Costa Rica announce they would sign (Control Arms, 2013aj; Control Arms, 2013al). This list consisted of major exporters and importers, as well as 'regional champions', thus increasing pressure on others to sign at the upcoming ceremony.

6.5.2 Formal ceremony

When the formal signing ceremony started, more than a third of UN member states signed (Control Arms, 2013al). Social influences can be attached to states feeling obliged to sign; formal events adding

pressure on others to sign; and others waiting for rival or critical states to sign before they consider signing. Major arms exporters such as the UK, France, Germany and Italy, and emerging exporters such as Mexico and Brazil were among those that signed (Control Arms, 2013al). Ten out of the 67 signatures came from states that are members of CARICOM (Control Arms, 2013ao). Other states subsequently signed through their Permanent Representatives to the UN in New York or Geneva or the Conference on Disarmament (ibid). Control Arms stated that 'many more states, including the USA said they would sign the treaty as soon as possible, and we are confident that over 100 states will have signed before the end of the year' (Control Arms, 2013al).

6.5.3 Following the ceremony

The large number of signatures at this ceremony pressured other states to sign. A further 10 states, including Liberia, El Salvador, Slovakia, Paraguay, Guatemala, Poland, Turkey and Bulgaria, signed over the next month (Control Arms, 2013ap). This is perhaps an important stage in terms of theme 3 (formal and informal events) and its relation with theme 5 (waiting for rivals or critical states), because a number of crucial states here, including some large exporters and importers, signed, and therefore pressured other states to sign in their regions. Relating with theme 4 (as a process of identity change), Libya and the UAE became the first countries in the MENA region to sign the ATT, the former of which was particularly significant due to the overthrow of government. Control Arms noted that 'the UAE signature came just hours after Libya became the 78th signatory to the [ATT]' (Control Arms, 2013as).

Theme 3 and 5 are somewhat evident in the case where, over the following weeks, Vanuatu and Guinea (a transit country) joined other neighbours in the South Pacific and West Africa by signing the Treaty (Control Arms, 2013av). Relating to all the themes attributed, particularly in the context of some European states desire to join the European Union (theme 2) and as a process of identity change (theme 4), Serbia (and Swaziland, a transit country), then brought the total of 84 signatures. More prospective non-EU states then signed. Moldova became the 35th European country to sign on 12 September (Control Arms, 2013aw). This was followed later by two neighbouring countries: Bosnia-Herzegovina and the Former Yugoslav Republic of Macedonia. Similarly, these can be attributed to rival states waiting to sign (theme 5).

Relating again to theme 3 (formal and informal events), particularly in the sense that some regional neighbours noted above had already signed months earlier, at a High Level Arms Trade Treaty Panel event, "Towards Universal Participation and Implementation" on 25 September, 22 countries including South Africa, Madagascar, Zambia (a transit country), Lesotho, Comoros; and West African states Cape Verde, Ghana (which signed the day before) Sierra Leone and Guinea Bissau; Gabon, Chad and the Republic of Congo; South American states Honduras, Colombia, Peru, Mexico and Barbados; and more than half of the countries of the Pacific region signed the Treaty (see UN, 2013).

With the addition of Gabon, Chad and the Republic of Congo's signatures, the total number of African states that had signed the Treaty came to 29, or approximately 60% of the region (Control Arms, 2013ax). Perhaps feeling obliged to sign after their neighbours, Pacific states Kiribati, Nauru and Samoa, signed, bringing the number of islands of the Pacific region to eight (Control Arms, 2013ba). Signatures from Honduras, Colombia, Mexico, Peru and Barbados left only Bolivia, Cuba, Ecuador and Venezuela absent from the signature list from Latin America and the Caribbean (Control Arms, 2013bb). It is interesting to note that Mexico, a strong advocate for the Treaty, signed after the USA's signature, relating it more closely with theme 5 (waiting for a rival), rather than theme 1 (obliged) that one might expect. Signatures by Sierra Leone, Columbia and Honduras were particularly significant, given the gun-related violence that these states have and still suffer.

The highlight of the event was the signature from Secretary of State John Kerry of the USA (Control Arms, 2013ax). Control Arms stressed that America's signature sends a positive message to the entire international community. It added more pressure and incentive to sign the Treaty. While US rivals and allies did not eagerly rush to sign, significant signatures that followed over the next months included vocal sceptics to many provisions in the treaty, including Bahrain, Lebanon, and Malaysia. However, China and Russia are, to date, not signatories. At the trigger point for entry-into-force after 50 ratifications on 25 of September 2014, there were 119 signatures.

6.5.4 Ratifications and the "Race to 50"
The first ratifications came from strong ATT advocates (relating closely with theme 1). While Trinidad

and Tobago previously felt obliged to take the lead in signalling its intention to ratify, Iceland, another vocal advocate for strong provisions, became the first state to officially ratify the treaty (Control Arms, 2013ap). One week later, Guyana, politically affiliated with Caribbean countries, and also a strong advocate, became the second country to ratify the treaty, and this was followed shortly by neighbours Antigua and Barbuda. Nigeria, a regional power and with significant influence within ECOWAS, ratified the following month.

Following the September resolution, which encouraged states to implement the treaty, Italy celebrated their completion of the ATT ratification process, becoming the first EU state to do so (Control Arms, 2013bh). Grenada followed Italy and other Caribbean states in becoming the eighth country to ratify the Treaty on October 22 – less than five months after signing in June. Control Arms noted that CARICOM was then the regional organisation with the highest number of signatory signs; four of which had ratified the treaty – leaving only Haiti left to sign (Control Arms, 2013bi). Norway were the 10th country to ratify the Treaty. This was shortly followed by the Yugoslav Republic of Macedonia and Albania.

Formal events (theme 3) increased ratifications further. At the anniversary of the agreement in April 2014, 18 countries, including the five of the top ten exporters (Germany, France, Spain, Italy and the UK) added their names to the ratification list. With the addition of 12 EU states plus El Salvador, this brought the list of parties to 31. Ratifications crept up over the next months in the lead up to the 50 needed ratifications for entry into force, with the Dominican Republic, a transit hub, and Sierra Leone, on 13 August bringing the number of parties to 43.

The "Race to 50", a campaign by Control Arms to build momentum for states to ratify, intensified when some states expressed that they hoped the treaty would be entered into force on Christmas eve 2014 (see for example, Jamaica, 2014). Ratifications at United Nations First Committee Thematic Debate on Conventional Arms Sixty-Ninth Session on the 25 September, triggering a 90-day countdown towards entry-into force, would ensure that this would happen. When the event came, 53 ratifications were made (Control Arms, 2014ac). Among those that ratified and signed, 'Argentina, the Bahamas, Bosnia-Herzegovina, the Czech Republic, Portugal, Saint Lucia, Senegal and Uruguay' deposited their

instruments for ratification (ibid). Control Arms stated: 'This rapid achievement demonstrates the high level of strong political leadership and commitment toward the ATT, as well as the dynamic role played by civil society through the Control Arms Race to 50' (ibid).

Thus, the findings indicate that social pressures, as well as ceremonies and arbitrary goals or deadlines were significant in influencing states to sign and ratify the Treaty. This contributes to knowledge regarding 'tipping points' at the latter stages of a norms development, and also clarifying instances that lead states to 'conform' to norms.

6.6 Conclusions

This chapter overall addresses Finnemore and Sikkink's question about what motivates states opposed to norms to eventually adhere to, and adhere quickly (1998: 902). Overall, the findings indicate that regional organisations and coalitions have a sufficient influence on the preference formation of their member states, both during and after the negotiations. Time barriers (in the negotiating setting) and arbitrary deadlines and formal and informal events (during signing and ratification) are also significant in preference formation. Member states of regional organisations with strong common positions, particularly the EU, CARICOM and ECOWAS, were more likely to sign the treaty at an early stage compared with those that were not, as emphasised in section 6.5.

With regards to the scope of weapons (section 6.2), the US was also influential in the concessions made by states for commercial SALW and ammunition. Japan's preferences were also fluctuating in response to their regional neighbours' preferences. As for the parameters (section 6.3), some states conceded to weaker versions of human rights and IHL criteria, whereas, on the other hand, support for GBV criteria significantly increased due to other processes formulating states' positions. Other states, particularly in the MENA region, also changed their positions on elements due to political changes in the region. Preference formations were therefore influenced by both factors relating with identity and belonging, peer pressure, domestic legitimacy, time pressures, and also negotiation dynamics. States are therefore not necessarily 'persuaded' to support norms for moral reasons. Social and institutional factors are very much relevant here.

Referring to all provisions, since some states actively work to make them weak, and then object and abstain, shows preference formations are sometimes conditioned not by moral suasion, but conditioned through bargaining processes. This was sometimes without achieving means-ends benefits. For example, despite the chair removing corruption and development criteria, and adjusting the scope to suit the requirements of a minority, a large number of 'sceptics' still abstained. On the other hand, textual alterations were influential in securing 'yes' votes from some influential states, for example the USA. But this does not mean some of the norms are strong enough to change state behaviour. Trade-offs are therefore contextual. They do not always mean that states will change behaviour, they have actively worked to make provisions weak before they voted. As also exemplified in chapter 4, the chair also has a major role to play in preference formations, 'persuasion', norm adherence, and behavioural change through textual alterations.

Overall, the findings confirm and deviates from Finnemore and Sikkink's hypotheses. Legitimacy appears to be a persistent factor influencing states decisions, and there is not a major difference between powerful states and smaller states in terms of reputational factors, ideologically-driven conformance, and esteem. The hypothesis is also accurate in the sense that domestic receptiveness to international norms is linked to a states' need for international legitimation, because if this is the main motivation, then one 'might expect states to endorse international norms during periods of domestic turmoil in which the legitimacy of elites is threatened' (Finnemore and Sikkink, 1998: 906). Finnemore and Sikkink add that '[i]f states seek to enhance their reputation or esteem, we would expect states that are insecure about their international status or reputation to embrace new international norms more eagerly and thoroughly' (ibid). States may suffer as a consequence of rational behaviour which pressures them to conform to norms to avoid ridicule.

As for tipping points at the latter stages, where the findings deviate from the hypotheses, the signing and ratification process – usually in-between a cascade and internalisation – is itself a major socialising factor that should be taken into consideration when looking at the time-context and conformity to norms. It should also be treated similarly to the norm emergence and cascade stages of the norm life cycle. As one commentator points out, during the signing and ratification stage, where there is a 'pull' effect of a significant number of states having joined a regime on the determination of

outsiders to join as well, adding that beyond formal membership, there is 'tipping point' effect concerning internalisation (Price, 1998 in Muller and Wunderlich (eds), 2013). Adding some clarification to this theory, there are many social factors that both compel states to adhere or refrain from adopting the ATT. Some simply feel obliged to take the lead; others have little choice but to sign and ratify. Formal and informal events and arbitrary goals and deadlines add the social pressure to sign, as do identity redefinitions (Libya) and geopolitical factors.

One criticism (or realisation) of the signing and ratification process in-line with Finnemore and Sikkink's hypotheses is that, while the concept of the norm may have 'been widely disseminated', 'we cannot presume that by signing a treaty the practice of norms embodied within it are carried out' (Erwin, 2014: 2). 'It is true that pressure to conform may lead a state to sign on to an international treaty, but that does not connote complete "acceptance," a "following" of or "compliance" to what the treaty embodies' (ibid). This is particularly true since adherence to weakened rules means that behavioural changes will be less significant.

This chapter also contributes to knowledge in areas concerned with 'contagion' in Finnemore and Sikkink's hypotheses. Without considering time barriers and bargaining tactics; trade-offs, compromises, norm acceptance, and therefore contagion can be distorted. Tactically, for the sake of strengthening or weakening elements, states may exaggerate their opposition or support for an element, and thereafter exaggerate 'the value of their own sacrifices' and downplay 'the benefit of others' concessions' (Tallberg, 2010: 244). In the bargaining process, states test arguments to see how others respond, and act in accordance with these responses which disguises their true preferences. China and the US's expressed satisfaction with the chair's paper at the closing stages of the March negotiations, in spite of it including provisions that they were adamantly hostile to from the start, is a good example of this. Reversely, abstentions do not mean that states do not agree to the final text. Stohl argues for example that China's abstention 'was really more about the process rather than the treaty itself' (Kimball, 2013). These are not something new in scholarship, but these kinds of tactics distort our understandings of state 'socialisation'. Pakistan, for example, stood out as one of many states that objected to many norms but voted yes to the Treaty. The Pakistani delegation expressed that the vote was out of ''solidarity' for those suffering from the humanitarian effects of armed

violence' (Bolton and James, 2014: 9), and therefore not necessarily because they felt compelled to sign or ratify the treaty for other reasons.

The findings in this chapter relate with literatures addressed in chapter 1 in a number of ways, demonstrating that states are willing in some cases to sacrifice individual preferences (economic, security related etc.) for the sake of the wider needs of the international community and regional organisational priorities. It also demonstrates that, in the case of the ATT, individual decision-making liberties acquired from the breakup of Cold War blocs are not used in some cases. There are also some interesting parallels with Boockmann and Dreher's observations, in that a country's economic, strategic or social situation can be 'irrelevant to voting behaviour if regional dependence of voting is controlled for' (2011: Abstract). This argument also applies to non-members of regional organisations.

CHAPTER 7

NGO Insider and Outsider Strategies

7.1 Introduction

The previous chapter questioned how states were persuaded to support norms through social pressures. This chapter questions how NGOs played a role in this through various tactics. It discusses NGO insider and outsider tactics in turn, and how these approaches supplemented and intersected with each other (Borrie and Randin, eds, 2006; Reitig, 2011). Referring to the former, this includes examining the potential impact of lobbying techniques, presentations, side meetings, inclusion on delegation teams, and access to speaking to individual delegates. In terms of outsider tactics, the chapter explores Internet campaigning, awareness raising, demonstrations, use of celebrity, the role of victims, and pressure on the UK government. This feeds into the wider question in this thesis about how "norm breakers" become "norm followers", and how and where NGOs play a role in this process. It addresses the secondary research questions seeking to understand how NGOs influenced states to support the ATT, and holding governments to a supportive position. This chapter argues that NGOs have a major role to play in holding states to a supportive position in multilateral negotiation processes. However, there are blind spots complicating this, which are examined in this chapter.

The analysis relies extensively on NGO sources, particularly from Control Arms, Amnesty, Oxfam, and IANSA, for which this study is limits most of its focus. It utilises Peter Utnes' exploration of tactics employed by NGOs between 2008 and 2009. The latter source provides valuable information about the arrangements of the campaign through interviews with NGO representatives. It is utilised here as a unique and revealing insight into both insider and outsider NGO tactics. His study was conducted before the consensus rules were in place and before much discussion was centred on the rules and procedures regarding access arrangements for NGOs. In addition, sources by academics and experts are utilised throughout, with the caveat that some authors are affiliated with NGOs.

7.2 Insider Approach

Between 2008 and 2011, NGO activities changed from focussing on outsider approaches to insider

approaches (Oxfam, 2014c:10). Anna Macdonald wrote that during the final negotiations, there was a balance of both insider and outsider work (ibid). Based on Utnes's findings of access arrangements between 2008 and 2009, NGOs had to be flexible with their modes of influence in discussions, and had to identify governments that might be sympathetic to their views (Sidhu, 2007). The detailed and concise reports created by the ATTM and IANSA during the majority of the negotiations, show that NGOs had reasonable access and overview of what was being discussed, and their roles were recognised in the 2009 General Assembly ATT Resolution (see UN Resolution 64/48 in European Union, 2016).

Generally, Sidhu states that 'much of the interaction between governments and NGOs takes place immediately before or after a negotiating session, when delegates are free to talk and tend to mingle on the floor of the negotiating room.' She added that '[s]ocial functions, such as receptions and lunches, provide other changes for informal discussion [...] these forms of exchange can be opportunities to build relationships that can later be transformed into a delegation's willingness to review a position paper or consider suggestions for negotiating the language of the outcome document' (2007: 73). The outcome or success of speaking to delegates directly and informally can depend on a number of factors. Sidhu explains that it can depend entirely on the NGOs' approach, as well as personality, preferences, and styles of the individual and those they are approaching. NGOs must also have full knowledge of what has happened in the negotiations. Inf#2 and Inf#3 in Utnes' analysis said that NGOs had to 'make do with what they can get from day to day'. They 'will put up stands in the hallways, projectors, displaying videos, and various events'. Inf#2 said: 'while they have no formal position, they will find ample venue to promote their cause, and most states are quite accommodating when approached by an NGO representative'. Inf#3 added: inside the governmental meeting venues, there is seating along the side and in the back for NGO members to sit on, 'and a lot of the time it's about working the room, making sure you're capturing the right people, NGOs sometimes go around and speak to governments at their desk, just crouching down by their desk' (Utnes, 2010: 38). Thus NGOs had several opportunities to meet delegates face to face.

Outside of official meetings, apart from the normal activities that NGOs would use to influence the negotiations, Inf#1 said that 'one of the most basic tools in the lobbyist tool kit is having coffee with somebody'. 'The NGOs are able to book a room [...] where they can have meetings and present

reports'. How many delegates show up to meetings, he added, 'depends on everything from how proactive the subject is to the quality of sandwiches made available'; 'generally', he said, 'there will be anything from 50-100 delegates and that they are getting attention' (ibid: 38-39). Three informants in his study talked about the importance of certain cafés and lounges, which had a certain 'quality of catering'. One explained 'how meaningful interaction with the diplomats is often spontaneous and that they therefore place great importance on being constantly prepared and educated on the action circulate and country-specific strategies' (ibid: 39). These informal everyday events were therefore important in terms of NGOs access to delegates.

Between 2008 and 2009, NGOs were only allowed the opportunity to formally intervene when a meeting was at an end (Utnes 2010: 42). Inf#1 said that 'the UN is scrupulous about giving equal time to the Control Arms NGOs' and anti-control NGOs such as the NRA, 'when each is given half an hour to present their case' (ibid: 42). He said that this was 'not fair as they represent a massive global movement whereas the NRA is a national gun control lobby' (ibid: 42). Inf#3 said that these gun lobbies had a lot of presence at the UN and 'are given an equal time to present their case in the main chambers of governments' (ibid: 42). 'Regarding external opposition in both the preparation phase and at the UN', Inf#1 explained how it was a 'problem for them that some governments treat NGOs as a single block of actors', and that some have quite a 'detailed and disaggregated view of the NGO community' (ibid: 41) The informant noted Egypt as the most vocal opponent, and opposing states 'are more inclined to ignore the NGOs rather than publicly oppose them' (ibid: 42). Nevertheless, Inf#4 explained that although 'they are not always given formal recognition, they have ample venue to promote their cause and are accepted and respected by most states as participants, often being mentioned in their statements in plenary' (ibid: 39). NGO access to specific discussions, and therefore access to speaking with delegates, became more limited in the PrepComs and DipCons, because some meetings were closed off completely during the final days of the July DipCon and March DipCon. This may have been due to tensions mounting between delegates unable to find common ground on core elements of the treaty, or due to time constraints in the final days and hours of the DipCons. In continuous objections made by some states over the wording "overriding risk" as opposed to the stronger "substantial risk" in risk assessments, the USA, supportive of the former, 'directed a patronising comment at [NGOs]'. The US delegate reportedly said that 'he understood the view of

some (unspecified) NGOs that the arms trade is not a legitimate activity, but that every government in the room imports weapons and understands their contribution to peace and security' (ATTM, 6.4. 2013: 3). NGOs face many opposing opinions about their presence, including from some individual states, and they have to compete with other groups to be heard. Thus, the insider approach does not mean unhindered access to delegates and the agenda.

There are also voices opposing aspects of the insider approach. For example, Sou da Paz sent out a questionnaire to around 200 partners, colleagues, and government officials to evaluate their international advocacy work on the PoA and ATT. The study found that '"civil society's balance of advocacy strategies relies too heavily on direct advocacy at the UN and too little on in-capital work"' (Mack, 2014: 7). One finding was concerned with '"the excess quantity of NGO representatives, the ineffectiveness/superficiality of the participation of the majority of these individuals, and opportunity costs of sending large NGO delegations to New York"' (ibid: 8). Much of this discontent stemmed from strongly held views on the less-successful PoA. On the contrary, Green (et al) argue that '[t]he size of the civil society delegation, and the size of the network itself, 'meant it was possible to designate "specialist leads" for different issues within the negotiations while at the same time co-ordinating and packaging all the policy priorities together when presenting demands'. This, they argue, 'helped move GBV from a fringe issue to a core part of the overall package of asks for the treaty, and into the messaging of all the civil society delegates at the negotiations' (2013: 557). They stressed that this ensured a 'far wider and deeper engagement with government delegations', and 'reinforced support for embedding concerns around [the coalitions' campaign priorities] as core elements of the treaty' (2013: 558 in in Whall and Pytlak, 2014: 11). Macdonald also argued that it was necessary, with a team of 250-300 NGO representatives, to cover regional representations (Europe, Caribbean etc.) and to acquire leads from functional teams (policy analysts, logistics, communications etc.) to ensure effective decision-making and consultation (Oxfam, 2014c: 7). It was argued, for example, that Arab speakers would have more effectiveness speaking to sceptical Arab states than perhaps a Western NGO (ibid). Inf#3 in Utnes's study also argued that using their coalitions' member base and regional affiliations strategically in reaching out to diplomats from the same regions was necessary to ensure 'a good spread' and to use different approaches to influence their positions (2010: 52-53). Joseph also recalled that NGOs such as Oxfam, Amnesty and Control Arms had more delegations than most states

(2013: 105). Therefore, it was necessary for the campaign to have such high numbers, in both insider and outsider strategies, to apply pressure to specific states. Inf#3 noted for example that IANSA was so large they could easily choose members that could influence a states' policy, they could direct energy to priority countries (ibid: 53).

Networking with delegates was especially beneficial for galvanising support for specific elements in the Treaty if there were enough NGO representatives. This meant that large joint statements by states were in part achieved due to NGOs networking with many states and persuading others to become signatories (Whall and Pytlak, 2014: 5). This had a two-pronged effect in terms of building and demonstrating support for a provision, but also 'maximised time during the Conference[s] by eliminating the need for a multiplicity of national statements' (Pytlak, unpublished in ibid: 5). This ensured that states were able to recognise joint interests, thus helping the negotiation process.

Was there the same degree of significance in terms of access to the Chairs? While member states had the final say in ATT text, Woolcott extensively consulted with civil society and Moritan included civil society experts such as Rachel Stohl from the Stimson Centre. Her substantive input and independent perspective was said to have contributed to the 'strong Treaty we have today' (UNODA, 2014: 36). Guy Pollard, with strong connections with civil society, 'played a key role in negotiating and drafting the final treaty text' (Da Silva and Wood, 2015: 9). He was also at 'the forefront of UK policy on the [ATT], authoring the resolutions establishing the ATT process and the two [DipCons]' (ibid). Insider access as a means of having influence therefore required experience, expertise and, under the circumstances, a high degree of assumed objectivity. This demonstrates the possible need and desire for NGO access to the negotiations. Others, without an 'independent' perspective, could also reach the Chair through formal and informal chats. For example, one NRA spokesperson said that 'you always catch [Anna Macdonald] out at the back, stealing a cigarette with the president of the conference' (Simone, 2010).

The insider approach also allowed NGO to the influence decisions in other processes. After the failed July DipCon, for example, civil society groups 'successfully lobbied before and at the subsequent Assembly First Committee for a resolution that […] mandated a further Diplomatic Conference and […] addressed the key procedural weaknesses of [the July DipCon]' (Isbister and O'Farrell, 2013). While achieving this, NGOs worked on strengthening the present draft text and 'encouraged the President-

designate to use it as a base from which to build stronger provisions rather than as a starting point for further compromise' (ibid). While this did not necessarily happen, and therefore may explain NGO criticism of Woolcott, it was an alternative way to influence the Chair.

Networking and developing rapport with state officials over the years also appeared to benefit NGOs though other organs of the UN. Immediately after the blocking of the March 2013 vote, in very short time, Control Arms and its partners collaborated with co-authors and like-minded states to secure 75 signatures to Resolution A/67/L.58, making it 'possible to take the treaty to be adopted by the General Assembly by a vote' (Macdonald, 2013 in Whall and Pytlak, 2014: 7). Control Arms also coordinated an 'effective' "Vote Yes" campaign' (UNODA, 2014: 37). One Australian delegate stressed that NGOs were key to encouraging states to sign the Treaty in their "Race to 50" campaign (ibid).

NGOs also gain access delegates through presentations. Time-slots for NGO presentations were being questioned in the PrepComs. The EU and other states argued that accredited NGOs should be able to address the conference more than once and in all meetings, rather than, as was currently stated, for one meeting (ATTM, 4.3, 2012: 3; ATTM, 4.4, 2012: 2). Denied access to 'key discussions on scope' at the first PrepCom (Control Arms, 2010b), it was perhaps more the sensitivity of the discussion that reduced their speaking times, as many individuals in the Control Arms coalition had highly sufficient, even advanced expertise on the topics under discussion. Control Arms wrote that they 'acknowledge that there are occasionally advantages for delegates to engage in conversations without outside scrutiny', but requested 'that the same collegial principles that rightly govern delegate interventions and access be extended to us as well' (Zuber, 2010). Throughout the meetings, civil society groups were urging Moritan to reconsider (ibid). In a possible change of heart three days later, NGOs were given the opportunity to give presentations and take questions from and discuss with diplomats (Control Arms, 2010e). Thus, even though NGOs worked closely with many delegates, and had individuals acting on behalf of state delegations, it must have been important to make presentations. The fourth PrepCom finally ended with an agreement on the rules of procedure for the final July negotiations, and it was agreed that NGOs would be allowed access to most sessions and granted a time slot to formally address delegates (IANSA, 2012d).

NGO 'visibility' was also important as a reminder of the humanitarian cause of the Treaty through

presentations. All informants in Utnes's study mention the importance of, as one informant said, 'jostling for bandwidth', due to the many issues being discussed, particularly in the First Committee of the General Assembly (Utnes, 2010: 35). Nevertheless, even some presentations designated for NGOs had to be made as a collective statement with 'rival' groups such as the NRA. The sale of speaking slots proposed at UN meetings may suggest that presentation are important for NGOs, and perhaps less important for delegates at the UN. A new entrance fee of $500 and the 'sale' of 'speaking slots' has been proposed for NGOs to attend and speak at UN meetings, including Arms Trade Treaty's Conference of States Parties (Control Arms, 2015ac).

Side meetings, including seminars, workshops, panel and expert meetings, were also used as a means to access delegates. They were important because NGOs could meet with government officials to prepare national positions, make suggestion on policies, and urge delegates to include them on their teams (Mack and Wood, no date: 82). Side meetings also complimented other approaches, such as handing out research papers. Due to many complex issues under discussion, Inf#1 said that their organisation's arguments would only 'get discussed for a relatively short time, so it's essential to get the most out of side meetings and governmental meetings; this presupposes visibility in the UN' (Utnes, 2010: 38). Indeed, the lack of access to meetings in the PrepCom and DipCons, and the limitations of presentations, made side meetings at the UN even more important. Closed discussions on the scope, for example, meant that NGOs rigorously consulted with partner states in this area.

Another tactic was 'to organise big meetings with the whole NGO delegation and certain governments, where they get forty or fifty people asking for an audience with the government' (Utnes, 2010: 36). This is where NGOs could have some engagement with delegates and ask 'difficult questions' (ibid) they would feel more obliged to answer in front of an audience. Inf#3 said that '[t]hey will also put other governments in the room at the time, which she says can be useful. Side events are also used, where they bring speakers to the UN in order to raise their issues and to illustrate why, she says, they are calling on the governments to take certain action. Generally, she says, they try to always make themselves visible by putting up photo selections, holding receptions with drinks, all of this to "invite the diplomats along"' (ibid). Various seminars and workshops were organised by NGOs and supportive states to inform various stakeholders in rhythm with UN meetings. Some of these meetings led to the release of publications addressing the legal obstacles to implementation and political

opportunities at ATT meetings, which were then used and distributed at the UN. One source said that '[a]ll meetings had as objectives to acquire specific knowledge of the ATT process to enable effective lobbying and campaigning, as well as to develop regional action plans, and were generally divided in regional campaigning, advocacy training, strategy development and action planning sessions' (Mack and Wood, no date: 19-20). IKV Pax Christi and GRIP, for example, chaired an event named: "Looking Back to Move Forward: experiences from implementing arms transfers policies for an [A TT]". The side event 'made the point that every region has more or less the same problems with implementation and therefore having a platform where nations can interact and discuss their experiences, either negative or positive, is needed and healthy. From that we are able to identify obstacles and how to deal with them, also to build trust and credibility and learn from one another' (IANSA, 2011bb). At the early stages of the PrepCom discussions, for example, Saferworld, Oxfam, and The University of Georgia developed a 'Practical Guide' for the 'National Implementation of the proposed Arms Trade Treaty'. The guide had 'drawn on many different national control systems and was developed following an experts' roundtable in Vienna on 17-18 March 2010' (Oxfam, 2010a: 3). It was claimed that the guide was also 'useful to the member states of the UN in alerting them to some of the practical issues they will need to consider as they begin the process of negotiating' (ibid: 2). Another report, released by Saferworld named 'An Implementation Framework for the Arms Trade Treaty,' which was drafted following seminars on 'International aspects of ATT implementation', turned out to very useful in a number of meetings in the lead up the first DipCon. Side meetings are thus a way to increase NGO visibility and to devise strategy at the negotiating conferences and preparatory committees. They create better opportunities to speak to delegates, or groups of delegates, in person to form strategies.

Reports and policy papers were another important insider tactic. For NGOs, especially those that had been closed off from some discussions and received limited presentation slots, reports and papers became more important in terms of managing agendas. In order to ensure credibility, all papers had to propose 'practical, clear [...] and political solutions' to issues during the negotiations. Indeed, the Control Arms coalition collectively published 50 reports in 10 years on many different aspects of the ATT (Oxfam, 2014). They claim that this '[c]redible research helped coalition members to become seen as valuable issue-experts for governments and the UN, and the research generated quality media

coverage and briefings in a multitude of fora all over the world' (ibid). This was '[o]ne of the primary ways in which the coalition shared information with governments' (Whall and Pytlak, 2014: 7). Mack and Wood argue that some of these reports were 'often highly sought-after by diplomats and civil society representatives alike at the perennial stall of Control Arms materials and publications at the UN' (no date: 23). Oxfam and Saferworld's 'March 2013 policy paper Getting It Right: The pieces that matter for the Arms Trade Treaty, proved to be particularly influential in shaping the debate at the final conference' (Control Arms, 2013bi; Whall and Pytlak, 2014: 7). 'The paper focused delegates' attention on the key weaknesses of the draft text and their humanitarian implications' (Whall and Pytlak, 2014: 7). In fact, according to Whall and Pytlak, 'one of the primary ways in which the coalition shared information with governments was through the publication of research and policy papers to share information and policy messages with delegates prior to and during the Conferences' (Whall and Pytlak, 2014: 8). Green (et al., 2013: 559 in Whall and Pytlak, 2014: 8) argued that 'the production of "hard-hitting and compelling information that was 'solutions-orientated" was effective in agenda-setting'. According to one informant in Utnes's study, reports written by Amnesty International were well sought after partly because the organisation is highly regarded (2010: 44). Amnesty's input was welcomed by a number of states. Australia, Japan, Sweden, Switzerland, and several supportive delegations referred to their "Proposal on Criteria for Exports" 'as a good basis for discussions on the formulations of this section of the treaty' (ATTM 5.8, 2012: 7). Some papers were also influential in making 'adjacent claims', connecting norms such as the UNSCR 1325, 1820, 1888, 1889 with arms trade issues, which were made into matrixes and handed out to delegates (IANSA, 2010h). These were later reflected in statements (ATTM 1.4, 2011: 2, see for example United Kingdom, 2011). From this, it is clear that reports and policy papers provided welcome and useful information to delegates, and therefore succeeded as an insider approach.

However, one of the most intimate insider approaches revolved around NGOs acting as official delegate representatives. There are no specific figures how many delegates included NGOs as part of their delegations, but, as stated by one delegate, an undisclosed number of Member States 'included experienced civil society representatives in their national delegations' (UNODA, 2014: 36). More specifically, it was rumoured that 20 nations were composed of stand-ins from Western NGOs (Bromund, 2012 in Bromund, 2013), of which at least 15 campaigners were part (Oxfam, 2014c:10).

The timing of this is not clear, but with certainty, Australia, Mexico, Saint Vincent and the Grenadines, Trinidad and Tobago and the UK had NGO experts as part of their team. One UK minister acknowledged the limitations of the UK delegates' strategy for a 'strong treaty', stating: 'we cannot proceed and be successful without [this] expertise as part of our team' (House of Commons, 2010: 44). While this, along with NGOs work with industry and the UK in focusing on 'technical ATT issues' and 'strategic aspects of the ATT' (ibid) caused some dispute within Control Arms (see Utnes, 2010: 44-45), it allowed NGOs to influence the UK's strategy, obtain access to closed meetings, ensuring that at least some of the NGO's concerns were considered, and permitted certain individuals to network with other delegates, thus opening opportunities in terms of state-state or NGO-state strategy.

Having 'insider' access as part of helping to formulate strategy and to be on the UK delegation team was in part as a result of consistent scrutiny of the latter's commitment to the ATT in the lead up to the July DipCon. NGOs, for example, 'questioned the adequacy of the level of specialist resources being deployed during the negotiation and of the instructions given to the relevant personnel' (House of Commons, 2011: 41). Indeed, NGOs had previously 'expressed concerns that discussions in the UN had been led by diplomats, rather than arms transfer control experts', resulting in some participants 'not properly understanding [...] issues being discussed' (House of Commons, 2010: 44). A big concern, however, with working too closely with government, Inf#3 argued, was 'getting caught up as pawns in government games. They are very careful about this, that they are not being used, adding that they are "wary of how we then take what's going on and in this sort of microcosm, we're having sort of confidential discussions with governments all of the time, what we do with that information, what we make public, what we don't, how we respond in the media, when do we use our particular tools"' (Utnes, 2010: 42). Despite the risks, as NGO access to discussions became limited during the PrepCom's and DipCon's, being part of country delegation may have become more important. One informant said that, while his organisation felt upset and angry about limited access for NGOs, it did not really affect them. He recalled that Moritan 'was giving a kind of nod to the sceptical states [...] saying "*don't worry, we will keep these noisy NGO-types out*", 'and with the other hand he was saying to [NGOs] "*don't worry because you can still come in anyway because a number of governments on your side will* [have you as part of] *their official delegations*". 'So he knew full well that whilst making a grand gesture to ban civil society from the process meetings, [...] a significant majority of those

individuals would still get access to the closed meetings.' While there were less NGO representatives in all meetings, especially meetings that went on late into the night, he said that they 'were organised to make sure that we had very good feedback mechanisms and supporting mechanisms, so all of the people that were able to go to the closed sessions could report back almost as if we were in the room'. Like Betsill and Corell's (eds) observations, 'NGO influence does not necessarily decline as rules of access become more restrictive because NGO diplomats are often quite innovative in finding alternative strategies' (2008: 15-16).

Being part of country delegations was perhaps a reflection and necessity of maintaining good relations with states that shared roughly the same vision as the Control Arms campaign, and holding them to that position. Reflecting on the 'crucial' support of the UK, one co-author state said that 'the level of close cooperation...was exceptionally high in comparison to many other multilateral negotiations' (co-author, unpublished interview, February 2014 in Whall and Pytlak, 2014: 4). They also state that '[f]orging alliances with and between states that shared their vision for an ATT [...] as a result of intense networking and collaboration between states was key to Control Arms' leverage over the diplomatic conferences' (Whall and Pytlak, 2014: 4). Being inside also opened doors to networking with other states. The Australian delegate wrote that 'NGOs are in a good position to consult and inform governments in the future architecture of the Treaty, for example, through an informal group exchanges with the UN via the "Expert Group on ATT Implementation" and "ATT Network", convened by the Geneva Forum and the Geneva Centre for Security Policy' (UNODA, 2014: 31). This demonstrates, contrary to the findings in the Sou Da Paz study, that the insider approach was critical to reaching the Control Arms campaign's goals.

Having analysed the insider approach brings us one step closer to understanding NGO influence on the ATT. NGOs expertise on the arms trade gave them access to delegates and meetings. Their knowledge framed the issues of the arms trade and provided practical policy solutions to address specific issues, many of which found their way into the proposed and adopted text of the ATT. This meant that they helped shape the negotiation agenda (Betsill and Corell (eds), 2008: 13) by consolidating states interests. All the practical approaches taken by NGOs were important, but reports were particularly impactful because they were welcome by delegates.

7.3 Outsider Approach

Control Arms also used a number of outsider tactics. This section analyses their use of, and people's reaction to, social media campaigning, demonstrations, awareness raising, lobbying MPs, twitter, petition writing, the role of victims, public mobilisation, and the use of celebrity.

From 2009, the most notable online activity was in response to the US proposal for the Treaty to be negotiated by consensus. Control Arms, Oxfam and Amnesty were asking their supporters to email directly to Ed Miliband, then Minister of the Cabinet Office, UK Foreign Secretary David Miliband, US Secretary of State Hillary Clinton, and newly-elected President Barack Obama (Amnesty, 2009a: 6; Amnesty, 2009b). The latter was important for many reasons, for example in his presidential campaign in 2008 he promised to 'lead the way [in] international initiatives to limit harm to civilians caused by conventional weapons' (Bolton, 2012). Amnesty also visited schools, colleges and universities which provided more signatures to these e-petitions, and later petitions (see for example Amnesty, 2009a: 3 and IANSA, 2011z). Control Arms NGOs made use of YouTube to distribute clips of interviews with diplomats and celebrities, with one including then UK Foreign Secretary David Miliband explaining: "why we need an ATT" (Mack and Wood, no date: 19). Another action for their supporters was to send in 'your old watch' so that they could 'present them to the Foreign Secretary as a reminder that the world can't wait for an ATT!' (Amnesty, 2009a: 6, 7). With a close relationship with some Control Arms members, the UK government apparently were, though not publicly, 'furious' with this tactic. Inf#3 in Utnes's study said that they did not like they were 'taking a sort of internal diplomatic issue outside, that we were trying to use as a campaigning technique' (2010: 42). Though not attributed directly to this strategy, the proposal was reformulated into looser language (see Chapter 4).

There were positive messages about the ATT in the new coalition's 'programme for government' in 2010 (HM Government, 2010: 22). Hague also made positive references to the ATT in a speech in 2011, which was part of their 'Building Stability Overseas Strategy' (FCO, 2011; DFID et al, 2011). However, in the following months, there were no further statements and individuals who had been working on the ATT were moved on (Control Arms, 2012g: 8). It was argued that the new Conservative-Liberal Democrat coalition seemed 'to have adopted a different policy from its predecessor [The Labour Party]; appearing to be prepared to weaken the [ATT] in order to try to

ensure that the arms exporting countries become signatories', and 'appeared to stop performing a leadership role' (House of Commons, 2011: 8, 40). NGOs argued that at the time the UK became very reluctant about making statements in the first PrepCom. They also pointed out there was an international perception that the UK was stepping back from leadership (ibid: 40).

Control Arms wrote that the UK government appeared to have given the Treaty renewed priority after, in February 2012, William Hague referred to it strongly in a speech (2012g: 8). In NGOs campaign for GBV provisions, Hague was particularly important because he was heading the End Sexual Violence in Conflict global summit with Hollywood actress Angelina Jolie. The UK were one of the first states to actively support GBV provisions in the treaty. However, concerns were raised over the reshuffling of UK ambassadors ahead of the July DipCon, a downgrading of 'seniority and capability' after the announcement that Jo Adamson would replace Alan Duncan, as the leader of the delegation team (House of Commons, 2012: 30; House of Commons, 2011: 41). Applying pressure on the UK delegates in the lead up to the July DipCon, Amnesty released a series of campaign updates asking its members to 'take actions' by 'lobbying your MP,' 'writing to your local media', write to relevant governmental offices, and providing sample letters to give to MPs. One action was to lobby MPs and write to Prime Minister David Cameron 'asking him to make a robust public statement in support of a strong and effective ATT' (Amnesty, 2012a: 3). It also called for supporters to sign an e-petition to hand over to Cameron.

Public pressure on the UK Government, in coherence with the 'insider' or 'message entrepreneur' approach, could also be attributed to the UK's public support. UK Deputy Prime Minister Nick Clegg during the PrepCom responded to direct emails and e-petitions, saying that the UK 'will lead the charge for a robust, legally-binding treaty, covering all conventional weapons' (Amnesty, 2012ux). Clegg and Ed Miliband, responding to 7000 emails, and UK Foreign Secretary William Hague, responding to lobbying on Facebook, had all prior to the July negotiations spoken publicly of their commitment to securing a 'robust and effective ATT' (Amnesty, 2012f; Clegg, 2012; Miliband, 2012). Nick Clegg, William Hague and other ministers were also said to have 'lobbied key states by phone and in person' in the run up to the July 2012 negotiations (CAEC, 2013). Alan Duncan also gave a detailed speech about what the ATT should include in the run up to the July DipCon (House of Commons, 2012: 98).

Cameron, who pledged his backing for the treaty in 2006 (in *The Guardian*), would eventually react to the campaigning after receiving 23,786 petition signatures and from 'MP lobbying and direct appeals from his own constituents' (Amnesty, 2012f). Cameron said: '[We] want to see a Treaty that contains strong provisions on human rights, international humanitarian law and sustainable development' (ibid). Ministers of Scottish Parliament also met during the final days of the July negotiations to work together to 'support the efforts of Amnesty and other campaigning organisations to persuade the international community to develop and adopt a strict regulatory code for the arms trade' (Amnesty, 2012j). Without the same media coverage that was seen during the ICBL, it counterbalanced the ability to disseminate their messages.

The UK Delegation was comprised of representatives from the Ministry of Defence, the Department for Business, Innovations and Skills, the Department for International Development and a UK Defence Industry representative (UK Government, 2012). As the July DipCon proceeded, the UK were noted as being reluctant to support for strong provisions. For example, it was recorded that, following the weakening of the Chair's texts, the UK did not involve itself in the 74-country statement in July underlining the need for stronger rules (Oxfam, 2012l). Concern at this time was mounting because the UK and other major players were reportedly 'saying less and less of real substance in the negotiations room – instead focusing their efforts on behind-closed-doors talks with the major players' (Control Arms, 2012e). In reaction, Control Arms set up an email action to Alistair Burt and William Hague, 'demanding that the UK government does not compromise with sceptical states and stands up for a strong treaty' (Oxfam, 2012l). According to Amnesty, over 11,000 people wrote to the UK government within 24 hours (Amnesty, 2012l). This was a noticeably rapid and timely response to NGOs plea for action.

NGOs continued to utilise social media to add more pressure to other governments. On their blog website, Control Arms urged France and UK 'not to cave in to US pressure New York' (Control Arms, 2012e). Additionally, Amnesty (2012l) was urging supporters to email Obama and to 'Tweet the French government' (Control Arms, 2012e). The UK government eventually sent an open letter to Control Arms, confirming that they were determined to support a strong Treaty (Oxfam, 2012m). Furthermore, in less than a week, nearly 6000 Amnesty supporters, and 18 Nobel Peace Laureates wrote to the US ambassador and directly to Obama urging them to support a strong text (Amnesty,

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2012xx; Control Arms, 2013i). This is a reflection of the benefits of the social media and telecommunication channels used extensively in the Control Arms campaign to increase their leverage with governments. When negotiations closed for the evenings, the benefit of social was that it could be used around the clock. For example, the campaign #ArmsTreaty continued on Twitter. Control Arms set up a live Twitter Q&A session with UK Foreign Office Minister Alistair Burt at a coherent time for many activists in various countries. Activists emailed their followers: 'We want to ensure he answers our questions. So tweet the following right now: #askFCO Why didn't the UK join these 74 countries in speaking out for strong principled [...] Would you accept an #armstreaty without ammunition? Bullets must be covered for the treaty to be #bulletproof! [...] Can national security concerns ever override protecting #humanrights in an #armstreaty?' (Campese, 2012). Similar "e-dialogue" approaches were aimed at Australian, US and Philippine officials.

In terms of official recognition of such campaigns, responses varied. There are no sources pointing to any response from Obama, whereas the UK government reacted to the emails and online lobbying. Control Arms acknowledged that, after receiving various email actions, Minister Alistair Burt had 'made strong statements committing to a bulletproof Treaty but a small, vocal and determined minority of countries are putting the UK under pressure to compromise' (2012m). This was based on the next release of a draft, where there had been improvements (Amnesty, 2012l). A final draft of the treaty text was published at the UN in New York at the end of 27 July. Amnesty wrote that it had addressed a number of potentially serious flaws contained in a previous text for which the US and other major powers, including the UK and France, were understood to have been closely involved in making the changes (Amnesty, 2012v).

Oxfam and Amnesty nevertheless gave different accounts of the UK position. Oxfam noted that the UK was 'disappointingly non-committal, both about the need to strengthen the text, and the specifics of the UN First Committee where a resolution will be tabled' (Oxfam, 2012n). Amnesty's account claimed that the 'UK government has been listening to you and have been key to securing many of the changes' (2012m). Further criticism of the UK position seemed to reflect on their supposed lack of effective coordination and commitment. The Committees on Arms Exports argued that the government 'put at risk the UK's previous leading role in the drafting and negotiation of the [ATT] by failing to maintain continuity of [Foreign Commonwealth Office] staff at a senior level with this responsibility',

recommending that the government 'deploys the staffing resources required at a sufficiently senior level, necessary to achieve a comprehensive and effective [ATT]' (CAEC, 2013). The government did not accept this conclusion, arguing that the evidence for this claim was not substantial. Responding to the criticism, Jo Adamson, head of the British delegation during the July negotiations, declared that '[I]t was not for lack of effort by many delegations and by civil society [or] for lack of support from our politicians'. 'I spoke at least daily to my ministers in London, who always wanted to know how negotiations were progressing and what they could do to help delegates [...] clinch the strongest possible treaty. I was fortunate to have two ministers come to New York in July, at one of the busiest times of the year, before London played host to the Olympics' (Adamson, 2012). Referring to the UK future strategy, she stated: 'It is premature to say at this time what the [UK's] approach will be. I can say that if our work in July is any indication, then I foresee some sleepless nights for the British team [...] Some of our work may be invisible [...] but we will not relent in the quest to make the world a safer place through an effective and robust ATT' (ibid). In this complex situation, where the UK was aiming to find consensus on the text, NGOs did not see this as a good enough excuse to abandon their leadership position. However, the UK position on the ATT improved in the March negotiations. For example, Hague joined senior ministers following July from France, Germany, Spain, Italy, and Sweden in calling for the completion of a "strong treaty" (Oxfam, 2012q). Amnesty was gathering more signatures for a petition to hand over to Cameron to ask for his full unequivocal support. Refreshed, and under considerably less pressure due to expanded negotiation time, the UK was more resolute in its quest for a strong Treaty.

While the campaign appeared to do exceedingly well at pressuring and holding the UK government to account, other Internet-based outsider approaches were used. For example, the longest running campaign - "100 Days of Speaking Out!" - in 2012, as part of the "Speak Out! Control Arms Now" campaign. This was a 'countdown to the [ATT] negotiations', intended to increase web, media and NGOs' public presence, to pressure governments for 'a strong and robust ATT', and 'build relationships with new individual supporters and new organisations' (Control Arms, 2012ux).

Social media also played a crucial part in other activities around the world in mobilising supporters for activities and letter, email and petition signing activities. The 'Million Faces Petition' was particularly influential in using social media to actively engage the public in support of the campaign.

It was argued to be the biggest online image petition ever made. Inf#2 in Utnes's study said that 'it got a lot of media attention when it was presented to Kofi Annan'. However, he argued that '[t]he problem with these kinds of media-related campaigning initiatives, he says, is that it's impossible to measure how effective they are'. Nevertheless, 'it played an important role in drawing attention toward the issue, something that he says is hard to do these days 'with nuclear stuff, climate change everywhere' and the ATT being a rather slow and technical process that does 'not affect people in the north too much'' (Utnes, 2010: 34). Among other Internet activities, leading up to the July negotiations, Control Arms launched a Facebook page in Morocco, the first in the MENA region on the ATT. The period of enthusiasm in North Africa during the Arab Spring was seen as significant to expanding the campaign to other regions of the world.

Control Arms' members also utilised awareness raising tools to increase the visibility of the campaign and the negotiations. For example, Control Arms marked the start of the March DipCon by unleashing its "Thunderclap" action on Twitter (where users can say things on social media at the same time), in which over 700 'donated' [Twitter messages] were released simultaneously' (Control Arms, 2013k). Using Twitter also aided in the distribution of topical papers from think tanks and from the business community. Alan Duncan argued that, for the UK, 'social media platforms were a central part of information gathering', stressing that 'it would not have been possible to attend many conferences and workshops' if it was for the detailed, relevant information provided to policy makers (Duncan, 2013). Realising this, many stakeholders utilised social media to distribute information. Peter Woolcott, for example, 'announced the release of one of his treaty drafts on Twitter' (@ATT Conference, 2013 in Whall and Pytlak, 2014: 10). Internet campaigning also made it easier to convey messages to lay people, and aided in framing arguments about the arms trade and the 'need for an ATT', providing links to topical papers, videos and victims stories.

Petition writing, online appeals, and letters was also key to bringing the public's voices to the diplomats' tables, and were previously not, at the same level, achievable in the past. These were usually made in reflection of the time context of the negotiations. In the lead up to the July negotiations, 'more than 12,000 people signed a Control Arms' petition on Syria for Ban Ki-moon' (Oxfam, 2012d). Control Arms activists also met with Secretary-General of the United Nations Ban Ki-moon in a handover ceremony of a 600,000+ signatures Control Arms petition, which included the

Parliamentarian (2,000 MP signatures), Interfaith (375 faith leaders and organisations), and Medical Declarations (1,700 medical professionals) (Oxfam, 2012g; Oxfam, 2012h). While receiving the handover of the global petition, the UN Secretary General praised the efforts of the coalition (Oxfam, 2012g).

SweFOR, in collaboration with the Parliamentary Network against SALW and the Parliamentary Forum on SALW, handed out the "Parliamentary Declaration" and leaflets on the ATT in the Swedish Parliament (ibid). 'Eight parliamentarians signed the Declaration immediately, and another 40 were handed out the declaration with contact details to sign it online' (ibid). In the lead up to the March negotiations, 36 NGO leaders representing human rights, development, religious and security organisations delivered a letter to the White House urging Obama to 'support and play a leading role in negotiations to conclude an effective ATT' (Control Arms, 2013d).

Another important outsider approach was the role of victims at all stages of campaigning. Like the ICBL, Control Arms campaigners consistently worked with victims both for media outreach, tools for mobilisation, and also within UN meetings, sharing their stories to delegates, MPs and the general public. For example, Scottish arms control campaigner David Grimason, who lost his two-year-old son, Alistair, after he was shot in a Turkish café in 2003, and former IANSA Board Member Dr Mick North, who lost his 5-year old daughter, Sophie, in the 1996 Dunblane primary school shooting, were joined by politicians, campaigning organisations, and activists at Glasgow University to launch Amnesty Scotland's campaign for a global ATT (Amnesty, 2012; IANSA, 2012e). Grimason and North would continuously lobby Scottish MPs until the final vote. Alex Bunting, who lost a leg and sustained other injuries in a bomb attack in Belfast in 1991, also lobbied with the Northern Ireland Assembly to ask Cameron to publicly affirm the UK position for a strong treaty (Amnesty, 2012d). One informant, also a victim of gun violence, said in this context that with him being part of a gun control campaign, they could use him to raise awareness, saying that 'it brought about more media attention, and led to successful outcomes'. While the majority of victims in the Control Arms campaign were from the global South, these national-level activities highlighted that the arms trade affects the global North, and thus, potentially, having wider appeal to the public. On a wider scale, Control Arms for example launched the 'Speak Out' campaign, where over 1,000 voices were added to a list of experiences or concerns around the arms trade.

Branches of IANSA were formed for specific purposes. They used 'Weeks of Action' to promote their individual causes, highlighting in different ways how the arms trade creates and affects victims of armed violence. The leading members of the IANSA Public Health Network – International Physicians for the Prevention of Nuclear War (IPPNW) – were using the weeks to highlight the public health aspects of small arms. IPPNW met with government officials in Zambia, Kenya, India, and Nigeria (IANSA, 2011aj). IANSA Survivors Network worked with a number of civil society groups in the US (IANSA, 2012u; IANSA, 2012v). To influence states to support victim assistance provisions in the ATT, the Survivors Network, with senior religious leaders, issued a 'Survivor's Declaration' leading up to the March DipCon (Control Arms, 2013fx). In one Global Week of Action, The IANSA Women's Network, consisting of representatives who were victims of sexual violence, were very successful in coordinating members concerned with women's rights to engage in activities and sign open letters to their governments (IANSA, 2011aa). Open letters were circulated to UN Member States and delegates during the PrepComs and the DipCons (ibid). Victims were invited by Control Arms members to read out presentations to delegates inside the negotiations.

Although victims had an entirely different objective and purpose compared to the ICBL campaign, 'victim assistance' provisions were comparatively weak. Scholars generally argue that the role of landmine victims helped to generate international attention and change the conception of landmine use in a very short time (see for example Rutherford, 2000: 77). They nevertheless added a 'human face' both within the UN fora and outside to disseminate the message to the public (Whall and Pytlak, 2014). The strategy was rather a 'priming tool' that caught media attention (ibid). It, however, could have served as a good way to argue for human rights and IHL provisions, and indeed, specific weapons-related violations a victim had experienced.

One informant in Utnes's study argued that there is human interest in stories and testimonials, arguing that 'if you talk about someone whose family has been shot to death or bombed by a tank, it's "a different kind of pull" in relation with "factual information and [statistics]"' (2010: 44). 'Instead of flipping pages of writing, he adds, it's better to present people who have survived attacks from conventional weapons, conveying to the governmental representative that "look, you're a Liberian, I'm a Liberian, my family's been shot to death, we need to stand up..." It's these kind of human tragedy stories, he says, that prove very useful, often more so than factually

oriented reports' (ibid). Thus the use of victims in the campaign were perhaps more powerful that the actual framing of issues in reports, since they speak of a 'short causal chain' that exists 'between cause and effect' (Keck and Sikkink, 1998 in Finnemore and Sikkink, 1998: 907) Keck and Sikkink argue also that that such stories may 'resonate with basic ideas of human dignity common to most cultures' (ibid). The use of victims and "vulnerable groups", such as school children and pupils also helped to attract media attention and donations. In total, some 300 students met government ministers, including UK Defence Minister, Bill Rammell MP, and the UK's Ambassador to the UN, Alan Duncan, at the Foreign Office in the lead up to the 2009 UN General Assembly (Amnesty, 2009a: 3), and Under-Secretary of State for Foreign Affairs Alistair Burt in the lead up to the July negotiations.

Public mobilisations were also important to the outsider strategy. It is difficult to assess the significance of this due to the fact that most of the mobilisation was taking place in countries that already supported a 'strong' ATT. Public mobilisation and other forms of awareness raising nevertheless assisted the campaign in adding pressure on respective governments and collecting petition signatures to hand over to key figures. From the start of the PrepCom meetings up until the final March/April negotiations in 2013, IANSA organised a series of events around Europe and the rest of the world. In one 'Global Week of Action against Gun Violence', IANSA wrote that campaigners from more 100 countries – a record number – were calling upon their governments to support a strong treaty (IANSA 2010f). Each week of action had different themes depending on what NGOs were pushing for at particular times. For example, leading up to the March conference, the theme was 'missing pieces' – i.e., parts and components missing from the treaty text (Control Arms, 2013g).

NGOs also encouraged high-profile celebrities to get involved in the campaign. Early in the campaign, Nicolas Cage started supporting and then working with Amnesty International USA before starring in *Lord of War* (a fictional Hollywood movie about an illicit arms broker), where afterward, he 'developed a growing interest in the problem of arms trafficking' and child soldiers (Tsaliki, Frangonikolopoulos, Huliaras, 2011: 222). Cage approached Amnesty International to offer his help with the Control Arms campaign, and through Cage, Amnesty USA became involved in promoting *Lord of War* through their website (ibid). Among other commitments, he donated $2 million to 'positively impact the lives of child soldiers', the announcement of which was aired at 'a concert whose purpose

was to raise awareness of the Control Arms Campaign' (ibid). His commitment to the campaign, however, 'hit a snag' when he was unable to become an ambassador because he was a fully paid-up member of the NRA (ibid: 224). However, through funding and Cage's own personal networks he and other notable celebrities raised the profile of the campaign.

Additionally, before the July 2012 negotiations, Control Arms succeeded in attracting more than 30 'high-profile' artists such as Helen Mirren, Keira Knightley, Yoko Ono, Scarlett Johansson, Coldplay, Bianca Jagger, Vivienne Westwood, Tim Roth, Emmanuel Jal, Annie Lennox, Kevin Spacey, and Paul Conroy to write a letter to their governments and the UN Secretary-General (Amnesty, 2012g; Tsaliki, Frangonikolopoulos, Huliaras, 2011). It is notable that these are mostly British celebrities who are already connected to other peace campaigns and charities. Control Arms also attracted notable religious leaders such as Desmond Tutu and Pope Benedict, who with other leaders released an 'Interfaith Declaration In Support of the ATT', consisting of senior religious leaders from the world's major religions, supporting GBV. Later, in the March negotiations, celebrities continued playing a role. In response to the 'Million Faces Petition,' Ban Ki-moon met Control Arms' 'Millionth Face' supporter, the Kenyan marathon runner, Julius Arile (Control Arms, 2013o). Djimon Hounsou, holder and nominee of many acting award, gave a presentation at the UN on behalf of Control Arms (EASSI, 2013). Other celebrity interest came from 'internationally-renowned musicians Joss Stone and Dave Stewart', who made a song "Take Good Care" (Amnesty, 2012b). However, it appears that in comparison, support from celebrities is not seen as influential as argued in the campaign for the ICBL, whereas Diana, Princess of Wales and other celebrities were seen to have given landmines argument significant media and public attention (Tsaliki, Frangonikolopoulos, Huliaras, 2011: 221).

From this, it is clear that Control Arms utilised a myriad of outsider approaches to influence media, the public, and government officials. The use of outsider approaches alone, however, would not have been enough to pressure states and individuals to maintain support for the treaty. It was the symbiosis of insider and outsider strategies that maintained constant pressure on governments. Is the outcome of the ATT a reflection of NGO influences? Helping to answer this question more generally, Inf.A noted the impact of civil society work in several component parts of the Treaty. He said that generally the 'humanitarian core than runs through it, I think that is a really big win,' and 'the fact that human rights law and [IHL's] are reflected strongly throughout the text and reflecting and enhancing state's existing

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responsibilities'. He added that the way the criteria were written, that is was 'very similar to what we were advocating for a number of years, and we saw a number of states taking on board those considerations during our national lobbying with delegations and quite often [...] states themselves would use specific language that we had helped develop with them'. With regards to the scope, however, Inf.A said that they were 'disappointed that the main article didn't address the full breadth of the equipment that states currently regulate'. 'Having said that', he added, 'it is very clear that the obligations is for states to have a much wider list [that's in the text]'. Having SALW in the main category with the UNR7 for him was also success of civil society work. Referring to ammunition and parts and components, he added that while not subject to reporting and the same national control, diversion, and risk assessment systems, and given the demands of the USA and China, he argued that they had got the scope to be as comprehensive as they could. 'The way the text has been written', he argued, 'basically states, in our view, have an obligation to apply the rules to those items as well as what's in the main scope [...] states still have to [control] them in the same way, using the same methodology and the same rules'.

7.4 Discussion and Conclusions

Based on Reitig's 'prerequisite for influence', NGOs had access to the negotiation setting, including many opportunities to communicate positions, and to be heard by government delegates. They were well informed about developments in the negotiations, government's positions, while providing expertise on negotiation topics (2011: 10). They achieved 'insider status' by being members of delegations, and therefore had access to informal negotiations, and, by consulting with the chairs, had access to the negotiation text (ibid).

There are many instances where the insider and outsider approaches were complementary, as a whole, in terms of adding pressure and holding progressive governments to a strong negotiation position. The insider approach in particular was important to the campaign, because it created avenues for NGOs to keep the process and their agendas afloat. For example, after the failed July DipCon, having access to delegates helped to lobby for a second conference.

The insider approach was a success considering that it helped to galvanise groups to make joint statements, and therefore aided the process in establishing collective gains. Control Arms reflected

that by '[w]orking closely with a wide group of like-minded governments to secure majority support for key Treaty provisions', the 'strategy proved particularly effective in strengthening the draft treaty text' (Control Arms, 2015: 3). Side meetings complemented this strategy because it helped to identify loopholes or issues raised with current texts, and helped to form coalitions and strategies for the PrepComs and DipCons. Expertise was therefore very important for the insider approach in terms of problem solving. Lobbying with the UK delegation, and being part of the delegate team was achieved this way.

Research papers, made in meetings both inside and outside the negotiations, appeared to have been successful in formulating preferences, solving textual or practical problems, and influencing discussion. The reports, as well as the side meetings, became increasingly important to get NGOs' agendas across when negotiations appeared to be failing. These were handed in person to delegates. Various strands of the Control Arms coalition, for example ATT Legal Network, also provided a 'provision of neutral legal advice' which 'helped support smaller delegations, particularly from the global South, to participate fully in UN negotiations' (Control Arms, 2015: 3). Individuals affiliated with NGOs working with the chairs may provide limited influence as a direct influencing strategy considering that states have primary influence. However, they may have helped to provide clear and practical solutions in terms of language suggestions, particularly if it came from the reports and or side meetings.

In terms of the outsider approach, this chapter research demonstrates that the use of media is an evolving and effective tool in collecting signatures, and framing and distributing messages across to the public and government officials. While '[a]ctivism efforts have multiple goals, not all of which have equal importance', and keeping in mind that not all outcomes of certain forms of activism are observable (Joyce, 2010: 30), getting MPs to publicly express support ensured more trust in the UK position. It also furthered the goals of the campaign by helping to secure the UK delegation's position for a strong treaty and increase the visibility of the campaign. Government representatives are more exposed to contempt if they do not respond to mass online lobbying. Politicians were more amenable to supporting the campaign at times of scrutiny, especially during elections (Baumgartner, Jones and Leech, 1997).

NGOs used many resources and strategies at their disposal, demonstrating a high degree of sophistication and imagination. For example, the 'Million Faces Petition' and the vast email and letter writings throughout the campaign, demonstrates the ability for relatively effortless and low-cost public activism (or "clicktivism") to influence individuals and governments to show support, in comparison to public demonstrations. All these activities resulted in a "critical mass" of supporters. This had a further positive effect because of the general lack of media attention about the negotiations was in part counteracted by raising the profile of the campaign through social media, involvement of the public, use of celebrity, and petitioning politicians. However, many of the activist activities required little effort, because they were free, online, and simple to use. Thus, it is highly speculative whether these activities represent public vexation at the issue, and hence its actual effects on policy makers' positions.

Furthermore, the use of the social media in particular helped democratised the campaign. Campaigners applied pressure on certain officials through online e-dialogue or face-to-face lobbying, and helped distribute relevant information, such as policy reports, for delegates to prepare for meetings. Despite the proven effects of social media in conflicts like the Arab Spring (see for example Alhindi, Talha and Sulong, 2012), the effectiveness of the same tools in the ATT process are not as straightforward. While the success of such campaigns are difficult to measure, if the objective was to make ministers react to petitions and hold them accountable, this was achieved.

Additionally, 'chance occurrences' and 'favourable events', such as the Syrian civil war, favoured the campaign in terms of connecting Control Arms' NGOs agenda to the ATT, and, by providing links to petitions, assisted the campaign this way. These activities also helped to 'educate' the public about arms trade issues, and take action by signing signatures or lobby governments online. Direct lobbying and engagement, according to Control Arms, was directed toward 'almost every UN Member State' (Control Arms, 2015: 3). The importance of quantity in support for the campaign was one of the main strengths of the outsider approach. For example, the various national, regional, and international 'Weeks of Action' were effectively coordinated to raise awareness, gather signatures, and lobby governments in both violence-affected states and major exporting states. The most effective outcome occurred when key figures responded publicly to mass petitions. Key individuals are more inclined to respond to campaigners via the public fora of Facebook and Twitter than other outsider approaches.

The use of victims and vulnerable groups was also beneficial, and served as a reminder to their countries of their obligations and identities. Risse, Ropp, and Sikkink argue in this context that advocacy networks: 'put norm-violating states on the international agenda in terms of moral consciousness-raising. In doing so, they also remind liberal states of their own identity as promoters of human rights' (1999 (eds): 5). This, as well as organised meeting with government figures, and general use of social media, also served as a marketing strategy.

In summary, both insider and outsider approaches held the UK delegates and ministers to account (Smith, Tibbett and Coe, 2013: 3). The outsider approach was not as effective in times of negotiation deadlock. This was because the outcome essentially came down to the decisions and compromises of a small number of states in the 'discursive terrain'. The insider approach, in this case, became more important in terms of applying pressure, because access to the development of the text and to delegates remained crucial for reminding negotiators of humanitarian cause. In the case of the UK, according to an independent analysis of Amnesty's work, 'collaborative engagement with the government paid off' because it held them to a strong position in tandem with other NGOs' more critical approach (Smith, Tibbett and Coe, 2013: 2). According to Smith, Tibbett and Coe, NGOs were able to maintain an implicit threat because of their potential to switch public perception of the UK position.

In this context, the level of influence NGOs had on the UK position is questionable, because the UK campaigned for the ATT with interest in levelling the playing field. For example, campaigning partnership between Oxfam and Rolls-Royce, 'both to advise the UK team and to engage on the UK's behalf at the UN and in their own constituencies' (Duncan, 2013), emphasises the abnormal lengths at which NGOs will go to reach certain goals, particularly considering some disunities between their goals. Alan Duncan highlighted how industry 'views provided an essential degree of balance and helped the negotiating team understand how [a treaty] might operate as a new industry standard for 'responsible' exporters in the global marketplace' (2013). Furthermore, the majority of the major exporters did not need to change their behaviour, and neither did the importers need to follow much of the provisions concerned with exports.

NGOs generally focussed their campaigning on states that were already supportive of the cause. Thus,

it could be argued that many of these states were 'easier targets'. Whall and Pytlak reflect that '[f]ocusing on the many proponents of a robust treaty, as such force multipliers and supporting alliances between these states, was seen as a more fruitful use of campaigner's time, than focusing on states whose positions were less progressive, more entrenched in traditional models of diplomacy and more difficult to influence' (2014: 4). They noted that '[p]rogressive governments also looked to the coalitions and its partners to shape the 'political dynamic' within the process' (2014: 4). This statement is true in the sense that some NGO activities in countries that held opposing opinions to some 'vital' ATT provisions, did not change their positions. For example, in India, a larger number of civil society groups held roundtable discussions, lectures, and seminars concerned with the need for GBV provisions and India's position in the arms trade. A declaration from city of Imphal, signed by '100 women survivors', called upon the Indian government to 'lead work on an ATT and include victim assistance' in the Treaty. It did not alter the Indian position in negotiations.

Nonetheless, while NGOs may have very limited influence on government representatives if they 'demand something [...] but have little to offer in return' (Reitag, 2011: 21), the fact that NGOs did have resources and expertise in the subject, allowed them to lobby the UK government. This reveals a methodological and causal blind spot in the understanding of NGO influence in international relations, especially in terms of Finnemore and Sikkink's hypotheses. Overall, Finnemore and Sikkink's norm stages do not explicitly mention NGOs as a critical force at the norm cascade and internalisation stages. Rather, they refer only to 'networks' where states contribute to the negotiating phase. NGOs, in this case, have made distinguished mark of their own. NGOs assisted in the negotiation process by helping to merge priorities and strategies in collaboration with supportive states, holding them to account. Both quality and quantity activism was necessary, with each performing different functions. The insider approach of "message entrepreneurs" (Fukuda-Parr and Hulme, 2009) played a major role in symbiosis with outsider activist tactics.

CHAPTER 8
Conclusions

8.1 Reflection

Finnemore and Sikkink's hypothesis provides a template for identifying and explaining the relationships between norm evolution, negotiation context, and agent action. By using a number of methods and techniques, testing it in this way has both cohered with and contested their claims. Based on the findings of this thesis and critics, the hypothesis has been proved to be a "working hypotheses" in many ways, in that there has not been adequate evidence in this work and in recent scholarship to strongly suggest that is completely fallible. However, there still needs to be clarity on certain stages of the norms life-cycle and how actors play into the dynamics of norm construction. This one-size-fits-all approach to norm evolution, overall, needs to be revisited and adapted to sufficiently address the role of NGOs at all stages of the norm life cycle, and adapt to new stratagems and tools of influence such as Internet campaigns. Researchers should also include other theoretical angles in norm construction research, such as critical theory, to understand how power and hierarchical factors play into norm construction, and look deep inside the institutional processes that formulate states' preferences.

Overall, the thesis aimed to test a number of ideas put forward in the hypothesis and address gaps in literature. Its primary research question was: how does the ATT process build on or repudiate Finnemore and Sikkink's life cycle hypothesis? To address all areas of the hypotheses consistently, the secondary research questions were as followed: what role did NGOs play in influencing states to support the ATT, and what role did they play in holding government to a supportive position? How was power exercised in the ATT negotiations, and how did this affect the outcome of ATT provisions? How do internalised norms affect state behavior? It also questioned how social factors influenced states decisions. With these questions, it aimed to test Finnemore and Sikkink's tipping point claim, identifying in the literature that tipping points occur at both ends of the norms life cycle. It also tested the proposition that states are persuaded to support norms through frames and through moral obligations, and what factors led to contagion of norms. It also tested the notion that internalised norms affect state behavior, and the roles NGOs played at the emergent stages of the ATT and, particularly where the hypotheses is lacking, the role of NGOs during negotiation.

It also sought to address some gaps in academic literature to provide a more complete account of how identity is shaped and how norms, negotiation context, and NGOs influence the agenda. More specifically, it sought to identify areas of interest to researchers focussing voting blocs and ideological alignments in multilateral negotiations, how voting rules and social pressures affect state behaviour, the power of small and middle-power states, how norms shape state behaviour, the effectiveness of NGOs in multilateral fora, and how power influences norm construction. The following sections addresses what this thesis established and areas that remain unclear or unknown. It then summarises the success of the overall approach in what it established.

8.2 Contributions to knowledge

While 'norms' go through their own policy cycles and are adhered to at different levels, the thesis has added clarity to the 'tipping point' claim in Finnemore and Sikkink's hypothesis, and clarified what leads to a 'tipping point' in the signing and ratification process. There are many factors that contribute to the growing intensity of support at the emerging stages of the ATT. Different phases of negotiation, implementation and review of other arms control initiatives formulated the agendas of many NGOs and states which led to the promotion of the ATT. These cycles and 'repeated interactions' helped to establish flaws in these initiatives, helped states find mutual gains and establish an agenda for an ATT (Mansbridge et al, ed., 2013). There were turning points 'that mark the passage of a negotiation from one state to the next, signalling progress from earlier to later phases' (Krasner, 1983: 2 in Hampson and Hart, 1995: 25). Formal and informal meetings provided space for building alliances with states around the world. Support from major exporters and states affected by armed violence added legitimacy to the campaign for an ATT. The thesis also finds that conditional agreement for the elements for the ATT needed to go through their own degrees of acceptance before being part of the negotiating agenda, and that included being framed and being supported by coalitions before being conditionally agreed upon. This points to one limitation of Finnemore and Sikkink's hypothesis in that it usually applies to single-issue norms rather than clusters of norms (Gardner, 2011). This is particularly relevant to provisions concerning corruption and GBV. These provisions found their place in the Chair's paper without

high levels of state support.

At the latter stages of the norms construction, there is indeed a 'tipping point' aspect to the signing and ratification process, as addressed in chapter 6. The findings indicate that there are social pressures, in the negotiating setting, within regional and institutional networks, through trade-offs and through formal and informal ceremonies and arbitrary deadlines, that pressure states to support norms. This, in turn, makes us question the significance of norms in shaping state behaviour. Voting blocs and regional organisations have a significant part to play in preference formation of 'members' and prospective members. Member states of regional organisations with strong common positions, particularly the EU, CARICOM and ECOWAS, were more likely to sign the treaty at an early stage compared with those that were not. In this context, there are some interesting parallels with Boockmann and Dreher's observations, in that a country's economic, strategic or social situation can be 'irrelevant to voting behaviour if regional dependence of voting is controlled for' (2011: Abstract). This argument also applies to non-members of regional organisations, such as those wishing to join the EU. This does not deviate from Finnemore and Sikkink's argument about the significance of peer pressure and legitimacy shaping the decisions of states, however. Adding some clarification to this proposition, there are many social factors that both compel states to adhere or refrain from adopting the ATT. Some simply feel obliged to take the lead; others have little choice but to sign and ratify. Other will only ratify if their rivals or allies ratify. Formal and informal events and arbitrary goals and deadlines add to social pressures to sign, as do identity redefinitions (for example Libya) and other geopolitical factors.

This thesis also contributes to knowledge in areas concerned with 'contagion'. Without considering time barriers and bargaining tactics; trade-offs, compromises, norm acceptance, and therefore contagion, can be distorted. For the sake of strengthening or weakening elements, states may tactically exaggerate their opposition or support for an element, and thereafter exaggerate 'the value of their own sacrifices' and downplay 'the benefit of others' concessions' (Tallberg, 2010: 244). In the bargaining process, states test arguments to see how others respond, and act in accordance with these responses which disguises their true preferences. In this case, states should not be viewed as being 'persuaded' or socialised to support norms in some cases.

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Other findings in chapters 4, 5 and 6 substantiate some of these points. The findings indicate that regional organisations and coalitions also have sufficient influence on the preference formation on member and prospective member states on specific elements *during* the negotiations. Time barriers and deadlines for deal making are also key to formulating states preferences through concessions. This also relates closely with Payne's argument about how framing determines the outcome of norms, and that rhetorical and behavioural change are not necessarily linked to persuasion. Persuasion can occur out of threats and social desires not linked to the persuasiveness of the norm.

Given that many states supported ATT elements that reflected their regional arms control instruments, their sense of identity, desire for belonging, and existing national practices shaped their preferences. For example, Eastern European states applying for EU membership followed EU statements as a way of redefining their identity. Relating to peer pressure, Fehl argues that informality within groups also leads to less-powerful states following the preferences of the more powerful states within the group. Other examples not applicable to regional 'values' could be seen in some cases. The US shifted their position on some elements because they did not want to be aligned with the 'pariah' states. This shows that the UN is a forum through which states exercise a sense of self and belonging, whether they do or do not share values and interests with others. The power of networks of states, and the 'cultural-institutional context' is thus an important part of norm acceptance. Finnemore and Sikkink are therefore correct by arguing the importance of legitimacy and esteem as important in norm acceptance. However, the argument put forward in the hypotheses that states are "socialised" to support norms, and conformance to norms become almost automatic, is too simple an assumption. Rhetoric and reality are different things when we consider "conformance" as indicative of rhetorical or behavioural change

While chapter 4 was less reliant on Finnemore and Sikkink's models, it contributes to debates about norm evolution and literatures in multilateral negotiation processes, and substantiates some of the points noted above. Finnemore and Sikkink place less emphasis in considering the implications of how negotiation rules affect the evolution of norms. The findings contribute to knowledge in terms of our understanding of norm life cycles in a number of ways. First, the voting rules and the bargaining

dynamics condition the behaviours of states, and this inevitably shapes the outcome of norms, and thereafter state behaviour in accordance to these norms. In the case of the ATT, 'norm promoters' had sufficient influence over the formulation of the consensus rules, which further conditioned the behaviours of states. This also relates with research undertaken by critical theorists concerned with institutional hierarchies, and Finnemore and Sikkink's acknowledgement of "strategic social construction" as being important in benefiting some actors. In terms of intercoalition strategies, this also emphasises shifts in ideological alignments after the Cold War, particularly in cases where economic and moral interests overlapped. The findings emphasise the growing power and influence of small, developing and middle-power states in influencing the outcome of norms, which contributes to the literature on this subject. Lastly, the importance of the Chairs, their management styles, abilities, and the time dedicated to agenda management, is considerably important when understanding norm evolution. Various bargaining tactics, overcrowded agendas and agenda-setting rights, conditioned the behaviours of states, and this led to weakened provisions and unwieldy negotiating positions. Analysing the Chairs' responses to state requirements in their papers also assists in identifying how power is exercised in the negotiating setting. Overall, this section addresses Finnemore and Sikkink's argument about the need to look 'inside social institutions and consider the components of social institutions' that 'create new patterns of politics' (1998: 891).

On the subject of how internalised norms affect state preferences, this was less simple to accentuate. There are many examples of how internalised norms affected state behaviour in this thesis. However, since many Western states were interested in levelling the playing field, for example, it is difficult to be sure in some cases. As for states in violence-affected regions, existing initiatives influenced their strong positions on SALW and ammunition specifically, and other provisions concerned with human rights and socio-economic development. Human rights, IHL norms and existing well-defined export criteria in many national and regional controls, meant that these were widely supported by many states in the negotiations. Regarding corruption, however, based on objections and no-statements/data of many of those that have signed and ratified international and regional norms, the findings suggest that existing anti-corruption instruments were largely unsuccessful in influencing the preferences of some states. While corruption is prevalent and widely documented in the arms trade, translating it into risk assessment criteria was overly sensitive, and since there was not the same

degree of enthusiasm on the part of states for its inclusion, it was removed from the text. SED criteria were also removed from the criteria. Other norms relating to SED, such as those under the UN Charter, took precedence over the impact arms on poor countries. Resistance to the latter parameters shows that while norms are internalised, they will not automatically be accepted in other emerging norms without being wholly convinced of the frames. The indication that internalised norms affect state behaviour, therefore, has some flaws. Since there were many agendas being managed within a short time, negotiating energy from many supporters of strong criteria was focussed on other norms deemed more critical, thus drifting attention away from corruption and SED criteria. Additionally, one cannot fully determine if ratification of some norms signify or "reconstitute" change in behaviour if states are supporting norms for economic reasons. Intrinsic values and beliefs, though not institutionalised as an instrument, but rather connected to religious conceptions of patriarchy, formulated the position of some members that disagreed with gender provisions for instance.

Relating closely to the question of whether internalised norms affect state behaviour, one aim of chapter 5 was to identify some of the economic, security and political factors influencing states' negotiating positions and, hence, taking precedence over states' obligations. All these factors are interrelated, and they do not portray the national interests of all states, but reveal trends that could be useful for further research. The most notable findings in this chapter indicate that reliance on imports of ammunition and parts and components shaped many sceptics of the latter, and, with the US economic and security ambitions, succeed in influencing the Chair to have these controlled under a 'second tier' of export assessment. For similar reasons, many of the highest technology acquirers objected to the inclusion on technology transfers. On the contrary, most of the major exporters of ammunition, the vast majority European, supported its inclusion in the scope. Overall, a comparably small number of states were influential in reducing coverage of the scope and having corruption and development omitted, which recapitulates arguments about power inequalities under the consensus rules. Taking this into account, in most cases internalised norms did shape the preferences of most states.

Chance occurrences are also seen as driving states to conform to norms. Without the work of NGOs, and concurrent discussions in the 55th Session of the UN Commission on the Status of Women, for

example, the Chair may not have introduced GBV provisions to his text. However, chance occurrences have not been used to argue why states might oppose norms, particularly, in this case, with the Arab Spring and MENA states' overall scepticism to human rights provisions. Understanding how risks and reliance on imports are associated with emerging norms helps in understanding state conformity in relation to institutionalised norms, and how this affects their preferences. Avoiding ridicule, as noted in the hypothesis, was also seen in states' lack of responses to corruption.

Research on the role of NGOs in the emergence and construction of the ATT has both confirmed and challenged the hypotheses. There are limitations to understanding their effectiveness in this thesis. Space has only allowed one to assess the roles of a handful of NGOs, and many nuanced factors that contributed to their effectiveness are not taken into account. The specific roles of NGOs, and individuals acting on behalf of organisations (micro-level influences) are also important, but not pursued in this thesis. Interpreting the extent of success in the case of NGOs strategies is problematic because pressure was directed at states that held largely 'progressive' views towards the treaty. This reveals a methodological and causal blind spot in the understanding of NGO influence in international relations.

However, as discussed in the literature review, NGOs had sufficient ability, particularly at the pre-negotiation stages, to influence the agenda. By having wide-ranging expertise, they were able to frame and 'sell' their solution to states through various modes of influence. This was made possible due to access to review processes at national, regional and international levels. Finnemore and Sikkink's article, however, does not explicitly mention NGOs as an acting force at the latter stages of the policy cycle. Rather, they refer only to 'networks' where states contribute to the negotiating phase. NGOs should not simply be merged with supportive states, they have also made a distinguished mark of their own in the Treaty's construction.

Chapter 7 contributes to knowledge in areas relating with Finnemore and Sikkink's hypothesis and literatures concerned with NGO influence in global politics. Their activities are more nuanced and complex that the hypotheses give 'norm entrepreneurs' credit for, particularly at the latter stages of a norms development. Keeping their agendas on the table was achieved through a variety

of means. Expertise in arms trade issues allowed them to 'conquer' space (Schoener, 1997) in the UN, get insider status, act as 'message entrepreneurs' (Fukuda-Parr and Hulme, 2009), and this helped them identify loopholes, suggest alternative textual changes, and build alliances. Quantity and quality activism outside the negotiations, an area that has been relatively neglected by scholars interested in the ATT, similarly furthered the NGO goals. The influences of their strategies vary, and measuring success is problematic, but overall act as pressure points to create reactions from the primary decision makers. The Internet, for example, maximises exposure of politicians who find it difficult to ignore mass public pressure. They are held more accountable, and this was exploited by campaigners with some success.

This relates closely to Finnemore and Sikkink's argument about states' need for domestic legitimacy. 'Chance occurrences' and 'favourable events', such as the Syrian civil war, also favoured the campaign in terms of connecting Control Arms' NGOs agenda to the ATT by, for example, providing links to petitions. These strategies are time-sensitive, which in turn maximises influence on policy makers. The use of victims and vulnerable groups was also beneficial, and served as a reminder to their countries of their obligations and identities. Risse, Ropp, and Sikkink argue in this context that advocacy networks: 'put norm-violating states on the international agenda in terms of moral consciousness-raising. In doing so, they also remind liberal states of their own identity as promoters of human rights' (1999 (eds): 5).

Overall, the research has affirmed wide literature that reflects on the roles of NGOs, public authorities, "middle powers", and "norm promoters" in defining and redefining the agenda (see Rutherford and Brem, 2001, and Clarke, 2008). Some have wrestled with the idea that such coalitions represent a 'post-Cold War superpower' (Vaughn, 2005: 78), which is neither false nor superficial, particularly given the findings. NGOs were able to connect the 'duty' claims between the arms trade and states' responsibilities under international law, using victim stories, evidence of flaws in national and regional regimes, and deadly conflicts to support their arguments. This was aimed at states' self-esteem, their need for domestic legitimacy, and pressure to conform. Coalition work, consistent with Finnermore and Sikkink's claims about norm entrepreneurs and organisational platforms, enabled them to promote their cause to a vast audience. The prominence of the norm was amplified when the

UK, the fifth largest exporter at that time, and other "critical states" from the EU became the norm promoters. But affected states were also influential in increasing the prominence of the ATT. While some have questioned the political force behind 'effective collaborations' between NGO and state coalitions in the face of Great Power opposition (Vaughn, 2005: 78) and evaluated the lengths they have gone beyond 'generating nonbinding statements or voluntary protocols on such issues as nuclear weapons [...] and child soldiers', and "consciousness-raising" (ibid: 78), this thesis has disrupted this belief as limited to only certain "failures" or misfortunes in previous multilateral norms, including in some cases the ATT. Where the findings deviate the most from Finnemore and Sikkink's hypotheses is the role other actors play in formulating the positions of states, and influencing the construction of norms. While time-contextual factors, such as the economic and security climate, and the importance of capitalistic aspects in the ATT were influencing the overall agenda, defence industry input and gun rights groups influence on the US positon demonstrates that other groups, not just humanitarian NGOs, were important in formulating states positions and the outcome of the ATT.

In these conclusions, there is a critical element in understanding norm influences.
There are many interpretations as to how power was used and distributed in the negotiations. In pursuit of levelling the playing field, Western states were executing what might be described as 'neoliberalism's imaginative geographies of a global village, [...] the desire for a particular homogeneity, an impulse to remake the "Other" in "our" image' (Spring, 2012: 141), but at the same time maximising gains by changing the advantages of their competitors. Support for the Treaty may have also been driven by a declining European defence industry. This supports Finnemore and Sikkink's view that norms that come out of domestic and desirable models, and which are compatible with capitalism, are likely to diffuse and become popular (1998: 907). However, because emerging ATT norms were at different levels of acceptance, based on definitions, legality, and issue, some were supported more than others, and this had implications in the likeliness, under the time barriers and rules of the negotiations, of their adoption and effectiveness. All this is part of recent trends towards deeper inequalities in institutional orders, privileging the 'powerful over weak states', and partly 'characterised by a US-centred 'hierarchical system'' (Fehl, 2013: 507, 508).

In summary, the project confirms many claims made that states' expectations and interests in

multilateral negotiations are not fixed, but can be manipulated or altered by various actors (Borrie and Randin, ed., 2006: 55). Many studies have not captured factors that influence states to support or oppose norms based on their perceived risks, self-esteem, or economic or political interests, and why these change. There have not been enough empirical tests about how institutionalised norms affect state behaviour in multilateral negotiations, and how this helps us understand how influential 'internalised' or 'taken-for-granted' norms are in shaping state behaviour, particularly when scholars are reassessing liberal institutionalism's relevance after 9/11 and the Iraq War. Furthermore, the project has confronted questions regarding the ability of NGOs to shape the agenda and confirms that they are still a powerful force to be reckoned with in norm construction, despite the vested interests they are up against.

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Transcripts from Informant A and Informant B:

This appendix contains samples of all the participant interviews. Interviews were semi-structured and questions were open-ended. The researcher initially used questions written down to lead the interview in the direction of focus before spontaneous questions were asked, which depended on the answers the participants were giving. The researcher also made utterances while the informants spoke, acknowledging what they were saying and letting them know that he was listening. These are not expressed in the transcript. Generally, the questions that were initially written down depended on the background of the two participants, who both had different roles and experiences within their organisations. Some confidential text has been removed to protect the informants and the people they were speaking about.

Informant A. (Inf.A):

Because Inf.A had extensive experience of the campaign throughout the ATT process, and attended almost all meetings, including Preparatory Committee meetings and Diplomatic Conferences, questions were more specific regarding the social and institutional factors that may have influenced states positions. The Informant was contacted directly via email, and he was interested to take part in the interview. He was unsure of his schedule, so we agreed that a 1-hour telephone interview at a time suitable for him. I conducted the interview with is permission on loud speaker in a closed room, and recorded the interview via a recording application on a tablet computer.

15th September 2014, 14:15pm

Questions and answers:

Tegg (T): …Would you like me to send you a transcript afterwards?

Inf.A: no thanks – if you are going to directly attribute me or [my organisation] in the final work, is it possible to get sight of that so that we know it is being it is being attributed correctly or if we can veto what was said just in case…

T: Yes, of course…

Inf.A: will this interview perform part of the whole of the work or is it part of a specific chapter that… any specific or comment you attribute to us… could you give me sight about for it? Just want to be

reassured that it won't affect us. Any comment attributed to someone or something I want it to be anonymous.

T: Yes I will. I will be in contact should I refer to [the organisation]. Reflecting back, What activities of [your organisation] during the negotiations may have directly or indirectly affected the decision-making of a state or delegate, or a group on a specific norm, on the scope and transactions?

Inf.A: you cannot attribute this kind of question to a specific NGOs, we were acting as part of a collective group. I wouldn't want to imply that it was [my organisation]. There were lots of positive things that came out of the text.

The text itself is owned by state, so you expect that document to take on the entire views or the entirety of all views. Nevertheless, the final outcome of the document is considerably better considering what might have been looking like when Moritan was chairing the conference in 2012. Given that that document might have gone through, it is a much stronger document we might have got in 2012. So specifically, there are several component parts that you need to look at in which civil society have made an impact in the text overall I think. The general recognition that it's a humanitarian treaty whose job it is is to stabilise the kind of humanitarian core that runs through it, I think that is a really big win. If you read it, its purpose is really about affecting and reducing suffering around the world... that's a big plus. Another generic area is the fact that human rights law and [IHL's] are reflected strongly throughout the text and reflecting and enhancing states existing responsibilities, they're not watering them down. You can see through the preamble, for example, but also specifically in the criteria, particularly articles 6 and 7 – 7 more for the specific human rights aspects – the way those are written.. it's very similar to what were advocating for a number of years, and we saw a number of states taking on board those considerations during our national lobbying with delegations and quite often during the negotiations, states themselves would use specific language that we had helped develop with them. So we gave a lobby brief on how you could argue for a criteria on human rights or how you should argue for a prohibition on international law for example and seeing those reflected in the final text I think is probably a good thing.

Specifically on the scope, I'd say, erm, kinda win some lose some... we were always critical that the main article on scope was purely limited to the seven major categories of the UN Register. We had said that all along and we thought that it was a mistake to align the UN Register with the scope of conventional weaponry because it was clear to us that the moment that that was the suggestion that was made and at one of the PrepComs which set us along a path, it would be very difficult to get away from because the UN Register is not an export control register of any kind, and it wasn't written for the purposes of export controls, so there is a mismatch between what states currently control under their national control framework and the kinda international instruments that relate to conventional weapons control and the UN Register, you know, one's comprehensive and the other one isn't.. so they are different things for different purposes. So we were [...] disappointed that the main article didn't address the full breadth of the equipment that states currently regulate. Having said that, we also know that most of the states driving the negotiations are fully aware of those problems, and therefore the fixes that were put into the treaty text to get around that kind of flaw are actually quite good. So

whilst we can say that we are disappointed by the fact that it is seemingly narrow, there are other bits in there that kind of help address that point so the first big point is that it is very clear that the obligations is for states to have a much wider list than on the minimum level of lists and a minimum level of items that are specified in that scope list. So that's the one thing, that it's very clear that the obligations is to go much broader than that. Secondly, were the additional articles that were put in on parts and components and ammunition. Now, there's all sorts of reasons largely through political...political situations that merged with the USA for example, erm but not just them they're other states. But the way that ammunition and parts and components are dealt with in the text are imperfect. In a perfect world they should be put fully into the scope articles. But they're not, they're separate... separate articles. But, the way the text has been written, basically states, in our view, have an obligation to apply the rules to those items as well as what's in the main scope. So, even though they are not in the main scope, states still have to... be controlling them in the same way, using the same methodology and the same rules. I mean it's, they're not subject to the same reporting requirements, but they are subject to the same national control systems and diversion systems, and mechanisms to prevent diversion, and all the risk assessments in the criteria. So that was a kinda fix, so in a more complicated way that we wanted, erm, we got the scope to be as comprehensive as we could. I would also say there that, the addition of (I forgot to mention this) but the addition of [SALW] into the main category was actually a kinda a broad [fix]... they are an additional item in the UN Register, it was a kinda political tussle with various governments... [the] Chinese, erm, but also the Americans as well, to keep [SALW] in that main list. So, you know, in summary I would say, imperfect in an ideal world, but still fairly robust.

T: yeah.... excellent. So based on... the outcome of the final text in terms of having a humanitarian focus in the preamble....also with the addition of [SALW], parts and components in the scope, how open, in your view, how open were states in confronting the sensitive issues regarding, say, the polticalisation of applying human rights criteria to licensing assessments? And broadly in terms of states making no public statements regarding, to say brokerage controls, corruption as part of a criteria, and also [GBV]. Were states - perhaps sceptical states - not saying anything at all about these issues? Were they kinda refusing or avoiding talking about them with other states? What are your views on this?

Inf.A: OK... well obviously throughout the whole process, I mean, I think one of the things that is very very interesting to look at is how the various Chairs, the two main Chairs, the team of Chairs, the progressive governments that were pushing the text managed to work around the very severe limitations of what was a consensus based process. You know, how do you avoid in a consensus based process, negotiating to the lowest possible standard that any state would be willing to agree to. So what you basically mean then is that you give disproportionate power to the sceptical voices because they eventually have a veto to stop progress. So the desire to reach an agreement is so strong, that the voices of the sceptics have a very strong impact in the actual negotiation. So states that are willing to chip away at things that they believe were important because they knew they wouldn't get them through. Now, you could argue that because some of the key issues throughout the whole text... the pro-human rights bit, the [GBV] bit, the corruption, erm, the transnational organised crime, erm, what's in there on brokering at the moment, what's in there on diversion in the main... you know you

must remember that during the negotiations a lot of these things were carefully and skilfully negotiated, so that's why there are certain articles written in the way they are, and why [when] I said to you that ammunition and parts and components appear in separate articles – that's a political thing – and the six, so the Chair, and the six people to open the negotiations, including ironically the American lobbying team who wanted to agree it, they knew that they had very political, very strong, political opposition on the issue on ammo and small arms... how could they get around that by basically ending up with a text that said the same thing? Which I think what they have managed to do, they managed to appease everybody by still agreeing – in overall terms – what the rules should do, they just had to do it in a slightly odd way. Erm, so obviously certain states have very entrenched positions on certain issues... but we did see for example during those back two-year periods, we saw a big shift from, for example the Chinese, who originally if you look back to [previous statements] they were making in 2009, 2010, 2011 period, on concepts such as human rights, they were using terms such as like 'these are Western concepts' and 'you cannot use them or apply them objectively', 'they shouldn't be the basis for standards by which you should judge export criteria in any way because they are too open to subjective interpretation' et cetera et cetera. Now, they kinda changed position, and by the end, they were almost arguing in favour of having them in, almost a complete U-turn. If you look at what they were saying... so I would say that was a very skilful use of diplomacy. Governments I think through lobbying work through the UN Security Council, very much also the role of the African bloc and maybe the Caribbean bloc who, you know, China especially saw.... see Africa as a very important market for them... have a very strong strategic interest in continental Africa. So, hearing the voices of African governments saying 'for us this is really important... brokering controls are really important...human rights criteria around, particularly arms trafficking is really important for [SALW] and ammunition are deal-breakers for us. They are really important'... erm, I think that had a big sway on influencing the Chinese position..

T: But given the Chinese eventually abstained the Treaty, and they were initially sceptical of certain elements, such as applying politicised criteria, erm... would it not seem that they were negotiating a Treaty that they weren't going to adopt at the end anyway?

Inf.A: Well... that's always the problem on a consensus based decision-making process because you hand lots of power, ultimately, to governments that were probably never going to sign it anyway. So, in the end, you're allowing those governments to dictate something that they are not going to be part of. I think what happened there was that those voices were essentially marginalised during various negotiations. So the end text does not speak from a sceptical viewpoint. Many of the things that they wanted to see in that text or not in that text are either in that text that they didn't want to see or not in the text that they tried to get. So basically, they lost the argument and the consensus process managed to negotiate that those arguments were not, you know, were not reflected in final text. Now, realistically, erm, I think when we started looking at this, erm, our view was that probably the best we could get in the initial stage were big states like China... but not just China, but big states like, big important, strategic states like China, India, Pakistan et cetera... probably the best idea, the best thing we could get from them would be to not block the majority viewpoint, to not use the veto to stop the treaty going forward. So, an abstention from them was probably quite a good outcome seeing that they

could have vetoed or blocked at any stage. Although I think we were slightly disappointed with China because we did have a hope that in the final few days that they would change their mind and they did start to give some indication that they would actually, if not vote, if not find the treaty, they would vote yes to establishing it. And so in that respect we were sort of, I think at the end we were slightly disappointed that they chose to abstain. But I think the important thing is an abstention is not a block... an abstention is saying 'we don't like this' – not, 'no this can't go forward' – so I think you know, the number of abstentions versus a number of no's is quite important – there were actually very few no's.

T: Yeah of course... but erm, I understand there's anticipation that China might, with the 50 [expected ratifications] potentially coming this October, erm, China might...

Inf.A: I mean I think seeing brought in to the ATT is not impossible to imagine. Ironically I would say that it was more likely at this current time than Russia would be. But I still think that it's probably not a ... err... I think it's possible... I'm not sure how likely it's going to be in the next year or two, but especially, it would be made slightly more tricky because it looks like we will get entry-into-force by early next year if we get the 50th ratification I think in the next week or two, which will trigger the entry-into-force. Now once that happens, the – I need to get my international law correct here – but under Treaty law I think that states won't then be able to sign it, they would have to accede to it, which means they would have to both sign and ratify at the same time and obviously when you sign you basically... you say that you will apply the spirit of the Treaty in good faith, you'll try to adhere to the rules even though you're not necessarily, legally, bound by all of the obligations. The signing thing is kind of a 'it is my intention to play by the rules' - the ratification thing is kind of 'I am legally honoured to play by the rules'. The signing thing is a little bit of a 'half-way house'; it's quite useful in situations where you think it will be difficult for a state to formally ratify it – the United States for example... it might be very difficult for them to get ratification legislation through their... political... both through the senate and the congress. But, the fact that we have the signatures is really important because they've signalled that it is their intention, even if they can't legally ratify to honour what is in Treaty. So I think it creates a potential problem that the only way you can bring China on board now, after the 50th ratification, will be for them to ratify it, so they would have to become legally bound, which is more than the United States are likely to do. So, you know, I think that window to get China to sign in the short-term would be sooner rather than later, i.e. they need to do it before Christmas... and I'm not sure how realistic that is.

T: Mmm, that's interesting. Focussing on the major exporters and importers, such as China, the USA, India... Australia even... erm...you mentioned that China changed...shifted their position on certain rules because of markets, particularly in Africa and elsewhere, before when they were quite stubborn or resistant, how were states responding to red lines made by the major powers? Did they – under the consensus rules - did they kind of abandon certain elements of norms and what did that mean in the longer-run if you can answer that...?

Inf.A: OK well I think one way saying of course is the biggest U-turn of the lot was the position of the United States government, cause' up until the Obama administration, they were the only state to kinda vote no to the whole process, you know, 'no we don't want to do this'... so they basically changed their mind. And, ironically in the end, because of the way the politics played out with basically the three pariah states being the bringers of doom in the final three days in 2013, you know, Iran, North Korea and Syria... the US basically became one of the group of progressive governments and ended up sitting in all the delegationary meetings on the progressive group which was, you know, very startling to diplomats and US themselves. They even joked about it, you know, that they were sitting next the New Zealand and Mexico with a common purpose when they spent 10 years on the other side arguing against them and now all of a sudden they found themselves with them. Erm, so you know, that's the dynamic of the negotiation that I think was maybe hard to predict, and so that's got to do with the politics of what happened... the way that the negotiations were brought to a close and the way that North Korea, Syria and Iran played out the final days, it had a real impact on a number of governments and what their final viewpoint on the Treaty would be. Erm, the issue of red lines is really interesting because there are red lines and there are red lines, and it...cause' a lot of the red lines is a political bluff for example, you say quite strongly 'we will never see a treaty that has *this in it,* that is a red line for us', yeah? So the issue is exactly the same... so the issue of ammunition is a classic one where this was played out, so the US [said] it was a red line for them, that ammunition should not be subject to the Treaty, yeah? So Africa and the Caribbean and for a number of European Union states, including I think the UK, ammunition was a red line issue that had to be in, so, seemingly there, you have two, kind of, red line issues that were unsolvable because, you know, one was saying categorically it won't be in, and one saying categorically, it will be in, otherwise they are going to walk away from this entire process. So you know, in reality, that was a fake red line because what essentially happened was that the Americans have to say no for domestic, political reasons, but they were open to finding an accommodating solution. So, you know, a lot of it was bluster – they were taking the floor and saying that '[it] will never go in, we will never put this in'. But what they actually meant were 'we need to find another way to deal with this problem, it has to be fixed... and we will work on a solution to fix it... but you know, our position is, is, that we can't have it fully in the scope of the Treaty, but we can support having it in a separate article that gives it the same obligation, but just, you know, just makes [sic] not subject to certain things like full reporting because that is what we can't have'. Erm, so I think the discussion about red lines is like politics; it's more... I think it's more subjective, and I think behind every red line is a negotiating position you can argue for, and the trick I guess, is to, you know, at what point does the negotiation – the wriggle room that you have around what are your public red lines - at what point do you... does the solution become meaningless n' does it lose the overall purpose of what you're trying to do so... for example the way that the Moritan text ended up in the final hours of the 2012 negotiating conference, the whole area of the criteria – so the sections on criteria, you could argue that the red lines of a number of governments on how those criteria should be formulated and the very poor drafting that when into the last minute scrabbling around to get agreement on what they should be, when did that whole section – the most important section of the treaty - rendered it, essentially entirely useless, and I think it was only after some calm reflection that we all realised the dangers of the formulation of the text as it was, and how it absolutely had to be fixed during the Woolcott following conference. Now, so that's one I think of a red line leading to a negotiation leading to decision that was actually very damaging. But there were lots of other areas where the so-called red

lines weren't as red as everyone imagined, and a lot of it was just, you know, political posturing. So you could say the same thing around [GBV], you know, it was deceivably [sic] a red line for the Holy See. They didn't [want] any reference to [GBV] in the treaty. Now, that wasn't from a stand point to do with the arms trade, it was a point that was much wider than that; it was a general point that the Holy See did not want to see in international law the issue of [GBV] in any Treaty. It didn't matter if it was the ATT; it could have been any instrument in any treaty, any negotiation... anything. But, what you see in the end is that there's a, you know, you can argue about how it was made, how it's gone into the criteria, and it's probably slightly weaker in its current formulation as we originally wanted. But it's still in there, it's still a factor that needs to be considered during the export licensing risk assessment process. So, it is the first international treaty that has a specific reference to [GBV] in it as far as I'm aware, anyway. So it is an important victory but even that so-called red line from the Holy See didn't prevent it from being in the final text, and it didn't mean the Holy See – even though in theory its red line had been crossed – you didn't see the Holy See ditching the whole treaty process because of that point – they still voted strongly in favour of it and they support and advocated it as an important humanitarian instrument even though, in public one of their red lines was crossed. Does that make sense?

T: Yes, yes.

Inf.A: OK

T: That's really interesting. So, yeah, as you say the red lines doesn't mean that it won't go through, but they do...

Inf.A: They're like setting out a political marker, and obviously underneath that whole range of different options to try to find a solution. And, I think we were lucky that, erm... so, so there's another example of a red line for example in the scope discussions on transactions in that, the Chinese, because of the way they perceive certain points of trade, they wanted to exclude the notion of gifting military equipment out of the scope. So you know the red line for them was to have a reference to gifting in the definition of scope and transfer, yeah? So the fix for that to accommodate the Chinese position was essentially *not to use the word* – but just refer to "trade" as defined under the UN trading system, which ironically includes gifts anyway. So the fix in the text there was to address their red line by not mentioning it, but actually it's irrelevant to mention it because they're covered anyway. You can't exclude them. You know, the Chinese they want to try...err even though they are not part of the activity anyway. But even generally through the way trade rules work at the UN, you can't exclude gifts from the world trading system. It doesn't allow you to do that. So even though China said 'we want to exclude gifts' – they can't, they're not allowed to across a whole range of transactions that's nothing to do with arms.

T: No, of course. On that note, based on these red lines and such a diverse array of preferences, do you think that Moritan and Woolcott handled the negotiations well? I know from what I've read, a lot of areas of the text is slightly vague in some issues, but of course that could just be a response to...trying to find consensus on the final text. But what are your general views of....

Inf.A: This is one of the areas that might come down to, you know, a commentator told you that, because I don't think we, I don't think I'd be comfortable in necessarily having public views attributed to this, but with hindsight yeah? And obviously a lot of the ways the ATT happened was by fortune and by reaction to specific circumstances, but I don't think, you know even if we thought there was a possibility, we didn't know quite how it would play out. So the fact that we had Woolcott brought back for a specific 2 week conference, and the fact that the Moritan text collapsed, and the fact that he wasn't eligible for selection for the follow-up conference was something that we couldn't necessarily have predicted. It was a kinda accidental thing. But with hindsight, it was a very useful combination of different skill-fits because, it was, you know, Moritan – I think it needed a maverick negotiator like Moritan to be able to get us a text on paper that Woolcott – the practical, business-focused, driven individual - could fix. So it needed Moritan's kind of, you know, Svengali, kinda masterstroke… I mean that how he's kinda been described, you know he kept a lot of states guessing about what he would put... he kept very tight control on the text... no one actually saw the text…. he was very skilled at putting rumours out about what the text was going to say, or what it might say or what he was going to concede or... you know he very much ran the negotiations as kinda his project, and I think that was necessary to get all states into a position where there was a text on the table that even though it was always a perfect text – it was there, and I think he played the considerable obstacles of consensus very very well to get to that point, almost by single-mindedly ignoring everybody in the room and just doing his own thing and saying '*here's my text, like it or lump it… boom, here it is'.*

Woolcott had a totally different perspective and a totally different view. And what was needed, I think, for the second round of the negotiations, was his approach which was, you know, here are nine or ten critical errors of the draft that was a good starting point that we got to... we need to fix those nine or ten errors and that's what we are going to do, and in these negotiations we're going to fix them. And that's what he did. I think the combination of those two things were essential. You couldn't have scripted that as an outcome. If you were me in July 2012... you know, week one into the negotiations... Moritans negotiation conference when it had all gone pear shaped... you know we hadn't had a meeting because of all the squabbling around... and the Palestine issue was raging... and basically nothing happened for the first week, so we lost the whole week of the conference... we thought the whole thing was going to collapse there and then... erm... I don't think if you had told me there and then that what we would have ended up with was this Treaty, for the secondary, two week focussed fixing conference with a dramatic no-vote by three pariah states that galvanised the progressive bloc to vote through a stronger text... if you had told me in the first week of July 2012 what I thought the outcome would be, I would have never have thought, I would never had considered that as an option.

T: Umm, that's really interesting actually, because there are a lot of gaps in understanding the influence, whether its direct or indirect, the personalities of Chairs...

Inf.A: Yeah… I have been through a lot of these situations before and.... anger and disappointment often drive some of the strongest agreements as a direct reaction to something that's happened that people don't like, yeah? So, you can argue that... for years and years the whole ATT debate was strangled within the constraints of the work on [SALW] within the UN system. That was the only forum by which you could address conventional arms control in any meaningful way it was through the work on [SALW]... so the ATT became consumed in that debate. Now that was a very problematic debate; [referring to the PoA] it was highly polarised, very political, it wasn't a legally binding process, it was a politically binding process, and the whole thing was a bit of a mess to be honest. And, the best thing that ever happened to the ATT was the collapse of one the big small arms conferences in the summer 2006 - the big UN [PoA] Small Arms process collapsed without agreement, and the ATT was in theory going to be part of the agreement that was reached in that period. Now, what that did was galvanise a group of governments to say that this could never happen again, you know, we want to progress on conventional arms controls, and we can't be strangleholded by the political processes such as this that's preventing us. So this can't happen again. So that failure created a sense of anger and frustration and urgency to do something else. So that were the whole first committee, UN committee process was born – it was born out of the collapse of the Small Arms process. Similarly, the fixing of the imperfect Moritan text to get to the text that Woolcott [saw through] was a direct result of the anger created by ironically the US governments position to scupper Moritans text... that created an unbelievable sense of anger in the room because one thought it was a text that we'd agreed, and that galvanised an even greater group of states that were determined to not allow this one position to prevent the ATT from going forward. So the strength of the final statement that came from a huge number of governments on the final day of [the July 2012 conference] essentially put a marker out there that 'we will not let this setback stop us from finishing our work here – there will be an ATT and it will be a humanitarian treaty designed to stabilise and we will make this happen'... Almost the same thing happened, to the 't', when Woolcott's text was essentially blocked by Iran, North Korea and Syria.... even the likes of India got cross – one of the hard core sceptics... so never underestimate the power of anger and frustration in negotiations. I don't think many people touch on that... I think the best way of all of these things is to react strongly and positively to a setback, but then have some time for calm reflection about what that setback means and what the opportunities might then be to try to do something else, and with the benefit of hindsight, the way the ATT process panned out – we have a much better agreement because of the way it happened. I think at the time I don't think we would have necessarily thought that this was a possible outcome, but now looking back on it, I can see that it was a much better way to have done things.

T: mmm, mmm [in agreement]. It's coming to an hour now and I will ask you one more question if I may? Just regarding access for NGOs during the diplomatic processes during July and March [DipCons], what potential impact did this have particularly on what states were discussing?... In closed discussions...

Inf.A: Again, it's one of those fake red line moments that in reality, they're not as red lines as you think they might be. As a point of principle, exclusion and inclusion of NGOs into sessions is something we

all feel strong about. You know, people all the way through, you know essentially the whole thing was our idea in the first place and we felt very aggrieved that there was a decision made to keep us out of closed sessions, yeah? So, obviously it was something we were very upset and angry about. But the reality of course was that states on our side who lost a particular argument about NGO access... even Moritan himself knew this, so in the one hand he was like (don't attribute this directly to me – this is slightly off the record) [text removed]

Informant B. (Inf.B):

Inf.B did not attend any UN meetings, but had experience working within one of the organisations at the early stages of the Control Arms campaign. He was also a victim of gun violence. He was not contacted directly, but saw a forwarded email of interest through his organisation and wanted to take part. Questions focused on his experiences within the organisation he was working for, how he was used to for moral appeal, and, based on his work at both national and international levels, how effective his work has been on influencing perceptions and gun laws. The informant preferred to meet in person and was not limited to a specific time. We met for lunch at a quiet restaurant in Knutsford, Cheshire. I recorded the interview, with his permission, with a tablet computer application. The first part of the transcript is written in first and third person because it was an opening question and was an informal conversation.

15th October 2014, 12:30pm.

Questions and answers:

T: asked if he could explain his work in the context of gun control from the 1990s and how it evolved from there:

Inf.B explained that he was part of the Snow drop campaign and that the Gun control network was meant to go beyond the hand-gun ban after setting up website and networking – and started to look beyond domestic gun control. By him being part of the campaign, it brought about more media attention, and led to successful outcomes. Inf.B was doing various media talks in Europe which always really focussed on domestic issues. He went to Uganda and South Sudan following the launch of IANSA in 1999, with celebrities such as Daniella Nardini, Helen Mirren, Tony Robinson. They were using Inf.B to raise awareness of weapons flooding in to South Sudan. Inf.B was on BBC breakfast, "did something" with Kirsty Ward, which he thought was a UK-wide thing, that seemed to go on for a while and there was a Crimewatch daily programme which was on for a while 9 months after he had been to Uganda. They wanted to focus on Uganda more than on domestic gun control, which was around that time when Inf.B though the 'issue' started to get blurred. On BBC breakfast he was asked more about child soldiers more than the problems of arms trafficking – so there wasn't a clear strategy on gun control.

Inf.B explained: "...I began to think I was becoming an expert but the international stuff I never was never quite sure that I knew enough – not to denigrate [his organisation] at all but it didn't have the resources that Amnesty and Oxfam had and therefore was ran in a different way from them: less professional. I always felt that it punched above its own weight, it was always sort of struggling – the secretariat was always struggling because of limited resources – I got involved with IANSA when [text removed]"

Her friend told Inf.B how the person thought it was going and so it was necessary to try to tighten up the administration.

Inf.B said: "... and in retrospect it was kind of the wrong thing to do to bring someone like me on the board, but they just wanted some UK-based people – who, because it was a limited company, could act as sort of directors and board members without really deciding any policy or anything like that which I thought was the role of the secretariat being guided by the world-wide membership. But there were always tensions... there were tensions initially because members of IANSA didn't like the idea that the office was being set up in London – they wanted to see it based in the South or Latin America somewhere... whereas I always felt that the practicalities of would rule [South America] out because London was more accessible than to... Guatemala or wherever – that [issue] always seemed to be there – there always seemed to be tensions about something... I can remember going to a Control Arms meeting in Kenya and seemed to be difficulties between francophone's and anglophones – so there were people within the [...] family who think it should be a francophone organisation or they should be translations – [withheld name] had spoken Spanish and French, but there was still these problems arising."

T: So it was nothing to do with the agenda or policy?

Inf.B: It didn't occur to me – they were not trivial things......

T: Logistical...?

Inf.B: Yeah, the problems with the logistics in the way organisation was set up, I mean it was a world wide family... I was amazed at how many countries were involved in it, but some of them signed up for different reasons – some of them thought it was, you know, a good way of getting to New York to lobby, and it certainly was – and they couldn't see what this group in London were actually doing, but what they were actually doing was getting the money to fund these lobbying trips to New York – and it always was a mix of domestic things... and domestic violence had become quite an important thing which may or may not have had anything to do with the arms trade, so it felt like Amnesty and Oxfam could always dedicate a small number of people to focus on the arms trade whereas IANSA was trying

to do a number of different things which included trying to coordinate some of the things going on in New York.

T: That's interesting, so do think that was due to the logistics… was the campaign almost kind of European centric...

Inf.B: I never felt it was – but then I was just dropping in the office where there were people from various countries around the world – I wasn't involved enough to know what the exact balance was. My impression was, you know, it was international and it had the general support from a wide number of people, but I think it was inevitable that there was some that thought that their issue was more important than other peoples – "*why is the secretariat concentrating on that?*" And for some it was more 'what's happening on the ground', you know – domestic issues – but others it was the bigger picture of, well, weapons coming in, the arms trade – and not being part of the lobbying at the UN itself, I don't know how things operated there.

T: Yeah. Well based on the kind of the things that happened in terms of the UK national controls and how that... looking from a broader picture really... following Dunblane and other events happening at the national level, say in Northern Ireland or even Moss Side in Manchester for example, the change in UK laws on hand guns but also various nuanced changes in licensing to private owners for example, were these kind of spilling into... based on the UK taking up the initiative to promote the Arms Trade Treaty, which, at that moment wasn't really specifically focussed on the international trade, it could have been just as centred on national controls as well – so do you think some of these events were factors that prompted the UK to take up the initiative?

Inf.B: I think so. You know particularly Jack Straw who was shadow secretary and our home secretary and then became foreign secretary, and you know I can remember from discussions with him when Labour was still in opposition, and I think he was quite impressed with our arguments about the availability of weapons and how it is a global situation as well as a domestic situation – he could [better] answer what influence it had but yeah, it was a general feeling in most places in the world, apart from the US that, you know, there were too many guns and you've gotta sort of cut back them ending up in the wrong place, how do we deal with that?... the domestic situation and there are various ways of dealing with it internationally – the only way is to try to have some kind of treaty that doesn't stop it but limits it – again after having not had direct conversations with people in other European countries for example, I think it was the sort of....[his phone rings] sorry I think that's me [I beckon him to answer it]... it's OK it's usually junk calls [we laugh].

[silence as he looks at his phone]...

T: So, yeah I suppose I will jump to questions perhaps about your role within IANSA, you know as part of coordinating and with administrative tasks... erm...

Inf.B: I mean.. I ended up being chairman not because I wanted to be, and not because I thought it was a role, but I chaired the meetings, and some people assumed I had a role that I don't think I had – I certainly didn't have the skills to do it, which I think was a bit unfortunate, but again I think it shows that... I don't want to say "amateurish" - because I don't think it was, but we didn't have the resources to allow the expertise in, and then there were problems with funding from DFID - the main funder – the main supporter to IANSA being set up in the first place and no doubt pushed for it to be in London as well, and then suddenly DFID started withdrawing the money – not following up on grants – an issue that would perhaps just roll over, and they wanted some sort of tightening of the administrations and so we had to have an evaluation process and I seemed to be involved in a time when it all seemed to be about looking into [interruption from waiter] erm... about restructuring... and it just wasted so much time, energy and I would say that that was probably what drained things at an important time... erm.... this bit is probably off the record...[text removed]

T: Yeah, that's interesting. On a personal level, but also on an agenda-setting level... of course in the ATT in order to get the Americans on board in 2009, there were a few compromises that need to be made [not interfering with the US Second Amendment] [text removed]

Inf.B: [short silence as he chews his food] erm...my involvement tended to be to try to keep things harmonious [he says while laughing] and probably stay out of the policy stuff but I'm not quite sure what policy changes were happening. [text removed] I think in retrospect, and it needs people that can stand back from it – having someone who are certainly in the NRA or probably the world shooting community regarded as one of the more hostile people against domestic gun ownership [text removed] I mean they were given someone who they could really vent their [unidentified word] – they could always sort of site things she had done in the domestic field as reasons why the American government shouldn't get involved in the ATT.

T: Mmm [in agreement]. Based on some of your work in the media, has any criticism been directed towards you personally?

Inf.B: Erm... there's been the odd thing. To some extent we are more difficult to criticise because of our personal circumstances and certainly within Gun Control Network [This person] got a lot more criticism and hostility – overt hostility as I did. I was always patronised... yeah.... you know "you are too emotional"... "you know if I was in your position I would be doing what you're doing but you're wrong"... that kind of thing rather than "you're evil"... "you're trying take away our fundamental right" et cetera. So in some ways you obviously play to that you know I could probably get away with saying some things and not be criticised - I mean you know there were veiled death threats and thing like

that, but nothing sort of overt... erm [long pause] So it's probably not surprising that the organisations like to use us [because] we were going to be listened to, we were going to attract the media and probably not attract the hostility and might even persuade some people [to support us].

T: Yeah, yeah. What are your views on the punishment for the misuse of weapons or unlicensed use of weapons at the national level? Do you think this changes the behaviour of the user and also the seller?... at this current stage? This [question is asked] entirely because my project really refers to the kind of social effects of norms have on, I suppose on the macro level it's the states who sell to governments, but it's also the micro level such as law enforcement and....

Inf.B: This might not be answering you question right [he says while he laughs]... the problem that arises is that there are too many people in the arms industry and within the shooting community that have divided the world up in the good guys and bad guys... and they will always think of themselves as the good guy and therefore whatever they do, even regardless of legislation, they still have the right to do it because they are 'on the side of good' and have convinced themselves of that, and I think this seems to run through everything – you know the American government with the weapons... I'm not quite sure if this would apply to the Chinese and Russians in the same way, but they would say that people have the right to defend themselves, and you can fudge so many issues but just sort of saying that. You know... I still see comments all the time about the post-Dunblane ban that 'this was simply taking weapons away from good people' – totally ignoring where the weapons came from – the one's that Hamilton used and Michael O'Brian used. So I'm not.. It's how difficult it has been to persuade the policy-makers within that arms trade, within the shooting groups, that there was anything wrong. I think many individual members in Britain changed - you know, if I read the stats right is that what's happened is there are more gun licenses now than there were. But it's those people who have guns holding more guns rather than a widening of the shooting community. And there is this element of defiance certainly within domestic domestic [gun owners] say 'we are going to show them that they're wrong and we are going to keep finding loopholes in the law' – which is probably why I really wanted to push for the complete ban - I mean you know the ban of the high calibre weapons might have sufficed but we just knew if we left some in place there will be too many loopholes that could be...

T: Yes of course.

Inf.B:... and I suspect you know this is likely to be true in the ATT that there are likely to be loopholes but in a way it is a sort of signal that this is the direction that the world community wants to go in and not necessarily we know that this will stop it for good because it won't.

T: Yes [pause] so you might not know the full contents of the ATT itself... but perhaps based on your experiences, what has been achieved?... even based on public perceptions...what has been achieved

from the ATT and what opportunities have been lost based on perhaps in the role of IANSA in raising awareness, even in other international initiatives such as the Programme of Action...?

Inf.B: I'm not sure I can [answer that]... [he laughs]... I just felt exhausted - sort of my brief experiences with IANSA – the administrative stuff finished me off. You know I had sort of did 15 years in gun control and everything so I just switched off... I'm not sure many people in the general public are aware of the ATT – it never made many headlines... it was a major step but there are more steps to come.

Appendix B.

Significant Ammunition Trends against Risks and Preferences

State	SALW	Ammunition	Conflict Intensity	Human Rights Risks	Significant regional ammunition producers (P) and acquirers (A)
Egypt	Oppose	Opposed	Extreme	Extreme	P
India	Strongly Support				P
Pakistan					P
Syria	No Statement				[gray]
Iran	Opposed		High	Extreme	P
Philippines	Mildly Support*				P + A
China	Opposed	Mildly Support			P
Russia	Strongly Support				P
Indonesia	Oppose and Mildly Support*	Opposed			P + A
Belarus	Strongly Support			High	[gray]
Israel	Mildly Support	Mildly Support	Medium		P
USA	No Civilian	Opposed		Medium	P + A
Malaysia	Mildly Support*		Low	High	A
Singapore					P + A
Viet Nam					A
Venezuela	Opposed				A
Cuba					[gray]
Zimbabwe				Extreme	P
Canada	No Civilian	Mildly Support		Low	P

*as part of ASEAN

sources: ATT Mapping Database; Maplecroft, 2011; Maplecroft 2014; Oxfam, 2006h.

Appendix C.

Existing Controls against Human Rights Risk with Economic Trends and Preferences

State	OCW	HRRI	Existing Controls	Economic Trends
China	Opposed	Extreme	Yes	A, B, C
Russia	Mildly Supportive			A, B, C
Brazil	Opposed	High	Majority	A, C, D
India		Extreme	Yes	A, B
Thailand	Mildly Supportive* (*as ASEAN) and Opposed	High	Unknown	B
Egypt	Opposed	Extreme		C
Yemen				C
Singapore	Mildly Supportive*	High	Yes	Not Identified
Belarus	Mildly Supportive			
Jordan	Oppose			
UAE			Ambiguous	
Indonesia	Mildly Supportive*	Extreme	Majority	
Pakistan	Mildly Supportive			
Morocco	Opposed	High		

Sources: SAS, 2012:253, 255-256; SAS, 2012: 261, 273-275; SAS, 2010:24, 26.; Maplecroft 2014; ATT Mapping Database.

Existing Controls:

Yes = control all conventional weapons, including UNR7 and

parts and components of SALW and beyond

Majority = cover a large majority of those proposed in the Treaty

Ambiguous = the data received by Saferworld is ambiguous

Economic Trends (between 2002 and 2009):

A = One of the largest exporters of parts of SALW or ammunition

B = Significant and growing increase in exports of parts of SALW or ammunition

C = Significant and growing increase in imports of parts of SALW or ammunition.

D = Significant increase in value of parts of SALW produced domestically

Appendix D.

Preferences and Risks against Large Importers

State	HR norm	IHL norm	HRRI	Defence Budget Rank	Highest Importer Rank
China	Opposed		Extreme	2	4
Russia				3 or 4	
India					2
Pakistan					12
Iraq				15	14
Syria					
Iran					
Egypt					
Zimbabwe					
Algeria			High		
Nicaragua					
Thailand					
Venezuela					
Belarus					
Cuba					
Singapore			Medium		11
USA	Mildly Support			1	
Indonesia			Extreme		5
Brazil			High	11	
Saudi Arabia	Opposed	No Statement	Extreme	3 or 4	1
UAE			High	14 (SIPRI)	8
North Korea			Extreme		
Libya		Opposed			
Palestine		No Statement			
Somalia		Strongly Support			
Sudan					
Yemen		No Statement			
Oman			High		10
Morocco		Strongly Support			15
Bahrain		No Statement			
Comoros					
Jordan					
Kuwait					
Lebanon					

Mauritania		Strongly Support		
Qatar		No Statement		
Tunisia		Strong Support		
Kazakhstan	Mildly Supportive			

Defence budget based on SIPRI data and International Institute for Strategic Studies for 2014

Highest importer rank based on SIPRI data 2014

Other sources: ATTM 5.8, 2012:4; ATTM 5.18, 2012:3; ATTM 5.8, 2012:4; SIPRI, 2014; Maplecroft, 2014; ATT Mapping Database.

Appendix E.

No Statements and Defence Corruption

No public statements	Defence Corruption
Venezuela	Very High
Morocco	
Tunisia	
Saudi Arabia	
Iraq	
Oman	
Iran	
Afghanistan	
Israel	
Uzbekistan	
Thailand	
Algeria	Extreme
Libya	
Cameroon	
DRC	
Angola	
Yemen	

Data sourced from Transparency International UK, 2014 and ATT Mapping Database.

Appendix F.

Bribe Ranks and Preferences

Bribe Payers Index Ranks	Position
Russia	Mildly Supportive
China	Objected
Mexico	Supporter
Indonesia	No Statement
UAE	No Statement
Argentina	Objected
Saudi Arabia	No Statement
Turkey	Supporter
India	Objected
Taiwan	No Statement

(Transparency International UK, 2011; ATT Mapping Database)

Appendix G.

Sceptics of SED Provisions with High Risk that are Significant Acquirers of Technology

State	SED	SERI
Egypt	Oppose	Extreme
India		
Iran		
Pakistan		
Iraq		
Libya		
Indonesia*	Oppose and Mildly Support	High
Viet Nam*		
Thailand*		
Singapore*		Medium
Malaysia*		
Philippines*	Mildly Support	High
USA		Medium
Canada		Low

*Mildly support as part of ASEAN

Source: SAS, 2007; armstreaty.org; Maplecroft, 2013 (in Disaster Monitoring, 2015).

Appendix H.

Sanctioned and Non-sanctioned States with High Risks Supportive of SED

Supportive States	SERI	Under Multilateral Arms Embargo?
Mali		No
Sierra Leone		No (lifted in 2010)
Liberia		Yes
Ivory Coast		Yes
Niger		No
Chad		No
South Sudan		Yes
Central African Republic	Extreme	Yes (from 2013)
Eritrea		Yes
Somalia*		Yes
DRC		Yes
Angola		No (lifted 2002)
Madagascar		No

Sources: armstreaty.org; SIPRI, 2015a; Maplecroft, 2013 (in Disaster Monitoring, 2015)

*voted both for and against

Appendix I.

Supportive States with High-Level Corruption

Support for anti-corruption criteria	Corruption Perceptions Rank 2014 (starting from highest) out of 175 studied
Guinea	145
Nigeria	136
Togo	126
Sierra Leone	119
Mali	115
Ivory Coast	115
Niger	103
Liberia	94
Benin	80
Burkina Faso	85
Senegal	69

Sources: armstreaty.org; Transparency International UK, 2014a

Appendix J.

Preferences, Corruption Levels, and Parties to Anti-Corruption Instruments

State	Corruption	Defence and Corruption Risk and Corruption Perceptions	Parties to Anti-Corruption Instruments
Egypt	Opposed	Critical	UNCAC
Syria			UNCAC (Signatory)
Zimbabwe		Very High	UNCAC
Malaysia			UNCAC
Belarus		High	UNCAC
Ecuador*			IACAC, UNCAC
India			UNCAC
China		High-Moderate	UNCAC
Argentina		Moderate-High	OECD, IACAC, UNCAC
Singapore*		Moderate	UNCAC, UNCAC
Cuba*			UNCAC, UNCAC
Viet Nam*			UNCAC, UNCAC
Russia	Mildly Supportive	High	OECD, UNCAC
Brazil		Moderate	OECD, IACAC, UNCAC
USA		Low	IACAC, UNCAC
Canada*			OECD, IACAC, UNCAC

*Corruption perceptions only

- Organisation for Economic Co-Operation and Development (OECD, 2014)

- 1996 Inter-American Convention against Corruption (IACAC) (Department of International Law, 2014)

- United Nations Convention against Corruption (UNCAC) (UNODC 2014) (the vast majority of these states ratified before and during the ATT negotiations).

Other sources: ATT Mapping Database, Transparency International, 2014 and Transparency International, 2014a

Appendix K.

Building Support and Opposition to GBV Provisions

Meetings	Overall open support and undefined support	Preamble	Goals and Objectives	Criteria	Through victim assistance	Preference for "women and children" or openly against GBV language
Prior to negotiations	0	0	0	0	Unknown	Unknown
1ˢᵗ prepcom	1	Unknown				
2ⁿᵈ prepcom	26	Unknown			3	
3ʳᵈ prepcom	35	5	5	30 (inc. PIDS)	5	
July DipCon (first half)	17	6	1	14	Unknown	16
July DipCon (second half)	75	Unknown				7 - 11
March DipCon (first half)	31	Unknown				
March DipCon (second half)	91 / 96 / 110	Unknown		91 / 96 / 110	Unknown	

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