

*Dangerous Trade*

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ARMS EXPORTS, HUMAN RIGHTS, AND INTERNATIONAL

REPUTATION

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ABBREVIATIONS

AA German Federal Foreign Office (Auswärtiges Amt)

APL anti-personnel landmines

ATT Arms Trade Treaty

BAE British Aerospace/BAE Systems

CAT Conventional Arms Transfer Talks

CCW Convention on Certain Conventional Weapons

CDU Christian Democratic Union (Christlich Demokratische Union

Deutschlands)

CI confidence intervals

COCOM Coordinating Committee on Multilateral Export Controls

DOS U.S. Department of State

ECOWAS Economic Community of West African States

EU European Union

GDP gross domestic product

HRW Human Rights Watch

IANSA International Action Network on Small Arms

ICBL International Campaign to Ban Landmines

IR international relations

MCW major conventional weapons

MIC military-industrial complex

NATO North Atlantic Treaty Organization

NGO nongovernmental organization

NISAT Norwegian Initiative on Small Arms Transfers

NRA National Rifle Association

OAS Organization of American States

OSCE Organization for Security and Cooperation in Europe

P5 United Nations Security Council Permanent Members

PD-13 Presidential Directive 13

PRB Poudrières réunies de Belgique

PTS Political Terror Scale

SALW small arms and light weapons

SAS Small Arms Survey

SE standard errors

SIPRI Stockholm International Peace Research Institute

SPD Social Democratic Party (Sozialdemokratische Partei Deutschlands)

TIV trend-indicator value

UN United Nations

UNGGE United Nations Group of Governmental Experts

UNPOA United Nations Programme of Action to Prevent, Combat, and

Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its

Aspects (or just UN Programme of Action on Small Arms)

*1. Introduction and Overview*

In April 2008, China attempted to make a routine delivery of

ammunition and explosives worth $1.245 million to Zimbabwe by

way of South Africa. What followed was anything but routine. The

deal sparked an international incident and, in turn, highlighted the

often conflicting security and humanitarian imperatives of the

contemporary arms trade. A South African investigative news

magazine exposed “the ship of shame,” provoking media attention

and criticism from all corners of the globe. Because the South

African government had approved the shipment for transport from

the port of Durban, it too came under fire for helping to arm the

repressive Mugabe regime. Churches and civil society groups

condemned the decision as amoral and of questionable legality

under the South African Constitution. Dockworkers threatened to

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strike rather than unload the cargo.

The arms arrived in Durban just as China was trying to avoid

criticism over its own human rights record in the lead-up to the

Beijing Olympics and as South Africa was facing further

embarrassment over its appeasement of Mugabe. Reports of

repression, violence, and torture in Zimbabwe following the

contested March 2008 election fueled critics’ charges that the

weaponry would be used to crack down on the political opposition.

To save face at home and abroad, South Africa reversed its decision

and barred the transport by court order. Countries across Africa

denied port to the ship and urged others to do the same, with the

support of Western powers. China ultimately called the ship home,

unable to find a port and unwilling to face the reputational damage

brought on by fulfilling the deal (Baldauf and Ford 2008).

At the time of the attempted shipment, only the European Union

(EU) had imposed a multilateral arms embargo on Zimbabwe.

Neither China nor South Africa were party to any convention

prohibiting the supply of arms to that country. In fact, there were no

international legal restrictions barring the sale of conventional

weapons to Zimbabwe. And yet the arms were never delivered.

Instead, international and domestic uproar forced South Africa’s

hand and turned the ship around. Even so, efforts just months later

in July to impose a United Nations (UN) arms embargo and other

sanctions on Zimbabwe failed, with South Africa leading a small

opposition and Russia and China exercising their veto power

(MacFarquhar 2008). Opponents argued that sanctions fell outside

the UN Security Council’s mandate to deal only with matters of

international peace and security. Supporters, however, believed that

trade restrictions would help protect the domestic populace and

reinforce the need for good governance to ensure regional and

international security.

Conventional arms control is riddled with contradictions like these,

presenting states with conflicting security, economic, and normative

imperatives. Small arms and light weapons (SALW) and major

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conventional weapons (MCW) are responsible for the vast majority

of conflict deaths, frequently associated with societal instability, and

commonly involved in human rights violations. Calls to control the

spread of small arms, now referred to as “the real weapons of mass

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destruction,” and major conventional arms have become

widespread in the past decade. Yet conventional arms also have an

enduring and legitimate place in world politics. States have long

protected their right to choose their arms trade partners as a matter

of self-defense, and conventional arms are recognized as essential

tools of national and international security. Moreover, arms

manufacturers worldwide have an economic stake in more open

arms markets and considerable political influence at home. In some

countries, such as the United States, domestic law also protects

civilians’ right to bear arms. Historically, states have therefore

determined their own arms export criteria and eschewed calls for

common controls that might stem the flow of weapons to unstable

regions. Even today, as states debate the political utility and ethical

dilemmas of selling or restricting arms to parties in the Syrian

conflict, it is clear that arms remain an important currency in world

politics.

Yet despite states’ past reluctance and persistent concerns, the

UN General Assembly passed the Arms Trade Treaty (ATT) on April

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2, 2013, in a vote of 154 to 3 (figure 1.1). It goes into effect on

December 24, 2014. For the first time, states have agreed to

worldwide, legally binding humanitarian or “responsible” arms trade

standards to restrict small and major conventional arms transfers to

human rights violators and conflict zones. The ATT marks the

culmination of a dramatic policy reversal that began in the 1990s.

Once reluctant—or even hostile—to multilateral export controls, most

major arms-producing states began to endorse such standards

following the Cold War. And, like South Africa, some have also faced

unexpected domestic pressure to act on those commitments. Such

standards promise little by way of material gain for supplier states

but rather impose restrictions on their foreign-policy autonomy and

defense sales—no small price to pay as many governments have

faced austerity measures at home. Why, then, have major arms-

exporting democracies decided to support multilateral, humanitarian

arms export controls, such as the ATT? And why have some of those

supportive states been more sensitive than others about appearing

to implement these normative changes and policy commitments?

This book is the first systematic attempt to answer these questions,

with important insights for scholars and practitioners of arms trade

politics, international security, and global governance.

FIGURE 1.1. UN ARMS TRADE TREATY VOTE (2013).

CONTROLLING THE ARMS TRADE: THE THEORETICAL AND

EMPIRICAL PUZZLES

At its core, the contemporary conventional arms trade brings

together vital interests in security and foreign policy, economics, and

human security, confronting states with conflicting demands as they

decide their arms trade policy and partners. The creation of the ATT

and related initiatives therefore presents a microcosm of the policy

pressures and imperatives states face in the post–Cold War world.

By taking an in-depth look into the politics of the arms trade, this

book provides insights into three important theoretical questions.

First, at the state level, what explains commitment to multilateral

policies that were once considered impossible or out of the question,

even in the absence of material or normative incentives to implement

them? International negotiations are not cheap; they require time,

political capital, and economic resources. Rather than “mere window

dressing,” the resulting agreements may impose costs and bind

behavior in expected ways, risk unanticipated costs and

consequences over time, and open states up to domestic legal

challenges and hypocrisy costs (Goodliffe and Hawkins 2006;

Greenhill 2010; Schimmelfennig 2001; Simmons 2009). If states

wish to avoid costly restrictions on their behavior, what motivates

them to spend resources and take risks on an agreement in the first

place?

Second, at the international level, what explains how new norms

gain prominence and legitimacy beyond their initial norm

entrepreneurs? Scholars often highlight the importance of “norm

cascades” to show how new ideas of appropriate behavior become

accepted by a critical mass of states and institutionalized in

international politics (Finnemore and Sikkink 1998; Florini 1996;

Krook and True 2012). If norm survival hinges on such “tipping

points” of state acceptance, then it is essential to dig deeper and

theorize the mechanisms that create those tipping points. Why do

states—especially those critical states invested in the status quo but

without which new norms may flounder—respond to basic forms of

social pressure, such as esteem, emulation or conformity, ridicule,

and praise (Finnemore and Sikkink 1998; Johnston 2008; K. Waltz

1979)? As Martha Finnemore and Kathryn Sikkink point out, social

construction interacts with actors’ “instrumental rationality” to enable

new norms to diffuse and take hold (1998:910–11). Delving into the

motives behind norm adoption and why socialization can be a

powerful influence on rational actors can therefore shed light on how

norm cascades work in practice and expectations of state behavior

change over time.

Finally, by examining the seeds of normative change in one issue

area, scholars can gain insights into the processes that generate

shifts in the broader social structure of the international system. The

“responsible” arms transfer norm cascade is not an isolated

phenomenon. It is part of a larger cascade of norms, in which

changing ideas of security, transparency, and responsibility make

their acceptance possible. New arms trade norms, in turn, can make

the international environment more conducive to resolving other

debates in favor of responsibility and humanitarianism. At the same

time, this case shows that even once institutionalized, change can

be slow to come and require a great deal of work by governmental

and nongovernmental actors in domestic politics. How and why the

system does—and does not—change sits at the heart of

international relations (IR) theory, which must meet head on both the

material and normative imperatives and constraints confronted by

international actors as they shape and are shaped by the system.

“Responsible” arms export control is an ideal case with which to

investigate these persistent theoretical questions: states anticipate

that new controls will bring heavy material costs without material

gains but sign on nevertheless, highlighting new norms in their

formal policies but not in their export practice. I argue that top arms

supplier states have strategically adopted popular policies out of

social concern for their international reputations rather than out of

any existing practice or norm internalization. I then show that states’

varied concerns for compliance can be traced primarily to the threat

of reputational damage from “irresponsible” arms transfers in

domestic politics. These findings are valuable for the theoretical

insights they provide into states’ commitment to and compliance with

international policy initiatives, as well as into the sources and

processes of normative change. They also offer practical lessons for

the ATT as it goes into effect. Indeed, the difficulty of achieving

conventional arms control makes it an important empirical puzzle in

its own right, with consequences for state and human security.

The deck is stacked against conventional arms control (Gray

1992). Conventional arms are the only category of weapon (legally)

used since the Cold War and have, until recently, appeared immune

from multilateral controls. The major arms-producing states confront

not only the responsibility for restricting trade in the interest of peace

and security elsewhere, but also domestic economic and security

pressures to export to keep their defense industries afloat. As one

French government official notes, conventional weapons have been

the “last area of freedom” in arms control (interview 60108220; see

appendix B for an explanation of the interviews and interview

identification codes). Although extensive diplomatic and technical

efforts have been made to ban the production, use, and spread of

nuclear, chemical, and biological weapons, conventional arms have

gone largely untouched by the international community. The rare

attempts to create conventional arms control in the twentieth century

buckled under the weight of states’ sovereignty, foreign-policy, and

economic interests.

Certainly, most states have long required permits for the import

and export of arms from their borders, but such controls have been a

distinctly national prerogative, attached to economic and military

security. The arms trade has often served both as a tool of foreign

and economic policy and as a symbol of national self-sufficiency and

strength (Cahn et al. 1977; Eyre and Suchman 1996; Kolodziej 1979;

Moravcsik 1991). UN Charter Article 51 establishes states’ right to

provide for their own defense as a fundamental principle of national

sovereignty and has been upheld as justification for states to transfer

arms as they choose. The sanctity of national sovereignty for the

production and transfer of arms was also enshrined from the outset

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of European integration. Conventional arms transfers can signal

friendship and effectuate alliance between states by demonstrating

trust, establishing a security relationship, and enhancing

interoperability for joint military operations. Sending arms abroad

also can be a less costly form of support than sending troops.

Finally, conventional weapons can showcase the technological

modernity and military strength of the states that import and export

them.

At home, governments commonly perceive arms exports as

necessary to sustain their domestic defense industry, employment,

balance of trade, and national economic well-being. With defense

budgets rarely sufficient to maintain production lines, sales abroad

can keep the assembly line moving and facilitate economies of

scale. The intimate relationship that results between the state and

the defense industry also encourages exports and export promotion

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in response to industry preferences. Politicians and constituents

who rely on jobs and other benefits tied to defense-based local

economies reinforce political support. More generally, publics often

back defense industry interests in response to perceived threats to

national security.

These sovereignty, security, and economic concerns have not

disappeared over time. In some cases, they have been exacerbated

by changes in world politics: the decline in defense spending

following the end of the Cold War; the beginning of the war on terror;

austerity measures imposed in the wake of the global financial crisis;

and advent of the Arab Spring. Since the late 1990s, however,

numerous multilateral initiatives have established controls on the licit

and illicit trade of small and major conventional arms (see appendix

A for a list of the key talks and agreements from 1919 to 2014),

including the EU Code of Conduct on Arms Exports, the Economic

Community of West African States (ECOWAS) Moratorium, the UN

Programme of Action on Small Arms (UNPOA), and the ATT. Even

so, as I show in chapter 3, states have not made dramatic changes

in their arms export practice, suggesting that standard explanations

for international commitments rooted in material gain and normative

obligation may be limited. What, then, accounts for top arms-

exporting democracies’ commitment to new arms trade norms, and

why are some more concerned about avoiding the appearance of

norm violations than others?

OVERVIEW OF THE ARGUMENT: SOCIAL REPUTATION IN

INTERNATIONAL AND DOMESTIC POLITICS

The incentives for major exporters to make a dramatic and

potentially costly policy shift in favor of “responsible” arms transfer

standards are not immediately clear. States expect new policies (if

implemented) to generate high material costs without material gain.

Existing practice does not reflect an established normative

commitment. Defense industry lobbies were initially opposed or

inattentive. Public opinion has been largely indifferent. Explanations

that rely on material interests, normative obligation, or domestic

politics thus come up short. I argue instead that states strategically

adopt policies in line with new norms out of concern for their

international reputations. Here, maintaining a good reputation with

other international actors serves as a *social* incentive, which can

deliver social benefits. Yet policy adoption motivated by such

instrumental image building may not lead to compliance, if

noncompliance is difficult for other international actors to observe. In

fact, supportive states differ in their concern for compliance. I point to

domestic politics as the source of this variation, where some states

face conditions that make reputational damage from arms trade

scandal at home more likely.

In cases of popular policy initiatives, states may commit to new

policies as a means to establish, improve, or preserve their

international social reputation. Simply defined, a reputation is a

collective judgment of an actor’s character or the esteem in which

that actor is held (Oxford *English Dictionary* 1989). In response to

their social environments, states may strategically choose policies to

build a reputation among other international actors in line with their

self-images as “responsible” or “humanitarian” international citizens.

States care about their reputation not only for the material benefits it

can bring, but also—and sometimes primarily—for its social benefits,

such as national self-esteem or international standing and legitimacy.

I use interviews, speeches, and other documents to assess states’

concern for reputation in what could be seen as a competition “to

remain equal” with their peers (Bailey 1971:19). Such social

reputational concerns may also pertain to human rights, climate

change, development aid, peacekeeping participation, and other

diplomatically popular but otherwise costly initiatives.

Concern for international reputation may pressure states to

commit to new policies, but without international accountability

mechanisms, those policies’ ability to inspire compliance may be

limited. States may avoid implementing costly commitments when

noncompliance is likely to go unpunished and norm internalization is

weak. Under the right conditions, however, domestic politics can

provide incentives for states to avoid the appearance of

“irresponsible” arms transfers. In democracies especially, arms trade

scandals can capture public attention and harm a government’s

reputation among its constituents. For those democracies in which

transparency measures make more information available and

nongovernmental organizations (NGOs) are able to take advantage

of that information to spotlight “irresponsible” exports in the media,

scandal becomes more likely. Those governments become more

sensitive to the threat of scandal and impose greater export restraint

in cases of clear-cut, severe norm violations to avoid reputational

damage at home.

Governments thus attempt to shape the perceptions that other

actors have of them (i.e., their reputations) in line with their national

identity and values. They do this because of the social benefits a

good reputation can bring. When their reputation is threatened—for

example, by scandal or NGO shaming—governments may adjust

their policies or practice to counter negative claims. In this way,

policy support as a means to enhance, maintain, or repair reputation

is a rational strategy to obtain social ends. Accounting for states as

both strategic and social actors, social reputation can therefore be a

powerful if often overlooked and undertheorized force in foreign-

policy making. It can provide an explanation for a range of state and

NGO behavior, including why states invest in agreements whose

provisions place costly restrictions on their basic security and

economic decision making.

THE IMPORTANCE OF ARMS EXPORT CONTROLS

Conventional arms are the building blocks of armed forces around

the world. In 2011, world military expenditures were estimated at

$1.738 trillion and 2.5 percent of global gross domestic product

(GDP) (Stockholm International Peace Research Institute [SIPRI]

2012:147). In the same year, according to the Congressional

Research Service, the value of conventional arms transfer

agreements (i.e., orders for future delivery) amounted to

approximately $85.3 billion, with more than 83 percent going to

agreements with developing countries (Grimmett and Kerr 2012). For

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top arms-producing states, typically located in the developed world,

arms transfers have long been seen as an important tool of foreign

influence and military power, a source of national security and

employment, and key to defense industry survival. Governments

have used arms transfers to achieve foreign-policy goals, sway other

governments’ policy preferences, and sustain production lines,

employment, and defense industry health at home. For these

countries, arms export promotion—not restraint—has long been the

rule in practice, and policy changes rarely attract public attention.

For individuals in many recipient states, however, arms export

decisions made elsewhere can directly affect daily life. Arms

transfers can destabilize fragmented countries, prolong conflict and

make it more deadly, and increase the difficulty of postconflict

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reconstruction. Conventional arms are the most commonly used

tools of war, causing the vast majority of conflict-related deaths.

Experts estimate that 128 armed conflicts since 1989 have directly or

indirectly caused at least 250,000 deaths annually, and an additional

300,000 nonconflict deaths per year have been perpetrated with

firearms (Amnesty International 2010). These numbers are

disproportionately made up of women and children, who are more

likely to be internally displaced and suffer higher rates of mortality

and health problems stemming from conflict (Southall and O’Hare

2002). Even in the rare cases where arms are not the primary tools

of conflict, they may still play a prominent role. Although machetes

are commonly considered the main instrument of killing in the 1994

Rwandan genocide, foreign arms sales fueled the conflict (Goose

and Smyth 1994). Mass killings in some communes were carried out

by firearms and were made more widespread and deadly by firearms

in others (Verwimp 2006). After conflict, the widespread availability of

arms puts pressure on weak governance structures and slows

economic development (Musah 2002; Stohl and Grillot 2009).

Both small and major conventional arms are also associated with

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worse human rights performance in some recipient states. Lerna

Yanik observes that between 1999 and 2003—after humanitarian

export controls had taken a prominent place on the international

agenda—“almost half of the global arms trade ended up in the hands

of countries with poor human rights records” (2006:363). This

relationship is, of course, complex. Governments can use arms

directly to repress popular dissent (Klare 1984) or indirectly to

strengthen the role of the military in society (Maniruzzaman 1992;

Musah 2002), with adverse consequences for human rights.

Amnesty International (2010) estimates that 60 percent of

documented human rights violations involve the use of small arms

and light weapons. Major conventional weapons may also allow

repressive governments to increase the scale of oppression: recall

the iconic images of tanks rolling into Tiananmen Square in 1989 or

reports of the Turkish government’s use of military aircraft to attack

Kurdish villages in the mid-1990s. Conflict and human rights

violations can also come hand in hand: governments involved in

internal conflict are significantly more likely to engage in repressive

practices in the interest of maintaining security and order (Blanton

1999).

Examples abound of both legal and illicit arms transfers fueling

conflict and human rights violations. In addition, the vast majority of

weapons sold illicitly started as legally manufactured and sold

weapons but were diverted later to the black market (Marsh 2002).

Thus, even if some states adopt national restrictions on weapons

exports to areas of instability and repressive governments, the

realities of a global market are that recipients denied weapons from

one supplier can likely find them from another for the right price. As a

result, starting in the 1980s, some “affected” states, NGOs, and

experts began to advocate for common “responsible” export criteria

rooted in human rights and conflict prevention. As I explain more

fully later, their efforts, together with key political events in the 1990s,

have put conventional arms control on the international agenda.

Once ignored, SALW have joined major conventional weapons as

targets of multilateral humanitarian export restrictions.

In 1998, the EU adopted the Code of Conduct on Arms Exports to

restrict arms transfers to human rights violators and conflict zones,

and in 2006, after years of discussion, the UN began formally

working toward an ATT. The ATT, which goes into effect in December

2014, internationalizes and expands those standards promoted by

“affected” states and pioneered by the EU. It explicitly prohibits the

transfer of small and major conventional arms that “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

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crimes as defined by international agreements” (Art. 6, sec. 3). It

also includes criteria requiring states to deny arms in cases of an

“overriding risk” that they might undermine peace and security or

facilitate human rights violations; to consider the risk that arms will

be used to facilitate “serious acts of violence against women and

children”; and to take measures to prevent diversion to the black

market (Art. 7, 11). Yet the ATT’s secretariat will have no

enforcement authority. State parties are instead charged with

ensuring their own implementation and enforcement of treaty

provisions. Thus, alongside ATT supporters’ hope and enthusiasm,

difficult questions and concerns exist about its potential effectiveness

—a point for which this book has important implications.

METHODS AND CASE SELECTION

The question of *why* major arms supplier states have supported

“responsible” arms transfer standards requires an in-depth

examination of domestic and international politics. It also relies on

knowing *how well* those standards reflect states’ arms export

practice in order to evaluate explanations that expect compliance to

accompany or even precede policy commitment. I use qualitative

historical and interview data with case study methods alongside

quantitative arms export data to demonstrate broad normative

changes in the international community and explain major exporters’

response to those changes. This multimethod approach enables a

close analysis of potential explanations and mechanisms, while

avoiding the assumption that the rationale for states’ commitment will

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be reflected in their compliant practice.

*HISTORICAL AND STATISTICAL TRENDS*

I begin by examining historical and statistical trends to provide a

broad overview of arms export policies and practices over time.

Historical cases of failed arms export controls in the twentieth

century reveal deep political resistance to multilateral commitments.

Although many sources of resistance remain, I identify a confluence

of events in the 1990s that changed the normative environment

surrounding the international arms trade and set the stage for a

dramatic policy shift. This historical overview both sets up the central

puzzle and puts in perspective the magnitude and importance of the

change in major exporters’ policy after the end of the Cold War.

Quantitative data complement the historical analysis to show the

relationship between states’ policy and practice. An analysis of small

and major conventional arms export deliveries between 1981 and

2010 asks whether and when top supplier states reduce transfers to

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human rights violators in line with new policies. This analysis is

particularly valuable because it accommodates a larger population of

cases to illustrate trends in arms trade behavior over time. It also

shows whether and how arms export practice maps onto changing

policy and helps to weigh explanations that expect states’ practice to

reflect their commitment. Normative explanations are more viable if

states exhibit “responsible” arms exports in practice as well as in

policy. Alternatively, if states expect material gain from new

multilateral initiatives, then practice should come to reflect policy, or

vice versa, if those initiatives simply codify existing practice. Yet by

uncoupling policy and practice, the analysis also serves as a

reminder that commitment and compliance need not come hand in

hand. Explanations of states’ policy choices in light of such a policy–

practice gap are therefore necessary.

The statistical analyses forge new ground in arms trade research.

First, contrary to existing quantitative analyses (e.g., Blanton 2005),

it widens the focus beyond U.S. exports. Although the United States

is certainly important, as the dominant supplier it may not reflect

global trends. This book looks at arms exports from twenty-two top

supplier states, including the United States. Second, it treats SALW

and MCW transfers separately to reflect their historically separate

policy treatment, rather than aggregating them or excluding small

arms. Finally, it uses statistics to test how norms codified in state

policy affect state practice and to investigate “claims that norms

influence behavior” (Klotz and Lynch 2007:18). As Emilie Hafner-

Burton and James Ron note, statistical analyses are often more

skeptical about the prospects for behavioral change than case

studies, in part because the latter deal more frequently with norm

creation and the former with norm implementation (2009:369, 385).

As a result, this study takes advantage of the complementary

strengths of quantitative and qualitative research to assess norm

creation *and* norm implementation, state policy *and* state practice.

*BIG STATES WITH BIG STAKES*

Case study process tracing and interview data move beyond the

broad trends provided by the historical and statistical analyses by

examining in-depth states’ support for “responsible” export policies,

their varying concern about compliance, and the role of social

reputation. Case studies “compensate for less range by gains in

depth” (Eckstein 1975:122; see also George and Bennett 2005). By

analyzing the political dynamics of arms transfer policy in five major

exporting democracies (table 1.1), I explore states’ motivations

behind their commitment or opposition to new policies as well as

their concerns for compliance.

TABLE 1.1. SELECTED CASES: FIVE MAJOR ARMS-EXPORTING DEMOCRACIES

*Support for Transfer*

*SALW MCW Controls,* 1998–

*Supplier Supplier Supplier Democracy?* 2014\*

Belgium Top 5 Top 20 Yes Yes

France Top 20 Top 5 Yes Yes

Germany Top 5 Top 5 Yes Yes

United Kingdom Top 20 Top 5 Yes Yes

United States\*\* Top 5 Top 5 Yes No/Yes

\*This *support is primarily for the 1998 EU Code of Conduct (EU members only); the 2001*

*UNPOA and its review conferences, which debated but did not approve including transfer*

*controls; and the formal ATT process, which began in 2006.*

\*\*Only *the United States voted no on the 2006 UN General Assembly resolution to initiate*

*the ATT process. It was also an opposition state in the UN small arms conferences between*

*2001 and 2008.*

*Note: Russia, a top-five supplier of both SALW and MCW, is not included here because it is*

*not fully democratic. Italy, although a top-five SALW supplier and a democracy, has also*

*been excluded because its policies and practices generally reflect those of the other*

*European cases. China did not become a top-five MCW supplier (at the expense of the*

*United Kingdom) until 2012 and is not democratic.*

Case selection is nonrandom, based on two key characteristics

thought to influence the likelihood of states’ support for multilateral

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humanitarian export standards. First, I select “big” exporters of

small or major conventional arms (both in two of the country cases).

According to the Small Arms Survey (SAS) and SIPRI, the chosen

cases are historically top suppliers, including at the time they chose

to support major multilateral initiatives, such as the EU Code of

Conduct and the ATT. Yet, unlike states less invested in global arms

markets, these states have clear economic incentives *not* to endorse

external controls. Moreover, whereas states adversely affected by

“irresponsible” arms exports may have a direct interest in new

controls, major exporter states are rarely also affected states.

Instead, they have a large material stake in blocking new controls.

Indeed, with the mixed exception of the United States, big exporters

consistently opposed multilateral standards in the past. Most

exporters’ support of recent initiatives is therefore not only crucial if

new export controls are ultimately to help reduce arms supplies to

troubled areas—making them “critical states” in the norm cascade—

but also the most puzzling.

Second, among the major exporters, I have selected full

democracies. Many scholars find that democracies in particular have

a common commitment to human rights rules and norms and

international law more broadly (Burley 1992; Simmons 1998). As

such, they are “most likely cases” for supporting new export criteria.

Indeed, if democratic suppliers were *not* signing on, the chances of

nondemocratic suppliers doing so would presumably be slim to

none. Yet the meaningful variation in the principal outcome—state

support—is also among democracies: the United States was the

most vocal opponent of UN arms export initiatives and the only “no”

vote on the ATT until 2009, when it reversed its position. In contrast,

nondemocratic major exporters (e.g., Russia and later China) have

taken a backseat, abstaining from voting rather than blocking

popular initiatives. On the compliance side, democracies are also

more vulnerable to domestic pressures to implement new policies

(Simmons 2009). I therefore hold regime type constant under the

assumption that democracies are the most susceptible to pressures

to support and implement new policies.

Using interviews with key players in the policy-making process

(government, defense industry, and NGO representatives), NGO and

news reports, speeches, and government documents, I examine how

new standards gain acceptance in domestic and international

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political debates. This process-tracing approach enables me to

identify the causal mechanisms connecting the independent

variables to the outcome in question (George and Bennett 2005).

The interviews address governments’ reasoning behind their policy

and practice as well as advocates’ strategies for influencing

government decision making. In addition, I examine public opinion,

the positions of key advocacy groups, and the timing of advocacy-

group support or opposition to determine the role of domestic

pressures. In conjunction with the statistical trends, the qualitative

analysis can therefore help parse between the explanations and

ultimately provide substantive support for the reputational argument.

PLAN OF THE BOOK

Chapter 2 provides the theoretical framework for the book and

makes a two-part argument about reputation as a social mechanism.

First, it introduces a social logic of reputation in *international* affairs. I

argue that states may commit to popular policies as a means to

maintain their reputations as “responsible” members of the

international community and acquire the social benefits such a

reputation can bring. Yet where international accountability

measures are weak, states may collect social reputational gains

without engaging in costly implementation. Second, the chapter

looks to reputation in *domestic* politics to fill this accountability gap. I

contend that variation in governments’ concern for compliance stems

from variation in their perception that grossly noncompliant exports

will come to light and damage their domestic reputations. More

specifically, when domestic NGOs with expertise and access to arms

trade reports can spotlight “irresponsible” export decisions in the

media, governments’ domestic reputations and legitimacy may come

under fire. These conditions can push governments to make a public

effort to adhere more closely to new standards—at least in clear-cut

cases of norm violations—to avoid reputational damage brought on

by scandal at home.

Chapter 3 analyzes the “business as usual” of conventional arms

exports. It provides an overview of the twentieth century’s failed

multilateral attempts to regulate the global arms trade, highlighting

both entrenched norms of sovereignty and the dramatic shift

presented by the success of contemporary policy initiatives. I then

identify key events in the 1990s that explain the origins of new

“responsible” arms export norms. Finally, I investigate how these

changes in policy expectations map onto small and major

conventional arms export trends between 1981 and 2010. I find that

although some change has occurred at the margins, state practice

has been largely inattentive to recipients’ human rights records over

time. This policy–practice gap casts doubt on explanations that rely

on normative obligation or material incentives to explain policy

commitment. Instead, it shows that states have supported new

initiatives *in spite* of their underlying export preferences, not because

of them.

Building on the trends outlined in chapter 3, the remainder of the

book examines major democratic exporters’ response to new arms

export norms. In chapter 4, I explain why these states have put aside

past opposition to multilateral arms export controls in favor of

“responsible” arms trade initiatives. I find that states’ concern for

their reputations as “good international citizens” propels them to

support and promote socially appropriate policies they might not

otherwise. For states deeply embedded in international institutions

as a part of their national identity and values, the choice of policies to

improve, reinforce, or mend their social reputation is a strategic one.

Even if practice is slow to change, states’ broader socialization into

the international community and desire to be recognized by their

peers push them to adopt new policies, particularly following the

success of other popular initiatives. This initial instrumental

commitment nevertheless opens the door for NGOs to use naming

and shaming, rhetorical entrapment, and hypocrisy costs to

encourage compliance and norm internalization down the road.

Chapter 5 turns to domestic reputation to explain variation in

states’ concern for compliance with new rules and norms. Although

public attention to arms export policies is typically low, news of

extremely “irresponsible” arms transfers can generate scandal in

domestic politics. Scandals can damage governments’ reputations at

home, leading to loss of legitimacy and other political costs,

particularly in democracies. Interviews suggest that governments

that perceive a greater threat of public condemnation for “bad” export

deals may exercise greater caution in choosing their import partners.

I argue that governments are more sensitive to scandal when arms

export information is publicly available and civil society actors are

willing to mine that information to spotlight potentially controversial

export deals. As a result, the growth of transparency measures and

NGO watchdogs in some states may prompt greater concerns about

avoiding exports at least in the most clear-cut cases of

noncompliance. This finding is especially important for the ATT,

which has no formal enforcement mechanisms of its own, as it seeks

to motivate implementation among state parties.

In the final chapter, I examine the theoretical arguments in the

context of three examples of non-European exporters: Brazil, Israel,

and South Africa. I conclude with policy implications that provide

reasons for both pessimism and optimism for the prospects of the

new ATT. On the one hand, I show that arms transfer practice is hard

to change and continues to defy states’ policy commitments. Even in

states that value international laws and norms, change takes place

at the margins, where the reputational costs of “irresponsible” policy

and practice are most threatening. On the other hand, states once

hostile to shared export controls are now leading the international

community on new initiatives. Small arms alone have gone from

being overlooked and ignored to being a prominent policy concern

on the global agenda. Although norm internalization may require

more time, states have demonstrated increasingly widespread

acceptance of new policies. In turn, policy commitments in

international fora combined with domestic accountability can begin a

dynamic in which supplier states implement policies designed to

enhance security and human rights outside their own borders and

around the world.

*2. “Responsible” Arms Transfer Policy and the*

*Politics of Social Reputation*

Major conventional arms–exporting states now widely support the

Arms Trade Treaty and other multilateral arms export initiatives. Why

they have done so—in the absence of material gain or norm

socialization—not only presents an important empirical puzzle but

also addresses several enduring questions for IR theory: Why do

states commit to international agreements, especially those that may

impose high implementation costs without material benefits in

return? What explains norm adoption by “critical” but skeptical

states? How does social change take place in the international

system? This chapter outlines a theoretical argument about social

reputation in international and domestic politics to give fresh insights

into these questions through the lens of “responsible” arms export

controls.

In this case, states confront both enduring material pressures to

avoid multilateral commitments and increasing normative pressures

from other states and NGOs to make those commitments. How

states reconcile these conflicting pressures and why provide a

window into their motivations and priorities in international politics as

well as into how broader normative change can occur. In recent

years, most top arms supplier states have conformed to normative

pressures to commit to humanitarian arms export initiatives. At the

same time, they have worried that their support will entail costs for

their sovereignty and national security as well as harm their defense

industries and domestic economy. Even as states have adopted

policies in line with new norms, norm internalization has not caught

up with state practice, and compliance is mixed at best. But if norm

adoption is instrumental, as it appears to be, what do states hope to

get out of it? Without the promise of material gain, why expend time

and resources on multilateral initiatives intended to impose costly

restrictions on decision making and risk domestic legal challenges

and hypocrisy costs if compliance is weak?

This chapter proposes a theory of state behavior that highlights

the importance of social reputation to explain states’ commitment to

and varied compliance with “responsible” arms export norms.

Beyond the arms trade, the theory seeks to contribute to research on

international security, norm development, and global governance. I

begin with a brief overview of the argument and then review existing

IR approaches to reputation. These approaches focus on the

economic and military benefits that a reputation for credibility can

provide, but they do not acknowledge reputation more broadly as a

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social concept.

First, I argue that states care about their reputations for not only

material but also social reasons attached to their self-image,

legitimacy, and standing in international politics. States may

strategically commit to new policies out of concern for their

international reputations and the social benefits (or costs) that a

good (or bad) reputation can bring. Second, I introduce concern for

domestic reputation as a source of variation in states’ compliance.

Compliance efforts will be stronger in democracies where export

transparency and civil society activity are high, making leaders more

vulnerable to reputational damage from scandalous arms deals.

Finally, I suggest that alternative explanations have difficulty

accommodating cases in which there are gaps between commitment

and compliance. Where the international normative environment has

changed but norm internalization is slow to emerge, social reputation

may provide a more satisfying explanation for states’ policy and

practice.

THE ARGUMENT IN BRIEF

Major arms supplier states see neither security nor economic gain to

be had from committing to responsible arms trade initiatives. Quite

the opposite, in fact: they have long avoided multilateral export

controls because of their high costs to security, foreign-policy

autonomy, and economic well-being. Instead, states support new

arms export initiatives as a means to maintain, repair, or better their

reputations as responsible citizens of the international community on

the “right side” of conventional arms control. They may strategically

support popular norms and policies in order to receive the social

benefits a good reputation can bring, such as a positive self-image

and increased international legitimacy. Here, norm adoption is

instrumental, done to reap *social* benefits and avoid *social* costs. Yet

without international enforcement and accountability mechanisms to

trigger compliance-related reputational concerns, states may avoid

costly policy implementation. Where international politics does not

offer compliance incentives, the task may fall to domestic politics. In

particular, democracies with arms export transparency and NGO

activity at home may improve efforts to implement their formal policy

commitments in practice in order to protect their domestic reputation

from the damage of scandal.

The argument proceeds in two parts. First, states deeply

embedded in the international community and its institutions may

formally *commit* to popular multilateral initiatives out of social

concern for their reputation among their peers. As the international

normative environment has increasingly linked arms transfers to

human rights, so too have the related standards by which states

collectively judge their legitimacy and standing. Major exporters have

pursued arms transfer restraints to conform to new policy

expectations in this changed normative environment out of a desire

to uphold or improve their international reputation. Their policy

commitment seeks to signal that they possess the qualities of good

international citizens, supporting peace and human rights. These

states respond to social incentives and benefit not in the form of

material profit, but rather in the form of social recognition in a

deliberate strategy to confirm their self-images and contribute to their

external social influence. Unlike other IR approaches, the approach

taken here acknowledges an important social dimension to

reputation. It does not view reputation solely as a means to material

ends based on a catalog of states’ past actions. Instead, it

recognizes a role for reputation both as an end in and of itself,

having an internal “feel-good” effect on state identity, and as a

means to additional social benefits in the international community.

This social reputational dynamic can explain why otherwise

skeptical states with significant material stakes in the status quo may

nevertheless support new norms and policies. Indeed, the most

skeptical states in the case examined here—top exporters of small

and major conventional arms—are also the most critical for enabling

new norms to reduce arms availability to human rights violators.

These states’ largely supportive response to the norm cascade is

both instrumental and social. Yet although their policies are available

for all to see, their arms trade practices are more easily hidden from

international scrutiny. States can therefore reap the reputational

rewards of adopting “responsible” policies without necessarily paying

the costs of equally “responsible” implementation. Such a gap

between commitment and compliance can easily go unpunished in

international politics, where transparency is poor and agreements—

such as the ATT—lack enforcement capabilities.

The second part of the argument introduces a role for domestic

reputation, often overlooked by other IR approaches to reputation, in

explaining variation in states’ concern for *compliance* with new rules

and norms. It finds that governments faced with scandal or threat of

scandal are more likely to seek improvements to their export practice

(not “just” to policy) out of concern for their domestic reputation.

Where arms trade practice remains relatively unmonitored at home,

the risks of scandal and its effect on the reputation of a state and its

leaders are low. However, policy makers in democracies with an

active civil society and domestic transparency measures are more

sensitive to threats of arms trade scandal. In response, they may

attempt to conform more closely to export standards—at least in

clear-cut cases of norm violations—rather than suffer the

reputational costs of scandal.

Scandals link reputation to domestic politics by highlighting the

violation of fundamental societal values. Although arms trade

scandals rarely swing elections, they nevertheless erode the image

and legitimacy of leaders in the eyes of their constituents and

provide an opening for presumptive leaders to win support in their

place. This dynamic is most viable in democracies, where

transparency and accountability are valued norms of governance

and where civil society can mobilize to take governments to task

when behavior contravenes stated policies, domestic values, and

national identity. Scandals are, in a sense, an extreme and

widespread consequence of shaming, hypocrisy costs, or rhetorical

entrapment. Without any formal enforcement capacity, the ATT’s

long-term effectiveness may lean heavily on such civil society

engagement and developments in transparency to tap into states’

domestic reputational concerns and motivate some compliance.

Policy commitment may serve an international audience, but

compliant practice—at least for some states—may serve a domestic

one.

REPUTATION IN INTERNATIONAL RELATIONS

Reputation is a prevalent but often undertheorized concept in IR.

The *Oxford English Dictionary* (1989) defines reputation as “the

common or general estimate of a person with respect to character or

other qualities; the relative estimation or esteem in which a person or

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thing is held.” But why does reputation matter? According to most

IR scholars, reputation is valuable because it informs predictions of

states’ future behavior, whether as a credible military ally or

opponent or as a credible partner in multilateral cooperation. A

reputation for credibility, in turn, is a means to increase states’

military power or economic gain. These motivations, however, fail to

capture the reputational benefits accrued from supporting

“responsible” arms transfer policy, which are not primarily material

but social and focus on the esteem component of reputation. In this

section, I outline the standard uses of reputation in IR before I

discuss reputation as a social concept. For an overview of the three

IR approaches to reputation, see table 2.1. I test the first approach in

the chapters to come.

TABLE 2.1. REPUTATION IN INTERNATIONAL POLITICS

*Image and social Credible threat Credible*

*status cooperation*

Why does reputation Affirm positive self- Effective threat Ability to enter into

matter? image in line with making; crisis profitable

views of national decision making cooperative

identity and social with limited arrangements

influence information

What is the purpose Attain and maintain Predict behavior; Predict behavior;

of reputation? social standing, signal resolve to provide information

legitimacy, and follow through with about own reliability

influence in threats as a partner; regime

international and maintenance

national politics

What reputation is Good international Action, resolve, Reliable,

desirable? citizen, transparent toughness cooperative,

and accountable compliant

How do states build Policies in line with Follow through on Comply with

their reputations? societal and threats international

international norms agreements and

regimes

Target audience Domestic and International International

international

Other fields of Sociology, Game theory Game theory,

research anthropology, social economics,

psychology, corporate

international law management,

international law

Jonathan Mercer defines reputation as “a judgment of someone’s

character (or disposition) that is then used to predict or explain future

behavior” (1996:6). To form a reputation, he continues, it is

necessary for an observer of an actor’s behavior to use “character-

based attributions” to explain its present behavior and attach these

judgments to expectations of future behavior (6, 36). IR scholarship

typically emphasizes the second part of Mercer’s definition:

reputation’s ability to serve as a tool to predict future behavior.

Broadly speaking, certain reputations help states get what they want,

whether acquiescence to threats or profitable cooperative

arrangements. The ability to extract these material gains hinges on

the belief that past or present behavior is indicative of likely future

behavior. In this sense, reputation is primarily a proxy for past action.

This version is often used in international security and political

economy research. Although not to be discounted, it is less useful in

explaining states’ commitment to “responsible” arms trade initiatives,

which also stems from reputational concerns but is geared toward

social—not military or economic—advantage.

*CREDIBLE THREATS*

From a security standpoint, states or leaders seek to build a

reputation for making credible threats. From this perspective, threat

making and deterrence work because states believe that opponents

who demonstrated resolve in the past will demonstrate resolve in the

future. States want to stand firm against coercive pressure, and they

want their own threats taken seriously. As a result, Thomas Schelling

argues, the interdependence of a state’s worldwide commitments

makes its reputation for action—not its status, honor, or worth—“one

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of the few things worth fighting over” (1966:124). Reputation also

supplements information about an opponent’s likely actions and

relative power in order to “assess their strategies in crisis situations”

(Crescenzi 2007:385; see also Axelrod 1984 and Crescenzi,

Kathman, and Long 2007).

In short, states worry about their reputation because they believe it

affects their ability to make credible—and therefore effective—

threats. Past behavior serves as information to make more accurate

predictions about other states’ behavior in a military crisis, revealing

their “type” to be strong or weak (Hugh-Jones and Zultan 2012;

Walter 2009). Although Mercer (1996) maintains that the content of a

state’s reputation also depends on its relationship with the observer

state, the value of its reputation is still the same: a tool to enhance

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military credibility. Daryl Press’s (2005) critique goes further, arguing

that states do not actually take their adversaries’ past behavior into

account when making decisions during a military crisis.

Nevertheless, he notes that states often do seek to protect their own

reputations—a puzzling finding for this variant of reputation, whose

rationale depends on reputation mattering because of the material

outcome it can provide.

Because this use of reputation is threat oriented, it makes at best

only a distant connection to arms transfer control policy. Certainly, if

a state uses weapons supplies as a coercive tool—requiring another

state to comply with its demands or face a cessation of its arms

supplies—such threats will be effective only if the recipient believes

the supplier state will indeed cut off arms. This use of reputation may

relate to the threat and effectiveness of arms embargoes, but it does

not address supplier states’ willingness to adopt humanitarian export

constraints.

*CREDIBLE COOPERATION*

For scholars of international political economy, reputation is again

about credibility and information, but for cooperative ends rather than

for conflict. Compliance with current agreements can serve as an

indicator of likely future compliance. Because states cooperate to

improve their economic welfare, having a reputation for reliability can

“[make] it easier for a government to enter into advantageous

international agreements; tarnishing that reputation imposes costs by

making agreements more difficult to reach” (Keohane 1984:105–6;

see also Guzman 2002; Larson 1997; Sartori 2002; Tomz 2007).

Concerned about their reputations as precedent for an unspecified

number of future rounds of cooperation, states will keep their

commitments, even without specific threats of retaliation for

noncompliance (Guzman 2002; Keohane 1984). In deciding whether

to enter an agreement with another state, states also determine

whether their potential partner can be trusted on the basis of “[its]

reputation for fulfilling commitments, the public record of [its]

reliability” (Larson 1997:710; see also Ahn, Esarey, and Scholz

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2009; Guzman 2002; Sartori 2002; Tomz 2007). Here again, a

state’s behavior reveals information about its type to other actors,

forming a reputation to help potential partners decide if its

commitments to cooperate are credible.

Even for J. C. Sharman, who explicitly seeks to offer a “social”

version of reputation in international political economy (2006:6),

states’ concern for reputation is driven by a profit motive (107). He

argues that states act to protect their reputations out of fear of being

shunned by investors (10). A reputation for credibility thus matters

for the material costs and benefits it provides. But whether investors

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use reputation in this way is not always clear. Moreover, states

expect neither enhanced military power nor economic profits from

“responsible” arms export controls. In fact, profit incentives may work

against them. Restraints shrink available arms markets and reduce

profit opportunities. Cutting off arms supplies may also make a

government less economically competitive against suppliers with

fewer scruples and brand it as an unreliable partner. In a competitive

buyer’s market, commitments to rule out or drop certain categories of

customers do not sit well with companies’ bottom lines. Instead, to

understand why states support such costly standards, it is useful to

look to the social benefits and pressures created by reputation.

SOCIAL REPUTATION AND CONVENTIONAL ARMS TRANSFERS

POLICY

The version of reputation I develop here emphasizes reputation as a

judgment of states’ character and not simply as the sum total of their

past actions. As such, it differs in a number of respects from the

variants just outlined. First, it recognizes the importance of reputation

as a policy *end,* not solely as a means to achieve other policies.

States attach social value to their reputations and may commit to

policies as a means to enhance their reputations. Second, it

considers a role for domestic reputation linked to compliance.

Governments’ concern for reputation can have tangible domestic

effects when conditions are ripe for scandal brought on by a gap

between professed policies and irresponsible practice, revealed in

the public domain. Finally, it creates an opening to consider a more

eclectic theoretical view of international politics. States are strategic

actors operating in a social setting where norms and institutions

affect the behaviors that are collectively valued and that build

reputation. States adopt policies to enhance their reputation in the

international community; they apply rational strategies to achieve

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social goals. Reputation is therefore a concept that can apply to

both rationalist and constructivist research and serve to find an area

of common ground between the two.

In a new normative environment linking arms transfers to human

rights, states face social pressures at the international level to

commit to responsible arms transfer controls. As a group,

democracies are the most likely to respond to these pressures: their

domestic obligations to the rule of law and other democratic values

can translate to international politics (Doyle 1986; Simmons 1998;

Slaughter 1995). In addition, democracies are subject to greater

internal and external pressure to conform to international norms

related to peace, human rights, and international law (Burley 1992;

Simmons 1998). Nondemocracies can also face external social

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pressure to conform to norms, but without the added expectations

attached to democratic values and the rule of law. After all, the ATT

has been overwhelmingly supported by democracies and

nondemocracies alike. Moreover, skeptical states such as Russia

and China have kept a low profile and refrained from blocking ATT

progress, despite their distaste for its sovereignty costs and the

domestic human rights standards it seeks to enforce. Reputational

concerns may therefore keep dissenting states from publicly voicing

opposition. Nevertheless, in general, social reputation tends to be a

more powerful commitment incentive among democracies due to

shared values and the social pressures to conform to them.

At the domestic level, the link between reputation, scandal, and

compliance is confined to democracies. Although corruption can

occur anywhere, scandals need democracy, where political power is

subject to popular accountability and sanctioned by strict rules of

legal process (Markovits and Silverstein 1988). Scandals also rely on

democratic expectations of transparency and free media to flourish

in the public eye. Later in the chapter, I describe the conditions that

make some democracies more sensitive to the threat of arms trade

scandal and the reputational damage it can inflict. However, the

vulnerability of more scandal-prone governments to reputational

damage may be tempered by the structure of executive

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responsibility. The effects of scandal may be more potent where

executive responsibility affects the whole party in power and is not

dependent on drawing a clear link to a single leader at the top.

Because of the difficulty of directly implicating a single executive for

irresponsible state action in this case, leaders in presidential

systems may be less concerned about reputational damage from

arms trade scandal. In contrast, in parliamentary systems, the party

in power can suffer collectively in response to scandal and may be

more likely to adjust its behavior accordingly. I detail both the

international and domestic reputation arguments in the following

sections.

REPUTATION AMONG STATES

*REPUTATION AS A SOCIAL INCENTIVE*

At the international level, states may strive to maintain or improve

their reputation by adopting policies in line with rules and norms of

the international community and its institutions in order to signal their

“good international citizenship.” In the traditions of constructivism

and the English School, I observe that international politics can

foster social standards and encourage social behavior on the part of

states. And, like Ian Hurd (2007) and Alastair Iain Johnston (2008), I

argue that states are rational actors within a social context. When

material incentives to cooperate or comply are absent—or material

costs are present—social incentives can nevertheless motivate

leaders to commit to popular initiatives. States’ concern for

reputation and how others in the international community view them

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can prompt support for policies they might otherwise oppose.

States care about their reputations, first, as a positive reinforcer for

their self-image and identity. A good reputation has a feel-good effect

on state identity. Second, states care about their reputations

because of the implications for their legitimacy and social standing,

particularly within international institutions, which can set behavioral

expectations and advertise states’ policy commitments. Moreover,

reputation not only is important to states in the abstract but is also

connected to and carried by its individual diplomats and elites

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meeting in international fora as representatives of their countries.

Many states that once shunned multilateral conventional arms

export standards now support them because they want to be viewed

as conforming to international norms. In contemporary politics,

“good” or “responsible” international citizenship broadly refers to a

state’s active commitment to human, social, and economic rights or

other collective goods (Lebovic and Voeten 2006; Wheeler and

12

Dunne 1998), which states can signal through their policy choices.

The value of a good reputation attached to conventional arms control

is not derived from anticipated increases in procurement or overseas

sales. As I show in chapter 4, industry has been slow to back

government initiatives to the extent that it has at all, and benefits

directly connected to increased power and economic gain are

negligible to nonexistent. Nor do states appear to possess deeply

internalized normative convictions about new policies. Rather, it

requires a broader understanding of reputation, connected to social

standing and recognition, to explain states’ willingness to support

“responsible” arms transfer standards.

International relations research typically describes social status as

a tool of small or weak states to gain political influence in global

politics that is not available to them through traditional military or

market power (Ingebritsen 2006). Yet social goals can also be

sought by more powerful states embedded in the international

community (Johnston 2008). International embeddedness both

reduces states’ insulation from international rules and enhances their

desire for social standing. A good international reputation typically

requires states to participate in rules, norms, and responsibilities

recognized as legitimate by international society (Chayes and

Chayes 1995; Franck 1990; Wendt 1999; Wheeler and Dunne

13

1998). States seek both “conformity and esteem” in international

politics, stemming from social pressure and a desire for legitimation

from their peers (Finnemore and Sikkink 1998:903). Even where

norms are not internalized, states may therefore be socialized to

conform to expectations in order to gain recognition and prestige

while avoiding shame and social opprobrium (J. Busby 2008;

Johnston 2008; Zarakol 2011).

As a judgment on states’ policies and actions, reputation is

wrapped up with states’ internal or self-images as well as with how

they are perceived by other international actors. The term *image* can

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refer both to how a state sees itself (i.e., its national self-image )

and to how it wants others to see it (i.e., the external image it

15

projects from its policies and practice ). It is this latter external

image that shapes a state’s *reputation,* which is a judgment by

others of the images that a state projects, intentional or otherwise.

Although states cannot control this collective judgment—reputation

is, after all, relational and defined by others—they can seek to shape

it through their publicly observable behavior (Jervis 1970; Klotz

1995; O’Neill 2006). Image management is essentially the point of

public diplomacy and “nation-branding” campaigns. As actors try to

“control the impression” other actors have of them, they play a social

part to their audience over time that reinforces an acquired value

system, whether their behavior is sincere or not (Boulding 1956;

16

Goffman 1959). Figure 2.1 captures this relational component of

reputation and the role of image in shaping it. In this sense,

reputation serves as feedback to a state from others in the

international community about the image it projects.

Reputation contains two interwoven dynamics that make it a

persuasive social incentive among states tightly bound to the

international community. As Axel Honneth (1995) argues, social

recognition brings self-respect and a confirmation of equal status as

well as esteem and increased standing in a community of shared

values. First, states and their leaders seek to confirm their equal

status and with it their identities as good international citizens. A

good reputation confers and reinforces a positive self-image. States

keep up with evolving norms of appropriate behavior in part to be

recognized as legitimate and equal members of the international

community (Abdelal et al. 2009; Wendt 2004; Zarakol 2011).

Normative obligation is “a necessary reciprocal incident of

membership in the community” (Franck 1988:753) and helps define

its “boundaries and distinctive practices” (Abdelal et al. 2009:21; see

also Chayes and Chayes 1995; Franck 1990; Henkin 1968; Wendt

1999). By conforming to international expectations, states can

develop reputations that align more closely with their identities and

can be recognized by their peers as equals with the capacity and

17

right to act in international affairs.

FIGURE 2.1. RELATIONSHIP BETWEEN REPUTATION AND IMAGE.

*Source: Based on Whetten 1997.*

Second, states may seek not only to be recognized as equals but

also to distinguish themselves among their peers. Policy leadership

and a good reputation can bring increased social standing or

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prestige. This aspect of reputation refers to a state’s position in a

social hierarchy of “respect, deference and social influence,”

valuable as both a means to gain influence and an end in itself

(Ridgeway and Walker 1995:281–82; see also D. Bromley 1993;

19

Huberman, Loch, and Önçüler 2004). Social hierarchy does not

replace the formal anarchy of the international system. Rather, it

suggests that some states informally enjoy a more favored and

influential position than others, which can stem from hard or soft

20

power. States, wishing to improve their reputations, may therefore

seek to outperform their peers, particularly with respect to policies on

issues close to their self-image (Tesser and Campbell 1980). In this

case, some states may adopt “more responsible” policies than

prescribed by community norms in order to set themselves apart

from other states and enhance their legitimacy, esteem, and

prestige.

States’ concern for reputation thus illuminates a search for

recognition of their equal status as “good” members of the

international community and an effort to increase their standing in

that community. Within a group, social status and esteem can be

valued for their own sake and sought independently of—or even in

place of—material gain (Huberman, Loch, and Önçüler 2004).

Alexander Wendt, for example, asserts that among a state’s interests

is a “need to feel good about itself, for respect or status” (1999:236;

see also Chayes and Chayes 1995; Finnemore and Sikkink 1998;

Lebow 2008). More fundamentally, states’ concern for reputation

points to a need for social approval within the framework of positively

valued identity characteristics of a particular group (Finnemore and

Sikkink 1998; Shannon 2000; Tajfel and Turner 1986). In turn,

external validation from a state’s peers can serve to confirm and

21

even shape its understanding of its own identity. Identity is

grounded both in an actor’s internal or self-understanding and in an

external interpretation of that identity by other actors (Wendt

22

1999:224). This external interpretation of identity can be and is

reflected in a state’s reputation and helps explain why reputation

functions as a social concept.

*INTERNATIONAL INSTITUTIONS AS A SOCIAL SETTING*

Reputation is more easily formed in the context of international

institutions. Institutions help legitimate rules and norms, leading to

actors’ perceptions that they should be obeyed and forming the basis

for expectations of appropriate behavior and good international

citizenship (Hurd 2007). Institutions also provide a setting for regular

and intensive interaction among diplomats, in which peers’

judgments take on greater meaning and socialize states into policy

23

expectations. Finally, participation in international institutions can

force states to publicly declare their positions, making their policy

choices more observable to other actors and therefore subject to

social appraisal. As a result, reputation can be more easily assessed

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and assigned. In some cases, institutions may also make peer-

review processes and other monitoring mechanisms available to

examine state performance.

Institutions introduce an opportunity for states to strategically

choose policies to maintain, enhance, or repair their reputations.

“Indeed,” Johnston notes, “there is no point engaging in [behavior]

for reputational purposes unless [that behavior] is observable to

others” (2008:7; see also O’Neill 2006). UN General Assembly votes,

for example, put states’ policy positions on public display. Even

where consensus rules may mask individual policy choices from

public view, diplomats in the room are nevertheless aware of who

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dissents from the norm. As I discuss in chapter 4, multilateral fora

on issues related to the conventional arms trade have proliferated in

the past decade, providing a community of diplomats who interact

regularly and in the process have established policy expectations

and the ability to assess whether those expectations are met. For

small arms specifically, they have also created institutionalized

reviews of states’ policies and aid giving through national reporting to

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the UN and published assessments of those reports.

Especially within international institutions, leaders who “value their

social standing in international society seek to avoid negative social

judgments” and choose policies, behavior, and their justifications for

both accordingly (Shannon 2000:294; see also Chayes and Chayes

1995; Johnston 2008; Lumsdaine 1993). Members in a society

ostracize, criticize, and punish norm violators just as they reward

norm followers, in turn either revoking or granting reputational

benefits (O’Neill 1999:197). In this way, reputation becomes a

constraint on a state’s actions. States typically prefer to “avoid the

social pressures of remaining aloof from a multilateral agreement to

which most of their peers have already committed themselves”

(Simmons 2009:13). Not only have “responsible” arms transfer

controls become a means to enhance reputation, but *not* adopting

them is also seen as having potential reputational costs. Policy

opposition may carry social stigma, as the United States discovered

when it sought to weaken consensus-driven small arms agreements

and cast the sole “no” vote on the ATT initiative until late 2009.

Such forms of social control are recognized as important for the

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functioning of the less formally codified international community. A

good reputation reinforces a state’s positive self-image and helps it

wield social influence and moral authority by improving its standing

and legitimacy. However extensive a state’s hard power, social

influence can be a cheaper and subtler resource to bring fellow

states’ preferences in line with its own. Indeed, the ability to leverage

soft power—“the ability to get what you want through attraction

rather than coercion or payments” (Nye 2004:x)—is based on a

positive image abroad and suggests that relying solely on military

power can be inefficient and counterproductive. States are also

“motivated by a desire to avoid the sense of shame or social

disgrace that commonly befalls those who widely break accepted

rules” (Young 1992:177; see also Zarakol 2011). A damaged

reputation can lessen a state’s influence or “political capital” in

international politics and its ability to achieve its policy agenda in

international institutions (American Political Science Association

2009:7, 12).

This relationship between reputation and influence points to social

influence as an additional instrumental motivation behind states’

concern for reputation. Indeed, social reputational concerns illustrate

the intimate connection between social norms and strategic

behavior. States and their leaders are often motivated by a

combination of material and social interests as well as normative

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expectations. Nevertheless, states are limited in how flexible they

can be with their reputation-building policy choices, without which

their influence also cannot grow. States must adopt and promote

policies that reflect the reputation they wish to promote and maintain

(Chong 1992; Ingebritsen 2006), while also counteracting any

negative images that may serve to undermine their reputation and

29

related influence. As Dennis Chong observes, “By not acting on

[his or her] self-professed values, each person’s reputation would be

diminished in the eyes of the others” (1992:191). The importance of

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consistency between values and policy is multiplied when states

take a leadership role to promote a policy on the international

agenda (J. Busby 2008; Wheeler and Dunne 1998). In these

circumstances, states stake their reputations not only on their own

policy and behavior but also on their success in spreading similar

policies elsewhere.

*LIMITATIONS OF SOCIAL REPUTATION AS A CONSTRAINT ON*

*STATES’ BEHAVIOR*

Despite the strong social (and material) incentives that can drive

states’ reputational concerns, reputation’s ability to shape states’

behavior can have two main limitations. First, it may operate more

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strongly within rather than across issue areas. Just as individuals

or states are often said to have multiple identities, so too can they

have multiple, compartmentalized reputations (D. Bromley 1993:44;

R. Fisher 1981:130). When it comes to the consequences of

reputation for states’ credibility, multiple reputations is a matter of

practicality: states must work together over a wide range of issues.

To assume that disreputable behavior in one area spoils the

credibility of cooperation in all would be inconvenient, costly, and

problematic. Nor do states have reason to believe that this would be

the case; the value and content of and interest in cooperative

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behavior also vary across issues (Downs and Jones 2002).

However, when states’ attention is turned to social concerns for

“good international citizenship,” the benefits gained from containing a

reputation to one area may be less relevant. In such cases, states

perceive their policy choices as contributing to a broader reputation

with implications for their legitimacy and standing rather than to

separate reputations with implications for their credibility in other

issue areas.

Second, reputation’s ability to influence state behavior is limited

when states’ policies are observable to other actors but their

practices are not. Even when policy is observable and subject to

reputational judgment, practice may not be. Transparency measures

play a significant role in generating compliance with international

norms and treaties (Chayes and Chayes 1995:135; Norman and

Trachtman 2005). Because reputation is assessed from *observed*

policy and practice, where transparency is limited, scrutiny of

practice must also be limited. Low levels of public information on

compliance restrict the evaluative capacity of an issue for states’

reputations and allow for more superficial norm adoption (Guzman

2002; Norman and Trachtman 2005). In the absence of international

accountability mechanisms, governments can therefore look forward

to the kudos brought on by adopting popular policies, without having

to worry about paying high implementation costs—or being punished

by other international actors if they do not. Thus, a state may sign on

to an agreement with little intention of adhering to its obligations,

“especially if it believes that its violations might not be detected”

(Henkin 1968:34). Although some might dismiss such behavior as

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“cheap talk” or “mere window dressing,” social reputational

concerns can explain why states bother to commit to invest in such

commitments at all. States are willing to risk potential—but by no

means certain—hypocrisy costs or rhetorical entrapment in the

future to receive what they see as certain social benefits (and to

avoid social costs) in the present. Moreover, where either norms or

behavior are ambiguous, a state may more easily deny accusations

of noncompliance to reduce its reputational damage (Guzman

2002:1863).

The social reputation argument therefore suggests that a

convergence of practice and policy—although conceivable without

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public scrutiny of state practice —is less likely without more

comprehensive and widespread transparency and accountability

measures. Costly rules, standards, and norms may be adopted into

policies not for their inherent value but (at least initially) for the value

of the reputation to which they contribute. For the conventional arms

trade, international monitoring and evaluation of export practices are

largely absent, even where trade information is available. Indeed,

despite a distinctive shift in arms transfer policy among most major

exporters in response to evolving international norms, changes in

35

export practice are slow in coming, as I show in chapter 3. States’

underlying arms export preferences have remained relatively stable

even as policies have adapted to new norms not for their material

benefits but rather for their social reputational gains in the

international community.

REPUTATION IN DOMESTIC POLITICS

*SCANDAL AND REPUTATIONAL DAMAGE*

Multilateral conventional arms transfer policies are typically

represented by states’ ministries of foreign affairs, which take a

direct interest in their international reputations. Policy

implementation, however, is carried out by multiple government

agencies and leaves the most politically sensitive cases to top

decision makers more responsive to domestic audiences. Yet

domestic constituencies are typically uninterested in arms transfers,

a complex issue followed only by a small set of specialists, NGOs,

and the defense industry. For politicians, arms export controls bring

few electoral benefits and restricting defense markets has been seen

—rightly or wrongly—as costly to employment and national security.

Looking to public pressure to explain changes in export control policy

can therefore be difficult. Nevertheless, as some scholars point out,

the adoption of international rules into domestic politics is often key

to enhancing compliance (Keohane 1998; Koh 1998; Simmons

2009).

Without public interest or legally binding treaties to open up a role

for enforcement by domestic courts (Simmons 2009; Smith-Cannoy

2012), domestic strategies to provoke compliance are limited.

Whether the ATT (legally binding on state parties) will introduce a

genuine source of domestic enforcement remains to be seen;

mobilizing the public to push compliance—in the courts or otherwise

—tends to be difficult. In this section, I argue that it is primarily with

the onset or threat of scandal that governments seek some changes

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in arms trade practices for domestic political gain—or for salvation.

Scandals emerge when arms deals are publicly revealed that violate

fundamental national values and threaten governments’ reputations

at home. When values and norms are expressed in multilateral

regimes, violations become easier for domestic actors to identify and

spotlight in the public sphere. International law thus can “formally

restate social values and norms” (Lutz and Sikkink 2000:657) and

legitimate domestic groups’ calls for behavioral change (Simmons

2009). When rules and their violations are clear-cut, civil society can

engage in “naming and shaming,” as well as rhetorical entrapment to

create a public crisis of reputation (i.e., scandal) for leaders in power.

Scandals work with reputation to generate compliance in two

ways. First, severe scandal *outbreak* can push politicians to improve

practice and repair reputational damage. Second, an increased

*threat* of scandal can cause decision makers to choose arms trade

partners more carefully in order to avoid scandal. As arms trade

transparency measures make more information publicly available,

and as civil society actors are willing and able to make use of that

information, export decisions become more susceptible to scrutiny.

Policy makers, in turn, become more sensitive to scandal and

concerned about compliance, at least in extreme cases of clear norm

violations. As such, scandals are domestic political phenomena with

(depending on the issue) important implications for states’ foreign

policy and practice.

A scandal entails public knowledge of “a departure or lapse from

the normative standards that guide behavior in public office”

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(Williams 1998:7). It is not “merely” corruption but rather a public

revealing of corruption in which a politician, party, or government

38

faces a crisis of reputation. Yet an action need not be illegal to

bring on scandal. As Suzanne Garment observes, “An act that

affronts the moral sensibilities or pretensions of its audience may

cause a scandal even if it is in reality no sin” (1992:14). What makes

for a scandal thus varies across cultures, societies, and political

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systems, and a government’s and leader’s practices are judged

against the shared values of the society of which they are a part. A

favorite popular example is the ubiquity of sex scandals in American

politics compared to many European publics’ less perturbed

reactions to similar reports in their own national politics.

When it comes to the arms trade, major supplier states have

varied in their historic susceptibility to scandal due to differences in

their relationships with the arms trade, views of the arms trade as a

tool of foreign policy, and the interplay of both of these factors with

societal values and government structures. Some states appear

somewhat more prone to arms trade scandals, such as Belgium,

occasionally Germany, and increasingly Great Britain. However,

public responses to similar events in other states—for example,

France and the United States—have been more subdued. Even so,

as governments agree to common export standards linking arms

transfers to peace and human rights, the societal values associated

with governments’ conduct of the arms trade appear to be

converging over time.

Arms trade scandals rarely topple governments or decide

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elections. This is not surprising: voters are unlikely to punish

scandalized incumbents in elections, whether because they benefit

from the politician’s position of power or because other issues are

simply more important to them (Dobratz and Whitfield 1992;

Mancuso 1998). Nevertheless, scandals are costly. They boost

opposition strength and detract from the government’s domestic

legitimacy. Leaders may be perceived as less trustworthy by the

41

public and lose legislative influence. Scandals may even set off

questions about the exercise of government itself (Bowler and Karp

2004; Mancuso 1998). These consequences stem from tarnished

reputations and reduced political capital for those deemed

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responsible for the government’s irresponsible decisions.

In democracies, where leaders are subject to the scrutiny of the

public and open press, the likelihood of scandals and their

detrimental effects escalate in tandem (Markovits and Silverstein

1988; J. Thompson 2000; Williams 1998). As transparency of

government practice improves, this dynamic becomes ever more

salient. By nature, a scandal occurs when norm-violating

government practices come into public view. If there appears to be

an upswing in scandals in American politics in recent years, says

Paul Apostolidis, “it’s not that politicians are behaving more badly.

We’re just learning about it more often” (qtd. in Kleinfield 2008).

Transparency measures increase public information about where a

country’s arms exports are going and open up its decisions to public

opprobrium. If domestic actors are willing and able to spotlight

“irresponsible” arms exports in the media, the result may be

heightened “scandal sensitivity,” which can pressure governments to

choose their trade partners more carefully in order to avoid

reputational damage.

Governments’ desire to avoid the reputational fallout of scandal in

domestic politics is also motivated by a desire for a positive image.

In general, a positive image is maintained by the promotion of

conformity to domestic norms and values, whether conformity is real

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or perceived. As Matthew Hirshberg notes, “A positive national

self-image is crucial to continued public acquiescence and support

for government, and thus to the smooth, on-going functioning of the

state” (1993:78). The social control that comes from government

legitimacy greatly reduces the costs of governing and, in cases of

established democratic regimes in particular, can be essential to it.

In contrast, behavior that deviates from closely held internal

definitions of identity and values results in cognitive dissonance

(Shannon 2000) and may force a society to confront the relationship

between its policies and its actions. In violating deeply rooted

conceptions of identity—“we are a good/responsible/ethical member

of the international community”—practice that appears irresponsible

in the public sphere can lead to scandal. Governments may initially

adopt and promote “responsible” arms export standards without

much attention from their constituents. However, if governments are

caught circumventing or violating those standards, NGOs, media,

and the public will be more likely to pay attention. Scandals call

public attention to discrepancies between states’ values and identity

and their actions. Because governments care about their

reputations, the rhetorical entrapment and hypocrisy costs generated

by the need to reconcile policy rhetoric and implementation may

cause them to comply with policies in which they may have had no

interest otherwise (J. Busby 2008; Greenhill 2010; Schimmelfennig

2001).

Scandals therefore have two main effects on compliance. First,

when scandals erupt, governments will take highly visible action to

counteract negative reports, especially when high-level leaders are

directly implicated in the scandal-causing decision. Chong states,

“We will defend our reputations vigorously when it is [sic] at risk and

be more self-serving when reasonably assured that no one is

looking” (1992:187). Second, when the *threat* of scandal is

heightened, governments will act with at least some greater diligence

to meet standards dictated by national policy, domestic values, and

the international community (Chong 1992). It is, as Oran Young

observes, “the prospect of being found out [that] is often just as

important, and sometimes more important, to the potential violator

than the prospect of becoming the target of more or less severe

sanctions of a conventional or material sort” (1992:176–77).

As I show in chapter 5, improvements in arms trade transparency

and the presence of active domestic NGOs together can make

leaders more sensitive to the possibility of scandals. More

information about states’ arms export activities enables cases of

noncompliance to be identified. For “naming and shaming” and

rhetorical entrapment strategies to work, however, there must not

only be information about discrepancies between policy and practice

but also actors willing to advertise and condemn those discrepancies

(Chong 1992:190). In the post–Cold War era, arms control NGOs—

to the surprise of many, including perhaps the NGOs themselves—

have emerged prominently in this role.

*DOMESTIC NGOS, TRANSPARENCY, AND ACCOUNTABILITY*

Changes in international expectations regarding conventional arms

export policy have been facilitated—but not necessarily led—by

NGOs. As Denise Garcia points out, “the influence of NGOs is more

manifest” in the case of landmines than in the case of small arms,

where states have been much more integral to the process of norm

diffusion (2006:25). Government sponsorship can be crucial for

convincing other states to join new initiatives (Koh 1998), and in the

case of conventional weapons, big-state leadership especially has

been key to growing support among other major suppliers. Even so,

as I show in chapter 3, NGOs helped put small arms on the agenda,

often in partnership with affected states. NGOs and epistemic

communities used technical expertise, field experience, and

empirical research to establish connections between problems in the

developing world and the spread of small and major conventional

arms (D. Garcia 2006). In many countries, NGOs have since then

been invited to participate in discussions as consultants and even

delegation members.

Partnerships between NGOs and “like-minded states” have

become more common, even in the once highly secretive and statist

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area of conventional arms control. Largely as a result of the

landmine campaign, officials commonly describe a fundamental shift

in their efforts to open up to NGOs (D. Garcia 2006; Hampson and

Reid 2003; Malone 2002). Democratic states especially have found

political value at home in working closely with civil society actors to

signal their public accountability and transparency and to legitimatize

their policies. Even in countries where NGO–government links have

traditionally been weak, such as France, officials have made efforts

in recent years to reach out to NGOs for consultations and

information exchanges about conventional arms policy.

While partnering with many states on international policy

promotion, NGOs have also sought to maintain sufficient distance to

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critique government policies and practices. Even where

international laws and norms are weak, civil society can help serve

“the function of much-needed enforcement mechanisms” (Hafner-

Burton and Tsutsui 2005:1402). This is where NGOs have perhaps

been the most influential on arms export controls. By highlighting

specific cases of “irresponsible” arms exports in the media, NGOs

publicize the gap between governments’ policy and practice—and,

more fundamentally, between their self-image as responsible states

and their irresponsible practices. Such influence suggests that

shaming may work when states violate fundamental notions of

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*domestic* values tied to national identity. And because arms trade

transparency has improved since the end of the Cold War, with

initiatives such as the UN Register of Conventional Arms, the

Wassenaar Arrangement on Export Controls for Conventional Arms

and Dual-Use Goods and Technologies, the EU Code of Conduct,

and national reporting, NGO whistle-blowing has become both easier

and more influential.

Robert Keohane observes, “Without transparency, the

transnational norm entrepreneurs cannot undertake their key task of

exposing the inconsistency between norms accepted within the

domestic society (as well as transnationally), on the one hand, and

state practice, on the other” (1998:710). As I describe in chapter 3,

the movement toward arms trade transparency has occurred

alongside an international movement toward transparency more

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broadly. Defined as “the ease with which the public can monitor

government behavior with respect to the commitment” in question

(Broz 2002:864), transparency has become an expected tool of

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government and corporate accountability. Although transparency

norms have evolved separately from new export standards, they

have nevertheless helped promote those standards and, in some

cases, compliance with them. Nevertheless, simply revealing

information does not ensure accountability; the information must also

be in a form that is accessible and understandable to the public

(Fung et al. 2004). In the case of arms transfers, NGOs often do the

legwork to transform hundreds of pages of national reports and

registers into information that the media and public can digest.

Transparency enhances a public’s potential knowledge of a

government’s wrongdoing and the “clarity of responsibility” in policy

making (Powell and Whitten 1993). The threat of publicizing a

government’s severe wrongdoings creates an incentive for it to alter

its behavior—at least at the margins—to avoid audience costs or bad

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publicity. Transparency thus wields a double-edged sword for

governments: democracies especially strive to improve transparency

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as a signal of good governance (Besley 2006; Best 2005). Yet

transparency also provides ammunition for NGOs to call

governments to task on “bad” arms deals that have the potential to

resonate with the media and public. And as more information is

available about government practices, the possibility of rhetorical

entrapment and scandal becomes greater.

In response to growing transparency and NGO engagement,

governments may be motivated to make changes in their behavior in

order to avoid or deal with the costs of scandal. Joshua Busby notes,

“Advocates can shape the general image and reputation of decision-

makers through praise and shame, making them ‘look good’ or ‘look

bad’ ” (2007:251). The media, in turn, provide the critical means by

which “political and public attention [is focused] on particular

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incidents” (Tanner 2001:159; see also Apodaca 2007). In doing so,

the media makes transparency a functional tool of accountability

whereby information is disseminated to the public (Besley 2006;

Fung, Graham, and Weil 2007). In essence, the media collectivize

awareness of scandalous acts in the public sphere (Tanner 2001).

“After all,” observes Anthony King, “a scandal by definition is not a

scandal until knowledge of it becomes public” (1984:2). NGOs have

therefore purposefully engaged in “a new kind of media oriented

politics” (Dezalay and Garth 2006:232; see also Simmons 2009) as a

means to raise public attention and increase costs to governments

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for behaving “badly”—that is, contrary to their public commitments.

In fact, governments contend that the anticipation of NGO criticism

spread by the media has been behind their move to better scrutinize

and justify arms export decisions. In a parallel example, Mark

Duggan and Steven Levitt (2000) find that match rigging in Japanese

sumo wrestling drops when media attention increases in anticipation

of corruption, in order to avoid future scandal. Scandal even

occasionally encourages policy change. NGOs have had a hand in

creating and sustaining arms trade scandals in recent years by

drawing media attention to flagrant noncompliant behavior in hopes

of improving future compliance. States with transparency and active

civil society groups are more susceptible to scandal and tarnished

reputations that are due to clearly “irresponsible” export decisions. In

this manner, NGOs are a direct conduit between reputation and

practice in domestic politics, exploiting governments’ interest in

avoiding rampant bad press at home. Unlike the alternative

explanations outlined next, this perspective avoids depending on a

close alignment between commitment and compliance and can

explain changing practices in a subset of cases where reputational

incentives are strong.

ALTERNATIVE EXPLANATIONS AND THE NEED FOR

ANALYTICAL ECLECTICISM

Research explaining major suppliers’ support for “responsible” arms

export controls is lacking, but suitable prepackaged explanations are

also hard to come by. The alternative explanations outlined here are

based primarily on the assumptions and arguments of IR theories

and how they conceive of states’ interests in relation to their

commitment to international rules and norms. The theoretical

expectations for state policy and practice are summarized in table

2.2. Yet standard IR theories often rely on commitment and

compliance working hand in hand in their explanations of states’

policy choices. In cases like this one, where commitment and

compliance are largely divorced, I argue that these explanations are

restricted in their ability to account for states’ behavior.

*REALISM: ARMS TRANSFERS AND NATIONAL SECURITY*

Major suppliers’ support for new arms export controls presents a

challenge for realism. For states to support humanitarian export

policies, they must either anticipate net material gains from new

controls or see them as simply codifying their existing practice

(Downs, Rocke, and Barsoom 1996; Goldsmith and Posner 2005;

Morrow 2007). Commitment must therefore come with compliance,

so that states can receive the benefits they seek from an agreement

or because the agreement happens to reflect what they are already

doing. For example, if major exporters support multilateral export

controls to improve national security by reducing the need for

external intervention (or at least the costs of it), they can accrue

these benefits only by stopping supplies to problematic recipients in

practice.

TABLE 2.2. SUMMARY OF THEORETICAL EXPECTATIONS

Yet the potential benefits of multilateral export controls are easily

trumped by their direct, high costs to state sovereignty and national

security, as the historical record shows. In an anarchical international

system, states must prioritize basic security needs, in part by

avoiding dependence on others (K. Waltz 1979). As long as arms

transfers are considered necessary to maintain a viable national

defense industry, states will prevent external restrictions for fear of

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weakening their defense capabilities. Any material benefits that

might come from new export controls would be significantly

outweighed by the costs to states’ security. By restraining exports,

“responsible” arms transfer controls might undermine states’ foreign-

policy autonomy, their defense industries, and, by extension, their

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material positions in the international system. Overall,

humanitarian export policies thus fail to serve state interest, defined

by the preservation and enhancement of material power

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capabilities. Confronted by the high costs to material power

created by export controls unrelated to national security, commitment

to—and certainly compliance with—such policies would be

unexpected.

From a realist perspective, then, the states with *low* export

dependence (such as the United States) at least might not oppose

new export controls. Similarly, the states most involved in external

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interventions (again, such as the United States ) might even

support them. In addition, supportive policy makers will link

humanitarian controls to material power interests and capabilities,

whether as a reduction of intervention costs or as backing for the

defense industry. It is not that states necessarily lack the moral

interests behind humanitarian export controls, but that moral

interests are “less tangible, and policy, for better or worse, tends to

be made in response to relatively tangible national objectives”

(Donnelly 1986:616). Without evidence of coercion from a powerful

supporter or a pure “coincidence of interest” (Goldsmith and Posner

2005) to motivate states’ commitment (and compliance), realism may

be more useful to identify the puzzle of shared humanitarian export

controls rather than to serve as its explanation.

*NEOLIBERALISM: ARMS TRANSFERS AND ECONOMIC GAIN*

In order to commit to and comply with international regimes, states,

from a neoliberal perspective, must derive some mutual economic

gain from cooperation (Keohane 1984) or solve a costly collective-

action problem (Simmons 1998). In short, self-interested states must

deem cooperation to be in their material interest. Without the

promise of such benefits, regime formation is difficult to explain. If

the material benefits from trading arms outweigh the benefits of

restricting arms sales, states will be more likely to oppose a

restrictive regime. Supportive states may therefore be those that

have already adopted unilateral restrictions and wish to “level the

playing field” to their economic advantage (never mind explaining the

prior adoption of unilateral standards). Yet if those rare arms

exporters with existing national humanitarian standards—such as the

United States or Germany—were initially reluctant to agree to similar

standards on a larger scale, then the “level playing field” argument

loses traction.

Once a regime is established, compliance hinges primarily on

states’ desire to receive the resulting benefits now and in the future

(Keohane 1984; Simmons 1998) and secondarily on the form of the

agreement. Without compliance, the benefits from present-day

cooperation—and potential economic payoffs from related future

agreements—will not materialize. In this sense, compliance should

reflect the material motivations that should be behind states’

willingness to cooperate; compliance should again follow

commitment. Some neoliberals nevertheless point out that, absent

strong enforcement and monitoring mechanisms, a regime will have

trouble inducing compliance (Fortna 2003; Hafner-Burton 2005;

Hafner-Burton and Tsutsui 2005). Arms export controls have become

institutionalized in most regions, and their numbers are growing

internationally. However, because most are not subject to any costly

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enforcement, their effect on state activity may be minimal.

*DOMESTIC LIBERALISM: DEFENSE INDUSTRY INTERESTS*

Liberal theories of domestic interests explore the influence of

societal actors as they shape states’ broader interests and

preferences (Milner 1997; Moravcsik 1997). The state is not so much

an actor in world politics in its own right but rather a “representative

institution constantly subject to capture and recapture, construction

and reconstruction by coalitions of social actors” and their interests

(Moravcsik 1997:518). In some cases—such as the landmine ban—

domestic public pressure may drive states’ policy commitments. In

the case of arms transfers, many experts’ primary expectation—and

the conventional wisdom—is that policies will reflect the powerful,

well-funded, and well-networked voice of the arms industry (Hartung

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1996; Moravcsik 1992). I explore both of these possible

explanations—public pressure and defense industry preferences—

later in the case studies.

The concept of the military-industrial complex (MIC) encapsulates

the close relationship between government and the defense industry

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and industry’s influence in government decision making.

Government policies, financial aid for foreign sales, and export

decisions commonly reflect industrial interests designed to keep

companies in business (Hartung 1996; Moravcsik 1992). According

to this perspective, governments should take their policy cues from

the defense industry. If industry perceives material benefits from new

export controls—perhaps to level the playing field or to pursue

profitable coproduction arrangements abroad—it will push policy

makers to commit to them. If, however, industry perceives an

economic incentive (or even need) to exploit foreign markets to

survive, governments will seek *less* restrictive policies.

The substance and timing of defense industry policies in this case

is key: if industry has either ignored the issue or *followed* the lead of

supportive governments, this explanation is less plausible. An

alternative societal-level explanation might look to evidence of a

groundswell of public pressure on governments to generate policy

commitment. Yet I find in the case study chapters ahead that public

or industry pressure in advance of states’ commitment decisions is

missing. Without such domestic-level pressures, domestic liberalism

struggles to explain governments’ policy support. This is not to argue

that domestic politics do not play a role. Indeed, as I have argued,

domestic politics can prove essential for compliance. It then

becomes a question of whether states’ practice simply reflects

societal interests according to domestic liberalism or whether it

anticipates and reacts to them based on their international

commitments for more complex reasons.

*CONSTRUCTIVISM: ARMS TRANSFERS AND INTERNATIONAL*

*NORMS*

For constructivists, interests are not determined solely by material

power or societal demands but are instead constructed through

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social interactions in domestic and international politics. In light of

the increasing integration of established international norms of

61

human rights and state responsibility into arms trade agreements,

states’ interests themselves should come to embrace and internalize

these changes. Even in the absence of formal institutions, hard law,

or coercive measures, normative obligations established in shared

customs should affect not only states’ policy but also their

compliance with that policy (Checkel 2001; Finnemore and Toope

2001). Here again, commitment and compliance come together.

Norms create prescriptions for behavior “that predispose states to

act in certain ways” (Wendt 1999:234; see also Finnemore 1996a,

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1996b). Constructivism therefore expects that states’ export policy

and practice will reflect new humanitarian standards. For example,

Garcia (2011) argues that support for humanitarian arms control

policy stems from other-oriented moral progress in international

politics that has transformed states’ interests. Precisely to whom

these expectations apply, however, divides constructivists. A *broad*

form of constructivism expects norms to shape the behavior of all

states in similar ways. Interests are socialized by international

institutions and governed by the logic of appropriateness, thus

predicting “similar behavior from dissimilar actors because rules and

norms may make similar behavioral claims on dissimilar actors”

(Finnemore 1996b:30; see also Koh 1998). All states—regardless of

regime type, power, or position—should be similarly affected by the

spread of arms transfer norms. A more *narrow* approach (also

related to the English School) would limit the influence of norms to a

subsystemic group of states with shared values and beliefs (Bull

1977; Klotz 1995). This approach points to democracies as the

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group of states most likely to be susceptible to human rights norms

due to a shared community of values, an internal commitment to

human rights, and greater openness to societal influence and

accountability (Burley 1992; Henkin 1968; Risse-Kappen 1995b;

Slaughter 1995).

However, these expectations may be overly optimistic in this case.

As Andrew Hurrell points out, the real test of the strength of

international rules and norms is their ability to bind states “despite

countervailing self-interest” (1993:53). If the empirical evidence

reveals gaps between states’ policy and practice or between their

public and private policy preferences, states’ normative commitment

to new policies must be questioned. Noncompliance that reflects

states’ material interests rather than normative obligations would

especially call into question constructivist explanations. Of course, it

may simply be too early in the “responsible” arms transfer norm life

cycle to impose strong expectations on state practice. If states

become increasingly compliant over time, it may suggest that norms

are becoming accepted and valued for their own sake—though their

initial adoption would still have resulted from instrumental, not

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normative, motivations.

The chapters ahead explore and explain the policies and practice of

top conventional arms exporters. First, historical and statistical

patterns of arms trade practice set the stage for a more in-depth

analysis of international and domestic material and social pressures

to account for major exporters’ dramatic change in arms trade policy.

Most of the alternative explanations have difficulty accounting for

commitment without compliance, suggesting the need for a more

analytically eclectic explanation to understand the policy–practice

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gap. Although scholars often acknowledge the role that

mechanisms and motivations associated with both rationalist and

constructivist theories can play in determining the decisions of

political actors, the task of combining them in practice is often left

incomplete. Yet, as I show, it is the combination of normative change,

social incentives, and state interest—channeled through concern for

social reputation—that can explain states’ commitment to

“responsible” arms export policies and their poor (but potentially

improving) compliance.

The social reputation argument combines rational and social

motivations for states’ policy and practice for a more complete

analytical account of state behavior. It views states as rational actors

responding to social incentives within a changed international

normative environment. Particularly in the context of international

institutions, policy expectations can shift and, with them, states’

motivations to support those policies. In the case of conventional

arms transfers, states have faced contradictory material and social

interests. I argue that their commitment to “responsible” export

standards stems from social pressure at the international level. That

pressure, however, does not necessarily transform their private

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preferences.

Compliance with new standards presents costly trade-offs for

states seeking to maintain a viable defense industry and flexible

foreign policy. Without international accountability, states may

balance these trade-offs by engaging in less-restrictive practices

without harming their international reputations. Yet as arms trade

transparency improves and civil society activism spreads,

democracies especially may face domestic consequences for clear-

cut cases of poor compliance and so may choose to reform practice

at the margins to avoid negative public attention. In contrast, if states

have internalized new norms or seek material benefits from new

policies, their practice should more fully reflect those norms and

policies. The book next explores historical and statistical trends in

conventional arms export policy and practice. It assesses the

normative status quo and challenges in creating multilateral policy

success in the twentieth century, the sources behind international

normative shifts in the 1990s, and the influence of human rights on

major exporters’ practice. In doing so, it surveys not only the policy

landscape over time but also demonstrates the gap between

commitment and compliance, leading to the case studies to explain

these findings in greater depth and the need for the social

reputational argument.

*3. History and Contemporary Trends in*

*Conventional Arms Export Controls*

States’ support for the Arms Trade Treaty and “responsible” arms

export controls belies long-standing expectations. Conventional

weapons play a vital role in national and international security and

present a hard case for international commitment. Until the late

1990s, conventional arms sales remained the prerogative of national

foreign and economic policy. Whether arms were used to influence

allies or to support domestic economic interests, recipients’ human

rights were not considered, conflict was a concern for only a handful

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of suppliers, and material interests dominated export decision

making. For the most part, states pushed away multilateral efforts to

impose controls on major conventional arms sales and divorced

national policy from any restrictive international standards or

obligations. Small arms were absent entirely from the international

agenda. Even initial post–Cold War optimism for a transfer control

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regime quickly faded “in the face of desperate competition between

supplier states for a share of the … dwindling international market”

(Spear 1994:99). With the often close relationship of governments

and defense industries, along with deep concerns for state

sovereignty and security, such a stalemate was hardly surprising—

nor have these relationships and concerns disappeared over time.

Since the late 1990s, however, material pressures to export have

increasingly had to coexist with normative pressures to control.

Conventional arms transfers have been found to undermine human

rights, governance, social and economic development, domestic and

international stability, and postconflict reconstruction. By 2006, states

had reached numerous regional and international agreements

reflecting these concerns and voted to begin a formal process at the

UN to create an ATT (see appendix A for the history of related

3

agreements). Many suppliers had also adopted national

“responsible” arms transfer controls, focused in particular on their

import partners’ human rights practices. These initiatives culminated

in the UN Arms Trade Treaty, which lays out the first-ever legally

binding global humanitarian standards for small and major

conventional arms exports. In 2013, a total of 154 member states

voted to approve the ATT, with only Iran, North Korea, and Syria

opposing it. Most major supplier states—including the United States,

France, Germany, and the United Kingdom—once considered

external export restrictions too costly but now count themselves

among supporters of multilateral humanitarian export controls.

How did this policy transformation come to pass, what makes it so

dramatic, and how well does it reflect states’ existing arms export

practice? This chapter analyzes the changing contours of the

international normative environment for conventional arms exports in

three main parts. In essence, it charts the “business as usual” of the

global arms trade over time. In the first section, I provide an overview

of the twentieth century’s failed multilateral attempts to control arms

exports. This section highlights the entrenched norms of sovereignty

and material stakes that states perceive in maintaining control over

their arms exports as well as the absence of human rights from the

discussion. Second, I identify the key events in the 1990s that

explain the origins of new “responsible” arms export norms, a

dramatic shift that once seemed improbable given enduring national

material interests and exporter preferences. Finally, I investigate how

these changes in international normative expectations map onto

broad trends in small and major conventional arms export practice

between 1981 and 2010. I find that state practice does not reflect

humanitarian policy changes. This casts doubt on explanations that

rely on either normative obligation or material incentives to explain

states’ policy commitments. States have supported new initiatives *in*

*spite* of their underlying export preferences, not because of them.

Changes in policy can come without changes in practice if states can

receive the social reputational benefits of commitment without

engaging in costly implementation. By examining the historical

continuities and broad shifts in how states collectively engage in

arms export policy and practice, the chapter sets the stage for the

more in-depth analysis of major exporters’ specific policy choices

within this international environment.

ASSESSING GLOBAL ARMS EXPORT TRENDS

This chapter examines four key periods in the twentieth-century

global arms trade: (1) the League of Nations and interwar years; (2)

the Cold War; (3) the early 1990s; and (4) the road to the ATT.

Attempts to create shared arms trade regulations prior to the late

1990s were notorious failures. Yet although the contemporary

historical record on arms export *policy* is well established, the lack of

available data on states’ arms export *practice* (i.e., policy

implementation, in this case arms deliveries) has been a roadblock

for cross-national analyses until recent decades. Until the 1990s, a

norm of secrecy ruled interstate arms deal making, and information

was restricted to news reports and publicly released (or leaked)

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intelligence reports. Major conventional weapons data are generally

more comprehensive than small arms data, though small arms data

have improved greatly in the past decade. MCW are easier to track,

invited greater policy attention until the late 1990s, and, if publicly

known, could provide greater prestige and deterrent value than

SALW. But even if public records may underestimate arms transfers,

it is important to examine export practice alongside export policy in

order to evaluate explanations for why policies might change and to

what effect.

Although public attention to conventional arms in the United States

during the late 1970s brought some more information on MCW there,

this trend did not spread elsewhere quickly. A 1979 U.S. government

report summarized the problem: “Virtually all nations consider arms

sale statistics highly sensitive. Most insist that publication of such

information would harm their relationships with purchasing countries.

… Only the United States publishes country-by-country details of its

arms export transactions. In fact, it appears that few nations actually

maintain a central repository of detailed information. Many major

suppliers could not, even if they were willing, supply the sort of

detailed data that the United States makes available” (U.S. Senate

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1979:7). As a result, a statistical analysis of trends in export

practice cannot extend as far back in time as a historical overview of

export policy. Fortunately, data have improved as records have been

declassified. And although SALW data are rough in the 1980s, they

provide useful insights into this period—when the arms trade was not

a prominent issue and human rights considerations were not on the

table—as a baseline for assessing later changes in policy and

practice.

Since the end of the Cold War, growing arms trade transparency

and international research institutes’ long-term efforts have vastly

improved the quality and availability of arms export data. The UN

Register of Conventional Arms went into effect in 1992, replacing

secrecy with a norm of transparency in international, regional, and

national politics (Laurance, Wagenmakers, and Wulf 2005:233).

Suppliers in particular “have come to accept that almost total secrecy

surrounding the arms trade is counterproductive” (Anthony 1997:29–

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30). Although some exporters still have poor records of reporting,

transparency has otherwise advanced across the board, especially

among established democracies. The reporting improvements now

sought in the United States and Europe are meant primarily to

increase the level of detail about individual export decisions and do

not affect the aggregate annual export–import data used here. Most

major suppliers contribute regularly to the UN Register, and the level

of detail, especially from European suppliers, is increasingly

meticulous. Export information tends to be more regularly and widely

submitted than import information (Durch 2000; Lebovic 2006),

although reporting in general continues to grow. According to the UN

Office of Disarmament Affairs (2012), the number of countries

submitting reports rose from 95 in 1992 to a high of 126 in 2011, with

173 countries participating at least once by 2011. The Wassenaar

Arrangement and the EU also have arms trade transparency

provisions, which increase the volume of reporting.

These transparency initiatives began with MCW exports. Research

institutes and governments typically overlooked small arms transfers

until the mid-1990s, so SALW data collection relies on general and

trade-specific news reports, UN Comtrade (customs) data, and other

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sources, where government reports are not available. The absence

of attention to small arms has changed as they have become a

significant policy issue in their own right. By 1999, twenty-two states

had begun to include small arms in their export reports (Haug et al.

2002). In 2003, Wassenaar decided to include small arms on its list

of strategic goods used for intergovernmental transparency. The UN

also formally expanded the UN Register in 2003 to include voluntary

reporting on small arms transfers. In 2004, only 4 percent of reports

submitted to the register included information about small arms

transfers. By 2010 and 2011, that number had risen to 66 percent

(UN Office of Disarmament Affairs 2012). Despite these limitations,

the importance of SALW on the international agenda in recent years

and their prominent role in human rights violations make it both

valuable and necessary to examine them alongside MCW transfers.

In order to map the relationship between trends in arms export

policy and practice in this chapter, I build an original arms trade data

set covering as thoroughly as possible SALW and MCW transfers

from 22 top supplier states (20 of which voted in favor of the ATT in

2013) to 189 potential importer states from 1981 to 2010. This

means that the data are *dyadic* (e.g., exporter state to importer state)

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and annual. A “dyad-year” therefore refers to exporter–importer

pairings in a particular year. Thus, the United States (exporter) and

Colombia (importer) dyad or pairing includes thirty dyad-years,

covering each year from 1981 to 2010 in the data set.

Details about the data set are provided in appendix B, including

exporters covered, variable coding, and control-variable selection.

No other data set covers cross-national data for both SALW and

9

MCW transfers. The UN defines small arms as “those weapons

designed for personal use” and light weapons as “those designed for

use by several persons serving as a crew” (UN 1997:11). SALW

therefore include, for example, revolvers, machine guns, rifles, and

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ammunition and explosives (UN 1997:11–12). SIPRI defines and

codes MCW as large weapons with a military purpose in one of nine

categories: aircraft, armored vehicles, artillery, sensors, air-defense

systems, missiles, ships, engines, or “others” fulfilling certain

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qualifications (2007:428–29). Scholars have linked both SALW and

MCW to human rights violations, but the EU Code of Conduct and

the ATT are the only multilateral export control initiatives to

encompass both.

This chapter uses the Arms Trade Data Set to assess

conventional arms transfer practice from the 1980s to the present

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day through (1) basic cross-tabulations with recipient human rights,

(2) regression analyses, and (3) moving-windows (or moving-

regression) analyses. I use a measure of recipient countries’ human

rights provided by the Political Terror Scale, which scores countries’

physical integrity rights annually based on U.S. Department of State

(DOS) and Amnesty International reports (Gibney and Dalton 1996).

If policy and practice coincide, Cold War patterns should reveal arms

exports as a tool of foreign policy and national security that is

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indifferent to recipients’ human rights records. Given the difficulties

with acquiring arms trade data before the 1990s, however, readers

should be wary about drawing firm conclusions from earlier data.

Following the end of the Cold War, arms transfers motivated by

economic gain and industry survival became the dominant trend.

Supplier states would have been unlikely to limit arms transfers to

human rights violators; in fact, such states might present too

valuable a market to avoid ruling them out summarily. By the late

1990s, the shift to “responsible” arms transfer policy called exporters’

attention to their import partners’ human rights records. Policy

attention also expanded to include small arms on their own and in

conjunction with MCW. If states’ practice reflects their policy

commitments, human rights should become increasingly important

factors in states’ export practice during this current period—

especially among ATT supporters. Although states are still faced with

economic pressures to export arms, new political pressures

simultaneously push them—at least on paper—to become more

discerning in their export decision making.

CONVENTIONAL ARMS TRANSFERS IN THE TWENTIETH

CENTURY

States have carefully protected their sovereign right to decide their

arms trade partners without reference to international obligations or

external restrictions. The decades before World War I have been

referred to as having “the fewest restraints and regulations on the

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arms trade in modern history” (Krause and MacDonald 1993:712).

Yet even in the twentieth century the rare attempts to create

multilateral arms trade controls consistently failed. The historic

absence of multilateral controls strongly reflects this norm of

noninterference. And, except for the United States briefly in the late

1970s, humanitarian arms export controls did not hit the policy

agenda until the late 1990s. Arms export decision making has been

constrained only by states’ national law and policy, which until

recently have excluded human rights considerations.

Prior to contemporary “responsible” arms export initiatives, the

conventional arms trade took the international spotlight on just three

occasions, each partly in response to domestic outrage within major

powers about unrestricted arms transfers. Unlike contemporary

efforts, these failed predecessor initiatives did not seek regulations

based on humanitarian principles, nor were “affected” states among

their champions. Rather, they set out to limit arms transfers to

specified “unstable” regions, with great powers seeing an opportunity

to manipulate allies’, enemies’, and colonies’ (or even their own)

access to arms markets in line with their geopolitical and industrial

interests. Time and again, absent any sustained social pressure or

real change in international policy expectations, states’ material

concerns for sovereignty, national security, and economic interests

won out over cooperative restraint with little contest.

*POST–WORLD WAR I AND THE LEAGUE OF NATIONS*

Global arms transfer controls first came onto the agenda after World

War I under the aegis of the League of Nations. The initial attempt—

the St. Germain Convention for the Control of the Trade in Arms and

Ammunition—was signed in 1919 as part of the postwar settlement.

It was motivated primarily by the European powers’ desires to keep

weapons from falling into the hands of “problem actors” in areas of

colonial influence, but the public’s “moral criticism of the role of arms

traders in fomenting the First World War was also prominent in the

backdrop to negotiations” (Bromley, Cooper, and Holtom 2012:1032).

The St. Germain Convention was meant to implement Article 23(d)

of the League of Nations Covenant, entrusting the league with “the

general supervision of the trade in arms and ammunition with the

countries in which the control of this traffic is necessary in the

common interest.” It required government licensing (already

practiced by Great Britain), arms export reporting to the league, and

arms sales restrictions to nonsignatories, parts of the Ottoman

Empire, and Africa. In 1920, diplomats from France, Italy, Japan, and

Great Britain agreed informally to implement the convention’s

provisions in Africa and the Middle East (Stone 2000:218).

Objections to the St. Germain Convention, however, quickly grew.

Perhaps most important for setting off the dominoes of opposition,

the United States refused to bind itself for three key reasons: a ban

on sales to nonsignatories could harm its domestic arms industry; it

felt that “the zones to which the Convention was to apply were drawn

so that the result would have been almost exclusively to protect the

interests of the surviving European colonial powers and even to

interfere with U.S. policy in Latin America”; and, quite simply, it

objected to giving power to the League of Nations (SIPRI 1971:92;

see also Stone 2000). Following the United States, other arms-

producing states also declined to participate, fearing that their

industries would be disadvantaged by unequal trade restrictions. In

the end, foreign-policy autonomy and industrial interests trumped

export controls with little debate.

The League of Nations abandoned the St. Germain Convention in

favor of the weaker Geneva Arms Traffic Convention in 1925. This

version was tailored to address U.S. concerns and sought only arms

export publicity through the league, allowing states to supervise and

sanction their own transfers (SIPRI 1971; Stone 2000). In his

opening remarks, negotiation conference president Carton de Wiart

emphasized that the new convention’s aim was not to restrict the

arms trade. Rather, it was “to obviate the possible threat of illicit and

dangerous traffic to compromise the good name of such legitimate

trade or should hamper the success of the best efforts to create an

atmosphere of peace and good will between nations” (League of

Nations 1925:122). Not surprisingly, the focus on illicit trade, rather

than on what producing states determined to be their legal trade,

was much more palatable to producing states than handing over

15

power to the League of Nations. Nevertheless, this initiative also

failed. This time, the failure was due mainly to nonproducing states

(including smaller European states), which saw licensing and

publicity as “intolerable infringements on sovereignty and security”

that would put them “at the mercy of producers” (Stone 2000:222,

223). These states derailed the initiative by introducing unacceptably

high sovereignty costs for the producing states as well, linking export

publicity to production publicity and attempting to impose production

restrictions (Stone 2000).

The final attempt to regulate conventional arms production and

trade in the interwar years was led by the United States in the

League of Nations Disarmament Conference in 1934. The U.S.

change of heart was motivated by the Senate Nye Committee’s

investigations into the U.S. private munitions industry—dubbed “the

merchants of death” in the popular press—and concerns about

unregulated arms transfers to Latin America (Anderson 1992;

16

Bromley, Cooper, and Holtom 2012). The conference’s proposal

was unusual in a number of respects: it included arms for nonmilitary

use, such as sporting rifles; it created a permanent supervisory body;

and it did not single out some regions for higher restrictions

(Bromley, Cooper, and Holtom 2012:1033). Although there were

disagreements over specific measures, there was general

agreement “that the *private* manufacture of arms should be

subjected to government license and that there should be national

responsibility for the manufacture of, and trade in, arms” (Krause and

MacDonald 1993:719, emphasis added).

Once again, controlling production by nongovernmental actors

was a much lower hurdle than controlling government production or

licensing. But by the time the conference adopted the draft articles in

1935, it was already too late. The deteriorating security environment

in Europe and Italy’s invasion of Ethiopia turned states’ attention to

national rearmament and precluded “any possibility of an

international agreement” (Bromley, Cooper, and Holtom 2012:1033;

see also Anderson 1992). Thus, although the interwar years left a

lasting legacy of governments agreeing to give themselves licensing

authority over arms exported from their borders, international

controls were elusive, and human rights were not an issue. The fate

of the interwar initiatives depended on what quickly became clear

was the impossible task of aligning the major powers’ material

interests and security priorities—made even more impossible when

recipient states gained “meaningful agency” at the negotiating table

(Bromley, Cooper, and Holtom 2012:1034). These obstacles have

persisted, consistently undermining attempts at restraint throughout

the twentieth century—to the extent that such attempts have even

been made. That is, until the ATT.

*THE COLD WAR AND SUPERPOWER FOREIGN POLICY*

Disarmament and the arms trade took a backseat during the

formation of the United Nations after World War II. The UN Charter

established states’ right to self-defense but has “never been viewed

as affecting law on the regulation of weapons” (Anderson 1992:765

n. 82). During the Cold War, arms sales were seen as “foreign policy

writ large” (Pierre 1982:3). Transfers were dependent not on

importers’ internal characteristics, but rather on their East–West

ideological orientation and the maintenance of regional power

balances. The United States and the Soviet Union in particular used

transfers to gain influence among client states in the developing

17

world and to push their foreign-policy preferences. The two

superpowers were the supersuppliers, setting the tone for the global

arms trade. In general, decision makers regarded conventional arms

as a valuable political tool to be distributed strategically and not to be

18

hindered unnecessarily. Conflicts were an opportunity to sell, “if

only to pre-empt transfers by the other side” (Catrina 1988:333; see

also SIPRI 1971).

Controls were not entirely absent in this period, but they directly

reflected these strategic concerns, codifying Cold War politics and

supporting the bipolar system. The Western allies secretly

established the Coordinating Committee for Multilateral Export

Controls (COCOM) in 1949 as an informal agreement to embargo

the exports of weapons and dual-use technologies to the Eastern

bloc. Although intrabloc and third-party arms transfers went

unregulated, COCOM was intended to ensure that sensitive strategic

technologies did not benefit Soviet adversaries. The agreement was

thought to be relatively effective, if not always enthusiastically

19

implemented by some participating states. Countries that did not

follow COCOM rules could be blacklisted by the United States, which

used the agreement largely as a tool of economic statecraft to serve

20

its hegemonic interests (L. Martin 1992; Mastanduno 1992).

In 1950, the United States, the United Kingdom, and France also

agreed to a more formal agreement, the Tripartite Declaration, to

regulate and coordinate arms sales to the Middle East, “tying arms

transfers to promises of non-aggression by the recipient states”

(Anderson 1992:766; see also Bromley, Cooper, and Holtom 2012;

Pierre 1997). The intention was to enable Middle Eastern states to

resist Soviet aggression, to maintain a balance between Israel and

the Arab states, and to serve as a forerunner to a Middle East

security network that would improve the West’s strategic position

(Slonin 1987). In reality, the Tripartite Declaration served as a “forum

for discussion … rather than as an agreement that imposed

mandatory obligations on the parties” (Bromley, Cooper, and Holtom

2012:1034; see also Slonin 1987). Indeed, France violated it from

the start with secret arms sales to Israel made with the blessing of

the United States (Rubenberg 1989). However, later public increases

in French arms sales to Israel sowed discord among the

declaration’s members, and Soviet–Czechoslovakian arms sales to

Egypt in 1955 and the Suez Crisis in 1956 caused its collapse.

Ultimately, the Tripartite Declaration was unable to withstand Cold

War politics and the overriding pressure on both sides to use arms to

influence global affairs. Even within a small group of Western allies

with shared security concerns, export controls remained elusive.

It was not until the late 1970s that arms export regulations

21

returned to the global agenda, thanks to U.S. public outcry in the

wake of weariness over involvement in Vietnam and the lead-up to

the 1976 U.S. presidential elections. In a campaign speech, Jimmy

Carter argued that the United States could not be both “the world’s

leading champion of peace and the world’s leading supplier of the

weapons of war” (Carter 1976). For the first time, policy makers

22

linked arms transfers to concerns for recipient human rights. Leslie

Gelb criticized arms export practice under Nixon and Ford, stating

that “the character of the regime was overlooked in view of the

overriding importance of stopping communism” (1976–1977:14).

Michael Stohl, David Carleton, and Steven Johnson’s (1984) findings

that states with higher levels of human rights violations received

more economic and military assistance under Nixon and Ford

support Gelb’s criticisms. Once in office, the Carter administration

sought to promote U.S. and global export restraint through unilateral

policy changes and multilateral negotiations. Both approaches,

however, became casualties of Cold War politics.

First, Presidential Directive 13 (PD-13) set unilateral guidelines to

limit the spread of U.S. weapons and indicated “that human rights

violations would be an important consideration in the [arms sales]

decision-making process” (Brzoska and Ohlson 1987:57). The

directive was a radical change in policy for any major arms supplier.

It introduced human rights into national-level arms export policy and

imposed unilateral restraint to set an example for other suppliers. In

23

practice, however, it was considered a failure from the start. The

policy itself “did not set out clear priorities and contained significant

inconsistencies and contradictions,” which allowed the administration

flexibility in application and gave opponents to it in the U.S.

bureaucracy and defense industry the means to slow its

implementation (Spear 1995:177).

As a result, human rights considerations—when applied at all—

were applied only in countries deemed not vital to U.S. national-

security interests, with arms exports commonly used as a tool of

foreign policy elsewhere (Brzoska and Ohlson 1987; Pierre 1982;

Spear 1995). This practice of case-by-case flexibility to support

“indispensable” nations, criticized Stanley Hoffmann at the time,

made “[the Carter] administration look not so different at all from that

of the previous one” (1977–1978:19–20). For the most part,

quantitative evidence confirms this disconnect between policy and

practice. Human rights were not a significant determinant of levels of

U.S. military aid during the Carter administration (Stohl, Carleton,

and Johnson 1984:222; see also Apodaca and Stohl 1999; Forsythe

24

1987). Moreover, the same economic and security concerns that

overrode human rights considerations in U.S. arms export practice

during the Carter years ensured that human rights as an arms trade

policy issue did not diffuse to other countries and would not even

return to U.S. national arms export policy until 1995.

Second, President Carter sought to bring multilateral export

restraints to the international agenda. Although not incorporating

human rights considerations, between 1977 and 1978 Carter sought

to negotiate multilateral transfer limitations to complement U.S.

unilateral restraints articulated in PD-13. The Conventional Arms

Transfer (CAT) talks were intended to be the first attempt to

negotiate global restraints since the interwar years. However, when

the United States approached European producer states about

participating, they declined the invitation, not wanting to commit to

trade limitations until it was clear that the Soviet Union would do so

first (Spear 1995). As a result, the talks focused entirely on engaging

the Soviet Union and fell apart before an agreement was reached

(Pierre 1982:286). Whereas League of Nations talks at least had

widespread major-power participation, the CAT talks could not even

get West European producers to the table.

The collapse of the talks was due to disagreements both within the

Carter administration and between U.S. and Soviet policies over

limits on transfers to “critical regions” (Catrina 1988:130–31; Durch

2000; Hartung 1993; Pierre 1982; Wentz 1987–1988). U.S.

bureaucrats disagreed about the role of arms transfers in foreign

policy and whether the United States should be discussing arms

transfers to sensitive regions at all, a disagreement that undermined

the U.S. ability to negotiate as talks progressed (Pierre 1982; Spear

1995). Moreover, the Joint Chiefs of Staff were concerned that the

United States “would be tied down in extended global negotiations

with the Soviets whilst they and the European suppliers took

advantage of PD-13’s unilateral restraints” (Spear 1995:119). For

their part, the Soviets were “incredulous and angry at the American

unwillingness to hear what they had to say about the regions of

concern to them” (Pierre 1982:288). The United States, however, felt

that including East Asia and the Middle East, as the Soviets wanted,

would be unacceptable. It privately informed the Soviet delegation

that it would walk out of the fourth round of talks in December 1978 if

the Soviet Union followed through on its proposal (Spear 1995). As a

result, the December meeting kept any specific regions off the table

and never got a chance to put them back on as détente waned, the

Soviets invaded Afghanistan, and the United States prioritized

relations with China over discussions about arms transfer restrictions

to East Asia. Not surprisingly, politics had once again gotten in the

way of arms trade cooperation, with the superpowers unwilling to

limit arms sales to strategic regions.

With the inauguration of Ronald Reagan in 1981, the arms trade

policies that the United States had attempted to promote under the

Carter administration came to a clear end. The CAT talks had

already died out, and Reagan immediately rejected PD-13 in favor of

an explicit return to “the use of arms sales to counter the Soviet

challenge” (Wentz 1987–1988:352). In general, the Reagan

administration had little interest in limiting arms exports (Pierre

1982:63). Human rights, too, were once again absent from the

discussion. The administration “refused to consider reducing security

assistance or sales because of human rights considerations,” given

the clear and present danger from the Soviet sphere (Forsythe

1987:385). Consistent with Reagan’s stated policy priorities

emphasizing national security and deemphasizing human rights,

Clair Apodaca and Michael Stohl (1999) find no statistically

significant link between human rights and U.S. military aid allocation

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throughout the two Reagan administrations.

The link between conventional arms transfers and human rights

globally is more difficult to assess in this period. When it comes to

major conventional arms, for which data availability is better, the

Arms Trade Data Set reveals a picture that does not single out good

human rights for reward or poor human rights for punishment during

the Cold War. Figure 3.1 illustrates the results from simple cross-

tabulations, which find that about 11 percent of dyad-years whose

importers had records of “very bad” human rights received MCW

transfers (in contrast, 89 percent did not receive MCW transfers).

Clearly, only a minority of the worst human rights performers

received MCW, but that portion is relatively high compared to the 7

percent of dyad-years whose importers had the best human rights

records and received MCW transfers (93 percent did not).

Regression analyses also reveal a strong positive relationship

between poor human rights and MCW transfers (see tables C.1 and

26

C.2 in appendix C). In other words, as might be expected,

countries with poor human rights were more likely on average to

receive MCW than countries with the best human rights during the

1980s.

FIGURE 3.1. HUMAN RIGHTS AND ARMS TRANSFERS, 1981–1991.

*Note: Each bar shows the percentage of dyad-years* within that category of human rights

score *for which there is a record of a SALW or MCW transfer (as opposed to the percentage*

*of dyad-years within that score for which there is* no *record of a SALW or MCW transfer). I*

*use PTS-DOS data for cross-tabulations because of their broader geographic coverage.*

Small arms transfer data are scarce in this period, complicating

the ability to draw confident conclusions about export trends. Just

less than 16 percent of dyad-years whose importers had “very bad”

human rights records received small arms transfers during the 1980s

(figure 3.1). Although likely an underestimate, this percentage is

somewhat higher than the figure for MCW but far lower than the

percentage receiving SALW for any of the other human rights

scores. In contrast, almost 42 percent of dyad-years whose

importers had “very good” human rights records received small

arms. Similarly, results from the regression analyses (tables C.3 and

C.4 in appendix C) show a significantly negative relationship

between poor human rights and SALW transfers—that is, poor

human rights performers were less likely to get SALW—during the

last decade of the Cold War.

Rather than any concerted effort by governments to wield small

arms transfers as a tool to punish human rights violations, however,

these regression results seem likely to be an artifact of poor SALW

reporting. Countries may have received small arms even though

there is no record of the transfer because attention to, tracking, and

reporting of small arms were almost nonexistent during the Cold

War. Alternative explanations for this finding are less compelling.

Arms export controls were not on the table, human rights had been

set aside after a brief flurry of interest limited to the United States in

the 1970s, and small arms had yet to be recognized at all on the

international agenda. Instead, Cold War politics and security drove

arms trade policy, new producers were entering the market, and

European producers worked at export promotion (at least with allies

and friends). This focus on export promotion and the economic—

rather than strategic—imperatives behind the arms trade would

expand with the end of the Cold War and the contraction of the arms

market that was to come.

*THE END OF THE COLD WAR AND ECONOMIC IMPERATIVES*

The end of the Cold War meant significant changes for the

international arms trade, including changes for supplier–recipient

relationships, justifications for arms transfers, and efforts to control

those exports. Even so, the end of the Cold War did not mark a clear

turning point in favor of arms export control, despite some initial

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optimistic expectations. On the one hand, the end of the bipolar

global system reduced states’ need to use arms to buy allies and

influence the balance of power, in theory opening up space for

multilateral agreement. On the other hand, the disappearance of

shared threats to the international system meant drastically reduced

defense budgets and demand for arms. Producers struggled to

remain afloat and sought to export to whatever markets were

available, making multilateral controls seem impractical and even

damaging for economic and military security if production lines could

not be sustained.

Even during the Cold War, secondary suppliers—chiefly in Europe,

although production capacity spread in the 1980s—were left “to sell

arms primarily for commercial purposes” (Harkavy 1994:20; see also

28

Catrina 1988 and Durch 2000). Although claims of the economic

29

benefits of arms transfers have been debated, smaller domestic

markets for defense goods led at least to the perception—if not also

the reality—that exports were necessary to maintain a viable

domestic defense industry (Brzoska and Ohlson 1987; Catrina 1988;

Durch 2000). For the top-tier producers as well as for small and

medium suppliers, the end of the Cold War intensified and

broadened states’ economic motivations to promote arms exports

30

while simultaneously reducing the political utility of such exports.

Arms availability and production capacity were more widespread

than ever before. Secondhand goods were in high supply, and

companies overproduced new arms in their struggle to adjust to the

new security environment. Demand shrank in both domestic and

international defense markets. Sales declined globally, but exports

were considered even more necessary for defense industry

31

survival. The global arms market presented an industry in decline,

in terms of both production orders and the value of goods

32

exported.

It was in this economically strained arms market that the final

failed attempt to create multilateral arms export controls took place,

motivated by Gulf War revelations of destabilizing covert arms sales

by Western suppliers to Iraq during the 1980s. In March 1991,

Canada proposed a world summit with the goal of establishing

shared controls by 1995 to deal with the potential risks of

unrestrained arms transfers (Phythian 2000b). In May, a more

skeptical United States announced an initiative to control arms sales

only to the Middle East, calling on major suppliers to “develop

guidelines for restraints on destabilizing transfers to that region”

(Pierre 1997:376). France responded with a proposal to phase down

quantities of arms in each region to the lowest levels possible. The

United Kingdom expressed interest in a discussion about controls as

well as an arms sales register, and the Soviet Union suggested a UN

Security Council Permanent-5 (P5, China, France, the Soviet Union,

the United Kingdom, and the United States) meeting on the issue. At

the first meeting in July 1991, the P5 agreed to talks with the goal of

33

setting guidelines for conventional arms transfers. Additional

rounds of talks took place in September 1991 and May 1992, with

the P5 drafting guidelines to consider recipients’ “legitimate” defense

needs as well as whether a transfer would increase regional tensions

or exacerbate existing conflicts (Davis 2002; Pierre 1997).

The window of opportunity for reaching an agreement closed soon

thereafter, however. The draft guidelines from the September 1991

meeting “simply restated principles on which there was already

broad conceptual agreement,” and by May 1992 disagreements

began to surface (Pierre 1997:378). In echoes of discussions past,

questions about what should constitute “destabilizing” weapons

sales, whether and how to provide advance notice of sales, and

whether the talks were meant to address only the Middle East or to

extend globally proved to be fundamental differences. The formal

collapse of the talks came when China decided to boycott in

response to U.S. and French arms sales to Taiwan in September

1992 (Pierre 1997:379). Indeed, although all of the P5 in theory

supported export restrictions on some scale, export promotion—and,

in some cases still, broader domestic and foreign-policy interests—

dominated the post–Cold War era. Even a group as small as the P5

was unable to reach agreement, with competing material interests

among the major powers trumping temporary political incentives to

34

cooperate.

The only concrete outcome from this post–Cold War momentum

was the UN Register of Conventional Arms, also a response to Gulf

War arms sale revelations. Considered a confidence-building

measure at its inception, the register was meant to provide arms

trade transparency as a means to prevent “the excessive and

35

destabilizing accumulation” of major conventional weapons. In

addition, COCOM’s replacement—the 1996 Wassenaar

Arrangement—was created solely as a transparency regime without

the political support to undertake export controls. Later, when paired

with new commitments to humanitarian export policies, these

transparency agreements would have some domestic consequences

for arms export decision making, as I argue in chapter 5. In the

meantime, however, transparency provided information about

exports without any expectations or obligations about how those

exports should be conducted.

During this period, the percentage of dyad-years in which MCW

exports to any importers took place was down compared to the

percentage during the Cold War, regardless of human rights

performance (figure 3.2). In each category of human rights score, the

percentage receiving MCW was well less than 10 percent, with the

highest for recipients with “bad” human rights, at just more than 8

percent receiving MCW (and 92 percent not receiving MCW). This is

likely due to a downturn in the market for large expensive weapons

after the Cold War. However, the percentage of exporters sending

small arms to poor human rights performers is higher in this period,

with almost 30 percent of dyad-years with “bad” recipient human

rights and just more than 19 dyad-years with “very bad” recipient

human rights receiving SALW. Even if the export of small arms is

underreported, these figures suggest a trend toward supply not

restraint.

FIGURE 3.2. HUMAN RIGHTS AND ARMS TRANSFERS, 1992–1997.

The regression results tell a more complex story (tables C.1–C.4

in appendix C). To the extent that human rights were a significant

factor for states’ arms export practice at all during the early post–

Cold War years, the trend was to provide *more* arms—not less—to

poor human rights performers. For both MCW and SALW, “bad”

human rights are significantly positive. In other words, recipients with

“bad” human rights records were more likely to receive SALW and

more MCW than the best human rights performers. “Very bad”

human rights are insignificant for both types of weapons transfers.

This means that supplier states did not seem to reward or punish the

worst human rights performance; performance simply did not factor

significantly into their export decision making. Thus, for both MCW

and SALW transfers, it is important to note that state practice during

these years did not foreshadow the policy changes that were to

begin later in the decade. With declining demand and a tough

buyer’s market, many supplier states did not want further restrictions

on their ability to export arms. Material interests ultimately continued

to drive arms export policy and practice, with the major suppliers

dominating discussions and fending off interference from external

rules and expectations. The conditions for normative change had not

quite arrived.

NORMATIVE CHANGE: PUTTING “RESPONSIBLE” ARMS

EXPORT CONTROLS ON THE AGENDA

Yet amid the market competition of the early 1990s, the conditions

for change in the international normative environment for the

conventional arms trade began to appear. By the late 1990s, denying

conventional arms transfers to human rights violators and conflict

zones reemerged as a matter of state responsibility. By the end of

the decade, this new phase was clear: the EU agreed to its politically

binding Code of Conduct on Arms Exports in 1998, and in 1999 the

U.S. Congress passed legislation requiring the president to start

work on an international arms sales code of conduct that would

include criteria to limit sales to human rights violators. This phase

has not been short-lived, either. Although the 2001 UNPOA was a

politically binding national-level measure to curb illicit small arms

sales, its negotiation process galvanized supportive states and

36

NGOs to pursue legally binding “responsible” export controls. This

momentum culminated in the Arms Trade Treaty, completing what

diplomats in previous eras were unable to do: the establishment of

legally binding global humanitarian standards to regulate the

37

international trade in small and major conventional arms. The ATT

was approved by a wide margin of 154–3 at the UN General

Assembly in April 2013. Representatives from sixty-seven states

lined up at UN headquarters to sign when it opened for signature on

38

June 3, 2013. It goes into effect on December 2014.

By the end of the 1990s, human rights, governance, development,

and conflict were no longer either peripheral concerns or reasons to

justify weapons transfers but rather fundamental grounds to exercise

restraint. This shift was in part related to a broader post–Cold War

trend that put human rights and humanitarian issues in the global

spotlight. Whether it was an outcome of a genuinely new movement

by states to infuse ethics into their foreign policies can be debated

(Dunne and Wheeler 2001; K. Smith 2001; Wheeler and Dunne

39

1998). However, the increased prominence of these issues is

undeniable, as is the newfound attention to norms of international

behavior to accompany them. In the pursuit of these political

agendas, direct and indirect connections to the arms trade have

been made, linking an issue once the sole domain of hard security to

a broader economic, social, and human security problematic.

Instead of categorizing all arms exports as good, bad, or

necessary, as past rhetoric and advocacy had, the international

community adopted a more nuanced approach. States began to

identify a practical and symbolic foreign-policy utility in the selective

denial of arms based on a recipient’s internal policies and practices.

In contrast to the realpolitik of past arms trade rationale, the trend

since the late 1990s has introduced “an other-directed or morally

based philosophy of restraint [emphasizing] the character and

behavior of recipient governments toward their own people and

within their security complex” (Durch 2000:152). Supplier states

found themselves faced with both continued economic pressures to

sell arms and new political pressures to adopt more discerning

policies as a reflection on themselves as “responsible” members of

the international community. Instead of seeking to reduce arms

exports across the board, new policies laid out criteria obliging states

to regulate their arms exports to certain types of arms importers,

including states with severe human rights violations.

The normative shift that brought about these policy initiatives was

not the result of a single shock to the system or critical juncture. Four

key developments in the 1990s pushed the need for arms trade

restraints into the spotlight and generated a new normative

environment for the conventional arms trade. The emergence of

“responsible” arms transfers benefited from states’ acceptance of

other international norms related to human rights and

humanitarianism, but it was the confluence of these developments

that drew international attention to these issues in the context of

export controls for conventional arms and, for the first time, small

40

arms specifically. The accompanying shift in policy expectations

motivated many exporting states to make dramatic changes

regarding their own arms export policies. As I show in chapter 4,

major suppliers’ concern for reputation in the context of this changed

international normative environment pushed their widespread

support for “responsible” conventional arms export policies.

The first development that heightened the awareness of the need

for arms trade restraints was that the 1991 Gulf War put many

Coalition soldiers face to face with weapons sold to Iraq by their own

countries during the 1980s. This blowback experience taught major

suppliers a cautionary lesson for future arms exports in the interest

of their own military security. The primary result was the creation of

the UN Register of Conventional Arms and the development of arms

trade transparency norms in the hope of providing an early-warning

mechanism of excessive arms buildups (Goldring 1994–1995;

Laurance, Wagenmakers, and Wulf 2005). The Gulf War experience

also triggered numerous domestic scandals for secretive sales of

arms and defense technology to Iraq, which had revealed states’

poor control over their arms trade and the destabilizing

consequences of exporting arms to a volatile authoritarian regime.

The Arms to Iraq scandal in the United Kingdom in particular spurred

early policy change and critical norm leadership by a major arms

producer (Erickson 2013a). Thus, although the P5 talks failed after

the war, most supplier states did improve transparency in its political

aftermath and were impressed by the risks and costs of an

unregulated global arms market.

Second, civil and ethnic conflicts following the Cold War—

especially high-profile conflicts in Rwanda and the former Yugoslavia

—highlighted problems associated with small arms proliferation and

the need for multilateral export controls to prevent arms buildup in

41

conflict zones and unstable regions. Policy makers relied

increasingly on arms embargoes to address this need, sparking a

vigorous debate on the utility and effectiveness of arms

42

embargoes. Where arms supplies helped to fuel genocide, some

states also faced backlash at home for their export decisions (see

chapter 5 on domestic backlash). These conflicts as well as the

peacekeeping and reconstruction efforts to follow pushed small arms

to the forefront of the international agenda (Karp 1994; Klare 1994–

1995; Sislin and Pearson 2001). Rather than major conventional

weapons, the main tools of these internal conflicts were SALW, sold

or given away without regulation as political currency during the Cold

War. Research and reports from NGOs and academics spread,

pointing not only to small arms’ contribution to exacerbating conflict

and insecurity, but also to their role in undermining development,

43

human rights, and governance.

States adversely affected by small arms proliferation also began to

push the issue within the UN and regional organizations. Colombia

introduced UN resolutions in 1988 and 1991, prompting a string of

44

research missions, reports, recommendations, and guidelines. The

UN established the Group of Governmental Experts on Small Arms

in late 1995. The group’s 1997 report “worked as a cornerstone in

profiling the array of problems associated with small-arms

availability” and prompted the initial decision to convene an

international conference on small arms trafficking (D. Garcia

2006:46). A growing coalition of like-minded states was forming,

extending beyond affected states to include Canada, Norway, and

Japan. Once ignored, small arms were poised to become the focal

point of the international arms control agenda.

Third, the International Campaign to Ban Landmines (ICBL) and

the 1997 Ottawa Mine Ban Treaty broadened the scope of the

international security dialogue to include human security and

introduced the possibility of humanitarian arms control (Eavis 1999;

D. Garcia 2006; Lumpe 1999a). The widespread acceptance of the

Ottawa Treaty legitimized the pursuit of arms control based on its

relationship to societal security, individual well-being, and

humanitarian obligations. Although a ban on anti-personnel

landmines (APL) is not wrapped up in the same degree of political

complexity as controlling broad categories of conventional

45

weapons, its momentum helped galvanize more comprehensive

conventional arms control efforts, including extensive support for

small arms control and the ATT process at the UN (Human Rights

Watch [HRW] 1999; Lumpe 1999a; McRae 2001; Renner 1997).

The marriage between traditional security and human security

begun by the landmine campaign has given new, multifaceted

dimensions to arms control and has created a growing consensus on

“good” conventional arms policy linked to humanitarian values. This

normative shift was especially critical in convincing nonaffected

states to endorse humanitarian or “responsible” export policies.

Based on their experience with the Ottawa Treaty, as I show in

chapter 4, states realized the reputational benefits of being seen on

the “right side” of multilateral arms control, a perspective that has

carried over into various regional and international initiatives on

small arms and conventional arms more broadly.

Fourth and finally, related to the ICBL’s success, the growing role

of NGO advocacy in international affairs contributed to the

emergence of arms transfer controls on the political agenda. NGO

research provided a knowledge base to back up political claims

behind the need to control the arms trade (D. Garcia 2006). NGOs

have also pushed and partnered with states to advance export

controls in national and international politics. By campaigning for and

supporting governments’ domestic and foreign-policy efforts to

pursue new arms trade regulations, they have played a key

(although not necessarily lead) role in developing and promoting the

arms export control agenda (D. Garcia 2006). In addition, they have

increasingly been able to use improved arms trade transparency to

better hold states accountable to their policy commitments, as I

discuss in chapter 5. These commitments—to the values of human

rights, peace, and stability as well as more narrowly to the conduct of

the arms trade—have become clearer as national legislation and

multilateral agreements have emerged since 1998. In turn, the arms

trade has become a reflection of states’ values, their associations

with other states, and how well they respect and promote the norms

of the international community (Misol 2004).

The link between arms transfers and a “moral” or “responsible”

foreign policy is not a new one, of course. The 1976 U.S. presidential

campaign made the most explicit connection, with Carter charging

that unrestricted arms transfers were contrary to U.S. principles and

morally bankrupt (Pierre 1982:45). Yet Carter failed to substantively

affect the practices of even his own administration, and his effort

remained a unilateral initiative, criticized as inconsistent and

divorced from reality (Hoffmann 1977–1978; Kearns 1980). In

contrast, the current trend has not been a short-lived political debate

in one country, but rather an ongoing worldwide discussion with both

domestic and international dimensions and concrete policy results.

Within a single decade, the normative environment for the global

arms trade has changed noticeably, from noninterference on behalf

of national material interests to “responsibility” and humanitarianism.

States have broken with the past to sign on to multilateral standards

and incorporated new norms into national policy. They have done so

despite the considerable costs of adopting new policies that seem to

promise no material gains, limits to their foreign-policy flexibility, and

market restrictions amid domestic budget crises and financial

downturn. But is this break with the past a norm success story? The

answer is not yet clear.

MAPPING COMMITMENT AND COMPLIANCE: GLOBAL TRENDS

IN ARMS EXPORT PRACTICE

The forces behind this macrolevel normative shift are clear, but why

have major arms supplier states gone along with it and agreed to

bear its costs? Scholars often expect states to sign on to multilateral

initiatives in anticipation of material benefits, out of a sense of

normative obligation, or simply because of the low cost of codifying

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existing practice. As a result, all three of these explanations expect

states’ practice to mirror their commitments. If multilateral

commitments are a means to achieve material gains or reflect states’

acceptance of new norms, then ATT supporters should engage in

weak implementation at least. If multilateral agreements codify

existing practice, then ATT supporters’ export practice should

foreshadow changes in policy. A failure to find a correlation between

ATT supporters’ policy and their practice would deal a significant

blow to each of these three arguments. In contrast, the social

reputation argument, in which states make international

commitments for their social benefits, does not require policy and

practice to go hand in hand. States may adapt their public policies to

the social expectations of a new normative environment without

internalizing those norms or implementing them in practice. Social

reputational motivations may be especially clear-cut in cases like this

one: where the implementation of costly commitments is often

unmonitored and unlikely to be punished if broken, allowing states to

garner social gain without paying material costs.

As a first cut at untangling these potential explanations, it is

therefore useful to examine arms export practice alongside these

new policy initiatives to know whether and when ATT supporters

began to decrease or eliminate arms transfers to human rights

violators, if at all. Yet although research institutes have for decades

tracked the annual value and quantity of major conventional arms

47 48

transfers and more recently of small arms transfers, little is

known about states’ patterns of arms export practice in light of new

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“responsible” arms export policies. Major arms exporters first

articulated humanitarian arms trade norms only after 1997. As I

discussed earlier, major suppliers faced a downturn in the 1990s

arms market, leading to competition for buyers and an aversion to

multilateral regulations. Arms export practice in the 1990s at best

seemed disinterested in recipients’ human rights (tables C.1–C.4 in

appendix C). These findings cast initial doubt on the viability of

expectations that practice will precede changes in policy to ensure

low-cost commitment by participating states. Determining whether

states anticipate material gains to offset the costs of adopting

“responsible” export controls, however, will require an examination of

more recent quantitative data as well as qualitative evidence

provided in the case studies.

Normative theories are not surprised by states’ policy commitment

but also expect that states’ practice will reflect their commitment out

of a normative obligation to it. The existing literature, however, is

mixed when it comes to finding a role for human rights in the

contemporary arms trade. Whereas Shannon Lindsey Blanton (2000,

2005) argues that U.S. foreign military sales (the commercial subset

of U.S. arms transfers) came to reflect human rights concerns during

50

the 1990s, others (e.g., Erickson forthcoming) find no such

significant connection between human rights and U.S. arms transfers

over time. More broadly, Lerna Yanik (2006) observes that between

1999 and 2003 top exporters continued to transfer MCW to poor

human rights performers despite the exporters’ emerging

commitments to “responsible” export policy initiatives. One study

(Erickson 2013b) finds that recipients with bad human rights tended

to receive more MCW from top EU arms supplier states in the lead-

up to the EU’s adoption of humanitarian criteria in its Code of

Conduct in 1998 and no significant relationship after 1998. However,

this analysis is limited in that it does not include small arms and ends

in 2004, making it unhelpful in considering the effects of global

commitments to the ATT in the years to come.

Figure 3.3 shows cross-tabulation results covering 1998 to 2010

for all twenty-two exporters in the Arms Trade Data Set. Clearly, poor

human rights did not seem to slow the frequency of arms sales in

this period any more than they had in the past. For MCW transfers,

just more than 9 percent of dyad-years in which importers had “bad”

human rights received MCW (about 91 percent of dyad-years with

“bad” human rights did not receive MCW), and approximately 5

percent of dyads in which importers had “very bad” human rights

received MCW (about 95 percent did not). On their own, these

percentages may seem low, but they are not markedly different from

the 1990s (figure 3.2), when approximately 8 percent and 5 percent

of dyad-years received MCW in each human rights category

respectively. In the case of SALW, poor human rights performers

appear to receive arms with slightly greater frequency after 1997.

Approximately 42 percent of dyad-years in which the importers had

“bad” human rights received SALW, compared to 30 percent in the

1990s. Of dyad-years with “very bad” human rights, about 23 percent

received SALW, just up from 19 percent in the 1990s.

Yet regression analyses covering 1998–2010 show poor human

rights to be either positively associated with receiving more MCW or

simply insignificant (tables C.1, C.2). Importantly, there is no

evidence to suggest that ATT supporters have come to collectively

limit their supply of MCW to poor human rights performers in this

period or before it (table C.2). The results for SALW transfers,

however, do show critical changes in export practice (tables C.3,

C.4). For the full set of supplier states as well as for the subset of

ATT supporters, both “bad” and “very bad” human rights produce

significantly negative coefficients. This suggests that the worst

human rights performers were in fact less likely to receive SALW in

the “responsible” arms trade era. Where there is preliminary

evidence for change in the direction of new norms and policies, it

has been with small arms, regarding which international discussions

since the late 1990s have been the most intense. Of course, these

findings cannot indicate causation, which I explore in the case

studies in chapters 4 and 5. However, this initial look at the data

across SALW and MCW transfers presents mixed results about

states’ arms export practice that calls for a more nuanced analysis.

FIGURE 3.3. HUMAN RIGHTS AND ARMS TRANSFERS, 1998–2010.

By aggregating the years for important periods in arms trade

policy, these regression results offer new insights into states’ arms

trade practice. Even so, this approach is less adept at estimating

more carefully whether new policy initiatives might flow from

changes in practice or vice versa. Timing also matters for assessing

alternative explanations, which anticipate policy change either to

precede or to follow changes in practice. For a more fine-grained

approach, I therefore apply moving-windows (or moving-regression)

analyses to the same regression models to explore ATT supporter

states’ arms export practice over time (for this type of analysis, see

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Beck 1983 and Swanson 1998). This technique maps temporal

trends in arms transfer practice in relation to recipients’ human rights

records during the three periods of arms export policy outlined in this

chapter: Cold War security politics, the post–Cold War economic

imperative, and new “responsible” or humanitarian arms trade

initiatives. As a result, this approach can better recognize and

pinpoint any changes in behavior, which in reality would probably not

make abrupt alterations from year to year. Rather, as moving-

windows analyses are equipped to show, practice would likely evolve

gradually (Swanson 1998), either in anticipation of new policy

commitments or as standards become more widespread and

commonly accepted by states and actors within them. Certainly, the

ATT may need to be around a long time for norms to take hold and

change state practice, but if this turns out to be the case, then

contemporary state commitment to the ATT cannot be satisfactorily

explained by normative perspectives.

Figure 3.4 shows the moving-window coefficients and their 95

percent confidence intervals (CI) for the relationship between

recipients’ “bad” and “very bad” human rights and ATT supporters’

MCW exports. The general rule is that the moving-windows

coefficients are significant for the years at which their upper and

lower 95 percent CI fall fully above (positive) or below (negative) the

zero line. This means that in the case of MCW transfers “bad”

human rights are significantly positive for all years except 1984.

Countries with bad human rights are consistently more likely to

receive MCW transfers from ATT supporter states than countries

with the best human rights records. Outside of the Cold War years,

however, “very bad” human rights are consistently insignificant from

the battle for arms markets in the 1990s to more recent “responsible”

export controls. This suggests that ATT supporters have been at

best indifferent about their MCW import partners’ human rights

records, with no discernable changes in practice before or after the

emergence of “responsible” export norms and the ATT. In fact,

discussions about “responsible” export criteria with regard to MCW

have been much slower to take hold in international fora. Although

the 1998 EU Code of Conduct focused on major conventional

weapons, UN initiatives only formally expanded from small arms to

include MCW in 2006. As a result, MCW exports may be more

resistant to the influence of new standards, with security and

economic concerns—rather than new norms—continuing to drive

who gets MCW.

Although the aggregate regression results for SALW suggest that

major exporters were beginning to limit their supplies of small arms

to the worst human rights performers after 1997, these results do not

carry over into the more time-sensitive moving-windows results.

Instead, the SALW results (figure 3.5) for the most part show a

picture similar to those for MCW. Leaving aside the 1980s, for which

incomplete data make speculation about the results difficult at best,

we can conclude that ATT supporters have seemed either to reward

or simply to ignore recipients’ poor human rights. In the case of “bad”

human rights, the results are significantly positive from 1996 to 2000.

Recipients with “bad” human rights were *more* likely to receive

SALW, even as the UN Group of Governmental Experts on Small

Arms was being held and plans were being made for the UN small

arms meeting in 2001. These recipients were also more likely to

receive SALW from 2006 to 2009, the years in which the UN began

its formal process to create the ATT. Rather than practice preceding

—or even following—policy, these results show a clear disconnect

between the two in the case of SALW and bad human rights.

FIGURE 3.4. HUMAN RIGHTS AND MCW TRANSFERS BY ATT SUPPORTERS. FIGURE 3.5. HUMAN RIGHTS AND SALW TRANSFERS BY ATT SUPPORTERS.

The results for SALW transfers and “very bad” human rights show

a similar pattern. Although there is evidence of a brief significantly

negative relationship in 2002 and 2004, with recipients having “very

bad” human rights *less* likely to receive SALW—perhaps in response

to the global spotlight on small arms following the first UN small arms

meeting in 2001—this behavior was not sustained. Indeed, to

conclude that new norms were producing significant lasting effects

on reducing SALW transfers to recipients with “very bad” human

rights would be premature. As with “bad” human rights, between

2006 and 2009, the results for the “very bad” recipients are

significantly positive, meaning that the worst human rights

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performers were more likely to become recipients of SALW. Rather

than closing as states have pledged their commitment to an ATT and

its principles, the policy–practice gap appears to have widened in

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recent years.

Yet although results showing *consistent* reward for poor human

rights over all or most years would not be surprising, behavioral

*change* in this direction during this period is difficult to explain,

especially when no similar change is evident for MCW transfers.

Falling after September 11, 2001, and before the start of the global

financial crisis in 2008 and the Arab Spring in 2011, this change

coincides with no significant international event or collection of

events that might encourage more liberal SALW export practice from

ATT supporter states. Nevertheless, it is possible that this finding

reveals a collective adaptation by major exporters to the continued

war on terror and its new security environment, led by export

heavyweight the United States. In particular, U.S. decisions to lift

arms embargoes and export arms in order to win friends in the war

on terror and to address balance-of-power concerns in the Middle

East have been identified as a return to a Cold War–like arms

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trade. In response, other exporters may have seen a need to keep

up in a competitive arms market as well as an opportunity to

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liberalize their practices despite new policy initiatives. Moreover,

SALW transfers to Iraq, Afghanistan, and friendly states are more

likely to be accepted as counterterrorism and security necessities by

domestic publics that might otherwise be skeptical of transfers to

poor human rights performers.

What is clear is that there is a disconnect between global policy

discussions, rules, and norms and how states actually decide to

conduct their arms trade in practice. The ATT, EU Code of Conduct,

and other initiatives neither codify existing practice nor reflect a

closely held commitment to new norms. Thus, although new policies

represent a significant normative shift in the international system,

that shift is incomplete and practice has remained for the most part

consistent from the last decade of the Cold War to the present day.

This consistency is not necessarily surprising. Norm internalization

can take decades to complete and is never guaranteed. Even so, the

discrepancy between policy and practice provides initial evidence

against material or normative explanations for states’ multilateral

commitments in the case of the arms trade. It also raises important

questions about how to ensure that states’ practice follows their

policy.

By outlining major historical trends in arms transfer policy and

practice, this chapter seeks to make three major contributions. First,

it highlights persistent political difficulties in creating conventional

arms transfer controls. On the rare occasion that the arms trade has

found a spot on the international agenda, sovereignty, security, and

economic concerns have consistently undermined attempts impose

regulations. Until the late 1990s, multilateral arms control

discussions instead served as a means for major exporters to protect

their foreign-policy interests and arms markets, leaving human rights

out of the conversation. The historical hurdles to reach an arms trade

treaty were high, and the ATT’s overwhelming success in the UN

General Assembly in 2013 could not have been predicted fifteen

years earlier.

Second, the chapter outlines four key factors in the 1990s that

explain the dramatic change in the international normative

environment for the arms trade: Arms to Iraq scandals following the

1991 Gulf War; high-profile civil and ethnic conflicts following the

Cold War; the ICBL and the 1997 Ottawa Mine Ban Treaty; and the

growing role of NGO advocacy in international affairs. Together,

these factors demonstrated contemporary problems in conventional

arms proliferation and generated the normative shift toward

“responsible” arms transfers. The success of the landmine treaty in

particular, I argue in chapter 4, changed the social cost–benefit

calculus performed by major exporters, who have found themselves

facing changed expectations about conventional arms trade policies.

Finally, the chapter examines states’ arms export practice in light

of these policy trends. It demonstrates that human rights have rarely

been a significant consideration in small and major conventional

arms export decision making. Practice rarely reflects policy. Human

rights are largely insignificant for MCW transfers, which have long

been wrapped up in exporters’ security, economics, and foreign-

policy considerations. Yet even where policy discussions have been

the most concentrated—small arms—the disconnect with practice is

evident. Although, small arms exports showed a glimmer of

emerging compliance from 1998 to 2010, the effect disappears when

the analysis is broken down over time. In fact, in recent years the

worst human rights violators have been *more* likely to receive small

arms. Arms exports have long been free of international regulations

and obligations, and these trends indicate that changes in line with

new criteria are no guarantee. Perhaps concerns for human rights

will become more important over time as policy expectations become

more firmly entrenched in domestic and international politics. Or

perhaps practice will remain unchanged if monitoring and

enforcement mechanisms to raise the social and material costs of

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noncompliance continue to be elusive.

The statistical analyses also provide essential insights into

whether materialist and normative theories have it right or other

explanations are in order. Not only has state practice not preceded

changes in state policy, it has not followed policy, either. Clearly,

commitment and compliance need not go hand in hand, as

normative or materialist explanations would expect. In the end, the

statistical analysis helps to rule out possible explanations for major

democratic exporters’ support for humanitarian arms export

restrictions. It is clear that states are not committing to new policies

because these policies reflect existing practices and that they are not

changing practice out of a deep normative commitment to new

policies. The policy–practice gap remains wide. As a result, states’

commitment to legally binding standards becomes more puzzling.

Why bother to sign on to such policies if they are not going to be

implemented?

Given the statistical findings, the social reputation approach’s

skepticism of the power of new norms to alter state behavior

substantively in the absence of the means to impose reputational

costs on noncompliance is well placed. In the case of the arms trade,

international transparency measures are unconnected to

“responsible” export commitments, allowing suppliers to continue

with business as usual, knowing their decisions will rarely be subject

to scrutiny. However, as I argue in chapter 5, where oversight in

domestic politics can substitute for international monitoring, transfers

may be relatively more restricted in cases of clear and severe cases

of norm violations. Such cases are better able to capture media

attention, rouse public ire, and threaten reputational damage at

home. This means, however, that changes in practice may be

concentrated at the margins among democratic exporters but

minimal otherwise.

In the remaining chapters, I explore in-depth case study evidence

in order to understand why major arms supplier states have signed

on to initiatives such as the ATT and EU Code of Conduct. By

examining historical and statistical trends, this chapter makes clear

that states’ perceptions of material gains and normative

commitments are likely weak in this case. Alongside the core social

reputational approach, I also assess domestic liberal expectations

that policy commitments are intended to serve the material interests

of influential domestic groups as well as arguments that the ATT has

followed the path of the landmine treaty, responding to public and

NGO pressure. Yet in the absence of these incentives, domestic

political explanations also fail to convince. Instead, I argue that

states’ concern for reputation at home and abroad in order to

achieve social gains and avoid social losses is key to understanding

their commitment to costly new “responsible” arms export standards

and the compliance gap.

*4. Explaining Commitment*

INTERNATIONAL REPUTATION AND “RESPONSIBLE” ARMS

TRANSFER POLICY

When states gathered at the July 2001 United Nations small arms

conference, they anticipated neither an easy solution to the problem

of regulating the global small arms market nor the widespread

backing the initiative would receive. As chapter 3 shows, political and

economic obstacles had always defeated multilateral conventional

arms controls in the past, and practice is slow to change. Even so,

organizers hoped to build on antilandmine momentum and other

developments in the 1990s to negotiate a treaty covering legal and

illicit small arms sales. Among the major democratic exporters,

support at the 2001 conference was expected. The EU had already

in 1998 adopted common arms export standards, and the United

States had had a hand in promoting the conference. Proponents

were therefore caught off-guard both by the largely positive reception

to the conference overall and by the prominent U.S. rejection of its

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goals at its opening. Because the conference was constrained by

consensus rules, the result was merely the nonbinding UNPOA,

focused solely on national standards to control the illicit small arms

market. Follow-on conferences were unable to do more. Despite

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being considered a failure by many, however, the UN small arms

process catalyzed state support to create international arms export

regulations and ultimately led to the ATT. The ATT does what the

UNPOA could not and more: it specifies binding humanitarian criteria

to regulate the legal arms trade and applies those criteria to major

conventional weapons transfers as well as to small arms and light

weapons transfers.

This chapter explains why five of the world’s top arms-exporting

democracies—Belgium, France, Germany, the United Kingdom, and

3

the United States —have supported new “responsible” arms export

initiatives. Unlike states adversely affected by conventional arms

proliferation or those with little stake in the global arms market, these

states have significant economic incentives *not* to support new

standards. Indeed, conventional wisdom suggests that major arms

producers would strongly oppose any measures imposing

constraints on their trade to protect economic and industrial

interests. For most states, the freedom to trade arms as they choose

is perceived as a matter of not only foreign-policy autonomy but also

economic necessity and national security. Previous attempts in the

1920s and 1930s, 1970s, and early 1990s all failed as a result of

these deep-seated concerns. During and after the Cold War,

European suppliers’ focus on export promotion to support industrial

interests would seem to make them the prime candidates to oppose

new standards. Only the United States, with its larger domestic

defense market, would be freer to adopt multilateral controls without

suffering sky-rocketing costs or a decline in quality.

Yet to assume that a similar logic applies to current policy

developments would be mistaken and misleading. Once-reluctant

European states have been among the most eager to demonstrate

support for shared “responsible” arms transfer criteria, which the

United States vocally resisted until it too changed course in 2009. As

I showed in chapter 3, this shift was not preceded by and has not

been followed by collective changes in arms export practice, calling

into question explanations that rely on the low cost of commitment,

material gain, or normative obligation. What changed, I argue here,

was not industry interest or influence but rather the social pressures

and expectations associated with “responsible” arms export

standards in the context of the international institutions negotiating

them. Democratic suppliers especially have faced growing pressures

to back “responsible” arms transfer policies as arms trade norms

have evolved since the end of the Cold War, highlighting new roles

for human rights, human security, and humanitarian law. States have

responded by supporting these policies as a means to signal their

“good international citizenship,” committed to human, social, and

economic rights and other collective goods. Such a reputation,

leaders believe, will bring social benefits in the form of legitimacy,

esteem, and standing in the international community. At least early

on in the norm life cycle, states’ policy choices may favor image

promotion that acknowledges new norms even as their underlying

preferences remain unchanged. Interviews, government documents,

and NGO strategies point to the importance of reputation as a social

incentive influencing states’ commitment to new arms export policies

at the international level, despite material incentives pulling them in

the opposite direction.

THE CONVENTIONAL WISDOM: DEFENSE INDUSTRY

PREFERENCES

Scholars commonly trace states’ weapons procurement and export

policies back to powerful defense industry preferences for

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unregulated trade, linked to the military-industrial complex. From

this perspective, governments are in essence held captive by

economic, electoral, and security needs to cater to defense industry

wishes—even more so when defense companies are state owned.

Companies use their close relationship with the state and position of

economic power to turn government policy in their favor, seeking to

5

maximize profits and expand export-market shares. Clearly,

concern for defense industry well-being has been a major roadblock

to cooperative export restraint in the past. However, in this case,

deference to defense industry preferences is not a compelling

explanation for state policy: governments have adopted new policies

and supported the ATT *without* industry consent, leaving industry

with the choice to get on board or lose its voice on the issue entirely.

This recent turn of events is surprising. The defense industry’s

close and supportive relationship with the state as its primary

investor, customer, salesman, and licensing authority is to be

expected (Stanley and Pearton 1972:85). Governments are

intimately involved in the arms trade from the initial financing,

research, and design of weapons to the purchasing and export

promotion of those weapons. In the process, a complex web of

institutions takes root in which government, military, and industry

actors reinforce one another’s interests. This relationship is

ostensibly sustained by states’ security need to maintain a viable

defense industrial base and is a relatively constant feature across

social systems, regardless of domestic political structure, type of

6

government, or degree of industry nationalization. In democracies, it

also receives external reinforcement by creating electoral bases in

centers of defense production. Politicians support local production

lines as an important source of employment and avoid policies that

could potentially result in job loss—and therefore vote loss—in their

home districts (Keller 1995; Markusen et al. 1991).

The ICBL campaign, although resulting in the landmark Ottawa

Mine Ban Treaty and helping to put humanitarian arms control on the

agenda, did not break with MIC expectations. Indeed, NGOs worked

within the constraints posed by military and industrial interests. Their

ability to demonstrate the lack of economic and military utility for APL

contributed significantly to the campaign’s success. Military officials

acknowledged that they considered APL unreliable and of limited

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strategic value. In addition, the global arms trade had been

saturated by an overabundance of cheap APL, which were an

insignificant portion of the defense industry’s exports (International

Committee of the Red Cross 1996; O’Dwyer 2006). Instead, the

business of *removing* landmines—for which the treaty pledges

financial support from its signatories—is a far more technology-

intensive, expensive, and profitable endeavor for companies (Beier

and Crosby 1998; O’Dwyer 2006). It was therefore with the blessing

of key military and industrial players that the treaty was able to

garner such sweeping governmental support.

The same cannot be said for conventional arms more broadly.

Conventional arms are the cornerstone of military strategy and an

industrial base important to political, security, and economic

interests. Andrew Moravcsik (1993), for example, points to the

dominance of domestic industrial preferences in determining

governments’ defense procurement and production policies.

Similarly, Asif Efrat (2010) cites these entrenched domestic

economic and political interests in top arms-exporting states as the

reason behind the weak results of the UN small arms process.

These interests remain strong and face a potentially rough and

uncertain road ahead as many states cope with defense cutbacks

and budget-austerity measures. Yet “responsible” arms export

policies have gotten support *in spite* of defense industry preferences,

not because of them. Indeed, the cases I describe next point to

reluctant industry support only in cases of prior government support.

*FRANCE: STATE AND INDUSTRY, TIGHTLY BOUND*

The MIC has long been an important force in the politics of French

arms exports, where pressures to sell abroad have been driven by

economic considerations and met with consensus on the right and

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the left. France also traditionally has a strong statist system of

market governance. In the defense industry, the state is often the

client, the banker, the insurance provider, the shareholder, and even

at times the owner (Boyer 1996). Edward Kolodziej describes the

French MIC as “a government within a government,” with the

“formidable resources and influence to elicit the political and

economic support for what it wants as the price for its cooperation”

(1987:213; see also Freedman and Navias 1997; Labbé 1994).

Industry recruitment from the ranks of former military personnel is

common, and the educational system early on creates tight networks

among bureaucrats, military, and industry officials. Moreover, the

lines of communication between government and industry are

regular, especially during export promotion and decision making

(“French Move” 1998; interview 59108220; Kolodziej 1987).

Exports are an important tool of the French state to bolster an

ailing defense industrial base (Freedman and Navias 1997; Graves

2000; Sarkozy 2008). Indeed, even as France has come to support

new multilateral export restrictions, it has considered the arms trade

essential for weapons procurement, economic power, foreign

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relations, and national sovereignty. Between its support for former

colonies, its desire to establish itself as a “third pole” during the Cold

War, and the economic imperative, politicians and their constituents

have fiercely supported the arms trade. Despite the state’s best

efforts, however, French defense exports fell by almost half between

1990 and 1995, strengthening the economic calculus to export

promotion (Hébert 1998:140). By the end of the decade, the largest

land armaments firm—the state-owned Groupement industriel des

armaments terrestres (commonly known as GIAT)—still “relied on

exports for over 50% of its total turnover” (Graves 2000:90). Even

more significantly, by 2005 more than 80 percent of aviation

production was being exported (interview 63308220). In a country

with persistently high unemployment rates, moreover, France has

been one of the slowest to cut its military spending and has resisted

privatization trends, which lawmakers have feared will close factories

and risk job losses in their constituencies (Graves 2000; Guay 1998;

Lewis 2004; Sarkozy 2008).

As a result, France’s support for the ATT is unexpected, especially

given the fact that it was made without the consent of the defense

industry. As one industry representative commented, although the

ATT now seems like a good development to “level the playing field,”

that was not industry’s initial reaction (interview 63308220). In the

past, the industry was “very hostile to any control that results in a

drop in exports” and fought to introduce less restrictive controls

(Labbé 1994:213; see also interview 59108220). It believed that

additional restraints would force it to follow economically harmful

rules or risk the consequences of disobeying them (interview

63308220). Given the government’s firm public commitment to UN

processes, however, the defense industry has faced a new choice:

support new regulations and have its voice heard in the codification

process (“telling the diplomats the reality of the business”) or get left

out of the process entirely. It has opted for the former as the “only

viable position” because it is better to have a say in rules it will have

to follow regardless than to leave rule making to those without the

expertise to understand their effect on the industry (interview

63308220).

*THE UNITED KINGDOM: CROSS-PARTISAN GOVERNMENTAL*

*SUPPORT*

Although UK defense companies were privatized in the 1980s, their

influence and importance have also been common features in British

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politics. The British defense industry has been a source of

employment, technological innovation, national security and defense,

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and foreign-policy clout. Exports have long been seen as a matter

of “commercial pragmatism,” crucial to defense industry survival and

actively promoted by Labour and Conservative governments alike

(Stanley and Pearton 1972:91). The Defence Export Services

Organization in the UK Ministry of Defence is in charge of export

promotion, supported by the Export Credits Guarantee Department,

12

an interdepartmental committee chaired by the Treasury. Both

parties believe that without exports the defense industrial base would

be significantly weakened and jobs threatened, especially in the

13

post–Cold War defense downturn. On average, defense

companies currently export about 40 percent of their product (Cook,

Foss, and Scott 2004:21; interview 39307200), up from 20 percent in

the 1980s (Kapstein 1997:83).

In short, industry “has influence where it matters in Whitehall,”

regardless of the party in power (interview 39307200). Prime

Minister Margaret Thatcher presided over an “arms export revival,”

including the most profitable deals in British history, the Al Yamamah

deals, in 1986 and 1988 (Phythian 2000b:20–21). At the time, the

press and policy makers lauded the program to export aircraft and

training to Saudi Arabia, which enabled the United Kingdom to

continue an important production line and support thirty thousand

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jobs (Spear 1990; Phythian 2000b). Labour was also strong on

defense during its return to office. Although elected in 1997 with a

commitment to ethical arms transfers and leading multilateral

initiatives, it simultaneously promised to maintain the strength of the

defense industry (Gummett 2000:269). As a result, some scholars

and critics argue that the British government has remained distinctly

pro-export and has framed its export reform agenda to allow a

permissive interpretation of new criteria (Cooper 2000; Stavrianakis

2008).

Traditionally, industry could be counted on “to mount a vigorous

defence of the status quo—or continue to stress the need for further

deregulation” of arms transfer controls—and governments in turn did

not push for more regulation (Davis 2002:119; Pearson 1983).

Nevertheless, the United Kingdom announced its intention to

promote a global ATT in September 2004 and expanded the initiative

to include major conventional weapons in March 2005. Industry,

however, did not become a supporter of the initiative until June 2006,

long after the government took on its ATT leadership role (Fidler

2006; interview 33207200). Interviews reveal two reasons for its

eventual support: first and foremost, a leveling of the global playing

15

field and, second, the anticipated benefit to the defense industry’s

16

national reputation. Following Labour’s strong commitment to an

ATT in its election manifesto, the British defense industry—like the

French—decided that it was better to have a say in the process and

that multilateral controls are the “only way to do it” (interview

39307200). It began to actively promote the ATT abroad, along with

the government and NGOs. However, this did not occur until the

government’s own commitment to legalizing responsible arms export

standards worldwide was made public and had demonstrated its

staying power.

*GERMANY: ARMS INDUSTRY AT ARM’S LENGTH (IN PUBLIC)*

For historical reasons, the German state has maintained a public

distance from the arms industry. During World War II, the military and

the defense industry were drawn under Nazi control, leading to a

distinct postwar distaste for any signs of preferences for policies

associated with German militarism. Even as the German defense

17

industry rebuilt in the 1950s and beyond, its relationship with the

state has maintained at least some public distance. Small arms

producers today, for example, note the government’s more passive

approach to their problems, stemming, in their view, from their

negative historic image (interview 46307255). The German

government therefore may not face the same potential industrial

barriers to support new arms restraints as many other top exporters.

Even so, by the 1970s, Germany had reestablished a highly

concentrated MIC, albeit less visible to the public eye (Homze 1981;

Brzoska 1986). Contact between bureaucrats and industry lobbyists

is regular, especially through the defense committee of the

Federation of German Industry (Bundesverband Deutscher Industrie)

(interview 44307255). Industry often recruits retired military officers

“to make use of their inside experience and contacts with former

colleagues” (Cowen 1986:234). Governments have also supported

exports and state offsets for exports, a role that has grown since the

late 1990s, even as “responsible” arms export criteria hit the

18

international agenda. Although there is no official agency to

promote German defense goods abroad, military and foreign

attachés in German embassies are tasked with such activities and

often trained by the Federation of German Industry to be informed

about German products (interview 44307255). Exports have grown

in importance as defense spending drops and the government

wishes to “[keep] the German defence industry German” (Mulholland

2005:23; see also Mulholland 2003 and interview 44307255). As a

corporatist state, Germany also maintains a close relationship with

labor and seeks to prevent job losses. Ian Davis observes, for

example, that “the employment argument” has “enabled the arms

companies to elicit some support for a relaxation of the arms export

rules among trade union representatives” (2002:161; see also

Brzoska 1989; Graves 2000; Pearson 1986).

Because the German domestic arms market is comparatively

small, arms exports are used to “extend production runs, spread

research and development costs and decrease other per-unit fixed

costs” (Graves 2000:78). The export market was initially established

through overseas military aid in the 1960s and helped to rebuild the

postwar defense industry (Haftendorn 1971). Moreover, it fits with

the country’s “deeply rooted” export orientation (Wulf 1996:31). Since

the 1970s, Germany has consistently been a top MCW exporter and

relied on exports for a majority of its defense products. Experts

estimate that about 70 percent of German defense product was

exported in 2007 (interview 44307255). As such, both right and left

governments have tried to balance the “necessary evil” of arms

exports with a culture of arms export restraint (Pearson 1986; see

also Brzoska 1989; interview 46307255; Wulf 1996).

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Despite Germany’s domestic arms export restraints, its defense

industry has refrained from publicly backing similar restraints at the

international level. Germany announced support for an ATT in July

2005, but industry has maintained a low profile on the matter.

Although it gives its opinions to the government when asked, it

consciously avoids looking too aggressive or taking its concerns

public (interviews 44307255, 46307255). From some industry

representatives’ perspective, legal sales are not the real problem,

and government attention is focused on the wrong issue (interview

46307255). Nevertheless, faced with higher domestic restrictions,

the defense industry does want to level the export-market playing

field (interviews 15107255, 44307255, 46307255). It also says that it

cannot afford the long-term loss of reputation that might result from

being seen as un-supportive of global export restrictions, even if

restrictions might be costly to it in the short-term (interview

46307255). Thus, although the German defense industry has fought

for a less restrictive interpretation of domestic laws and policies in

the past, it has been neither a block nor a catalyst for German

support of multilateral initiatives.

*BELGIUM: A REGIONAL DIVIDE*

Belgium relies heavily on exports to keeps its defense industry

afloat, especially in light of limited domestic demand and the end of

the Cold War (Weidacher 2005). Between 1983 and 1993, defense

industrial employment fell by half, sales declined by 45 percent, and

major companies were forced into bankruptcy or foreign ownership

(Hassink 2000:83). Exports continue to form the industry’s

backbone. By the end of the 1990s, exports accounted for about 80

percent of total defense sales, more than half of which are small

arms (Castryck, Depauw, and Duquet 2007:28). Even before the

post–Cold War decline, however, Belgian small arms firm FN

Herstal’s “order sheets [read] like an atlas index” as a matter of

survival (Stanley and Pearton 1972:70).

Arms sales and their relationship with the state are complicated by

Belgium’s delicate system of federalism. Since 2003, regional

governments have been in charge of arms transfers licensing in line

with rules that are at least as restrictive as those set by federal law

20

and policy. Nevertheless, exports have been less transparent and

arguably more permissive in Wallonia, where the state–industry

connection is much more explicit and potential recipients may be

21

less controversial than in Flanders. In Flanders, exports outside of

Europe and North America, which typically account for more than 75

percent of licenses, are limited (Duquet, Castryck, and Depauw

22

2007). As a result, Geert Castryck, Sara Depauw, and Nils Duquet

state, “the decision whether to grant or deny an export or transit

licence is generally not a difficult one for the Flemish Government,”

and license denials are rare (2007:91). Even so, Flemish licenses in

2006 at the time of the initial ATT vote had dropped considerably

from figures for 1999–2004 (Castryck, Depauw, and Duquet 2007;

Duquet 2008; Duquet, Castryck, and Depauw 2007; Flemish Peace

Institute 2007a).

Wallonia’s defense exporters are much larger, in terms of both

value and amount, and feature more traditional military goods,

including small arms. In 2006, Wallonia exported €760 million worth

of military goods to sixty-four countries. Most of these goods go to

North America, the Middle East, and western Europe (Parlement

Wallon 2007). FN Herstal, the dominant firm, derives its sales almost

completely from outside Belgium (Weidacher 2005). Without a buyer

when FN Herstal was sold off by its French parent company in 1997,

the Walloon government took on ownership to preserve the industry

and employment (interview 31307211). Economic downturn and high

unemployment have meant an even closer relationship between the

industry and the Walloon state as well as stronger public support for

that relationship. As a result, more restrictive export legislation

entails higher, more direct costs for Wallonia (Vranckx 2005), which

accounts for two-thirds of Belgian defense industry employment

(Hassink 2000).

Despite this regional variation in state–industry relations, however,

the regional governments are not responsible for Belgian export

control law, which is set by the federal government. Moreover, policy

decisions in multilateral fora are supposed to reflect federal and

regional interests, but in practice the federal government’s foreign-

policy choices lead the way (interviews 24107211, 25107211).

Although industry is now thought to be in favor of international export

restraints for the level-playing-field benefits they might provide, it has

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not pushed for support in Belgium or elsewhere. With the divorce

of policy making and policy implementation, the federal government

is freer to support shared export standards. Industry influence

appears greater at the regional level—where both Flanders and

Wallonia have supported the well-being of their defense companies

(Hassink 2000)—and may instead translate into variation in

strictness of policy implementation rather than in variation in policy

itself, as I explore in chapter 5. Like Germany, then, the Belgian

arms industry appears to have been neither a constraint nor a

motivation for Belgium to support more restrictive export standards.

*UNITED STATES: THE MODEL MILITARY-INDUSTRIAL COMPLEX*

The United States, of course, is the original model for the MIC. Its

government depends on defense manufacturers to serve “as

guardians of ‘national security’ ” (G. Adams 1981:21). Manufacturers,

in turn, expect that the Department of Defense will ensure that their

costs are reimbursed and their profit margins maintained. The

government also actively promotes U.S. defense products abroad

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through demonstrations and tax subsidies. U.S. firms traditionally

produced solely for the Pentagon, which often gave preference to

American companies (Guay 1998). In the post–Cold War era, rapid

restructuring, a larger domestic market, and a wider foreign

customer base has meant that the U.S. industry has not suffered the

25

same degree of downturn as its European counterparts. As a

result, only the U.S. defense industry has a market at home to

support itself “without incurring prohibitive costs or a drastic decline

of quality” or relying on exports to survive (Moravcsik 1992:40; see

also Guay 1998).

Weapons programs receive support from the Department of

Defense, all branches of the military, and Congress. Defense

companies often hire retired public servants to supplement their

political connections and influence. During the 1990s, the defense

industry was also given an institutional presence to voice its opinions

in the DOS’s Defense Trade Advisory Group. In addition, contract

money linked to weapons programs makes specific areas of the

country dependent on those companies and contracts for jobs, which

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can win votes for incumbent politicians. Thus, the mutual

dependence of the three points of the MIC “iron triangle”—industry,

bureaucracy, and congressional appropriations—was born, giving

industry a strong voice in government decision making.

The United States was the only country to fully oppose all UN

multilateral initiatives before 2009. Even so, this opposition was not

the result of industry influence or economic need. The level-playing-

field argument has so far not motivated U.S. companies to lobby for

an ATT. Despite being faced with “one of the most complex and far-

reaching policy apparatuses for reviewing and regulating arms sales”

(Nolan 1997:131), U.S. defense companies export at higher rates

than their European counterparts and are far less dependent on

those exports for survival. U.S. industry has not come out in

opposition to the treaty, however, and tends to stay distant from the

issue, focusing instead on loosening bilateral controls with close

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allies. As such, the U.S. defense industry cannot be credited with

either past U.S. opposition or present U.S. support. Instead, U.S.

opposition—driven by a vocal pro-gun lobby and a distaste for

binding international agreements—has led industry to focus its

attention elsewhere, while support has similarly come without its

involvement.

INTERNATIONAL REPUTATION: SOCIAL INCENTIVES IN

INTERNATIONAL INSTITUTIONS

Major democratic arms exporters now support “responsible” arms

transfer control policies despite their past preferences and the costs

to their defense industries and foreign-policy autonomy. They have

gone ahead with new national and multilateral trade regulations *in*

*spite* of weapons producers’ wishes. Defense companies in most

countries rely heavily on exports to maintain production lines and

must seek out new markets in times of economic downturn. Even if

defense industry preferences have become arguably less important

to states as companies have downsized since the early 1990s, this

declining importance provides merely an opening—and not an

explanation—for governments’ active support for new arms transfer

standards. As I show in chapter 5, domestic public pressure also

largely pushed policy adoption.

Rather than domestic motivations, I argue that major exporters

have strategically chosen to support new arms export controls out of

concern for their international reputations—that is, their desire to be

seen by other states (and the diplomats representing them) as “good

international citizens.” As norms surrounding small and major

conventional arms evolved over the course of the 1990s to

encompass human rights and human security, so too have the

expectations by which states make arms trade policy—even those

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states that have not internalized new norms. These dynamics are

strongest in the context of international institutions, which, as social

environments, “[create] sensitivity to particular kinds of status

markers” (Johnston 2008:151). For the conventional arms

community in the post–Cold War era, intense discussions have

regularly taken place at the UN and Wassenaar Arrangement as well

as in numerous regional organizations such as the Organization for

29

Security and Cooperation in Europe and the EU. These institutions

define common policy expectations, publicize states’ policy choices

to other states and NGOs, and provide fora for the diplomatic

interaction necessary to motivate states’ concern for reputation. The

payoff, in turn, can be social and psychological, even if material

gains are absent (Johnston 2008).

In this case, reputation serves as a social incentive, with

consequences for states’ legitimacy, esteem, and standing in the

30

international community. For those states whose identities are

strongly tied to their cooperative membership in international

institutions, support for “responsible” arms transfer policies stems in

large part from a perceived need to maintain (or better) their

reputations as “good international citizens.” Democracies especially

want to be seen as dedicated to human, social, and economic rights

as well as to other collective goods. The analysis here therefore

focuses primarily on states’ perceived *concern* for reputation rather

than on their actual reputations as perceived by other international

actors. It looks first at the institutional setting in which norms for

“responsible” arms transfer policy have evolved since the late 1990s

and the agreements that these institutions have produced. Second, it

uses in-depth interviews, government documents, and other

evidence to assess states’ motives for supporting “responsible” arms

export controls in each of the five case studies—France, the United

Kingdom, Germany, Belgium, and the United States. In doing so, it

highlights major exporters’ social reputational concerns in

international politics as the source of their policy commitments.

*CREATING POLICY EXPECTATIONS: THE INSTITUTIONAL*

*SETTING*

International institutions provide a setting in which diplomats interact

and develop states’ reputations over time. Johnston maintains that

social incentives vary with an institution’s size and decision-making

rules. Where groups are large and decisions are made by

majoritarian rules that place members’ policies on record, he argues,

these incentives will be stronger (2008:31–32). In the case of

“responsible” arms transfers, decision-making rules have clearly

played an important role: early on, consensus requirements at the

31

EU and UN led to politically rather than legally binding agreements.

Yet Johnston’s argument also suggests that states can hide behind

consensus to avoid paying the social costs of dissent. In reality,

however, states cannot assume that their opposition will go

unnoticed. Especially where NGOs are allowed a place at the table,

32

dissenting states are often publicly “named and shamed.” Even in

closed-door meetings, the relevant in-group of participant states

knows precisely who opposes a popular proposal and can judge

accordingly. In each of the institutional settings I outline here—the

EU, the UN small arms process, and the UN General Assembly—

dissenting states are identified and criticized, regardless of decision

rules. States’ concern for reputation, in turn, becomes an important

motivation for policy support in each setting.

*THE EUROPEAN UNION: CODE OF CONDUCT ON ARMS*

*EXPORTS*

The politically binding EU Code of Conduct and its eight criteria to

guide conventional arms export decision making passed by a

unanimous decision of the fifteen members of the European Council

of Ministers in June 1998. The code’s legally binding successor

agreement, the Common Position on Arms Exports, similarly passed

in the council (with twenty-seven member states at the time) under

33

consensus rules in December 2008. In general, the EU Council of

Ministers—in which heads of state or their relevant ministers

represent member-state interests—prefers unanimity. On sensitive

issues such as foreign and security policy, policies are typically

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negotiated before a vote to facilitate consensus. The council also

serves as a regularized setting in which leaders meet to discuss and

debate issues. From 1970 to 1993, the number of council meetings

almost doubled, with foreign policy one of the topics most often

discussed (Fligstein and McNichol 1998:70, 71). The council also

established the Working Group on Conventional Arms Exports in

1991, intended to compare national practice and discuss potential

harmonization. In doing so, it helped to usher in agreement on

common criteria, and it has continued to meet regularly to discuss

the interpretation and implementation of the Code of Conduct and

the follow-on Common Position.

The council is widely seen as a highly secretive institution, whose

deliberations and decisions are conducted “far from the public gaze”

(Hayes-Renshaw 2002:65). Yet neither its public unanimity nor its

lack of transparency could hide French opposition to the legally

binding Code of Conduct—an opposition that other members and

35

NGOs openly criticized. Prior to 2008, France supported legalizing

the code only if the EU lifted its arms embargo to China—itself a very

36

public debate, in which consensus could not be reached. However,

as I discuss later in the chapter, it reversed its position and led the

transformation of the code into the Common Position during its 2008

EU presidency. In doing so, France has conformed to its European

peers’ expectations, seeking recognition for the restrictive and

responsible nature of its arms transfer policies (interviews 59108220,

60108220). Consensus therefore neither prevented France from

weakening the initial EU Code nor protected it from criticism for

doing so. And as social reputational pressures have built up in both

the EU and UN over time, France has felt compelled to conform.

Research into EU member states’ arms export practices casts

doubt on the strength of their policy implementation and the depth of

their socialization into new export norms (Erickson 2013b). Most

recently, the Arab Spring has shone the spotlight on EU arms

exports to dictatorships despite members’ commitments to EU and

UN policies (M. Bromley 2012; Dempsey 2012). Nevertheless, when

it comes to policy support, the Council of Ministers and the Working

Group on Conventional Arms Exports have provided a setting in

which “responsible” export controls have become attached to

37

perceptions of the quality of states’ EU membership. As Alyson

Bailes observes, “There are signs that [the code] has created

something like a virtuous circle of pressure for improvements of

policy formulation and enforcement, both within the EU and among

states preparing themselves for accession” (2004:v). Institutional

pressures have thus made EU members early responders to new

policy expectations. They have also cleared the path for EU

exporters’ support of the UNPOA and the ATT. In fact, the decision to

legalize the code in 2008 was a product of members’ concern for

their own reputations as well as for the EU’s reputation, which they

feared would be undermined by the code’s nonbinding status as they

38

sought to promote a legally binding ATT.

*THE UN SMALL ARMS PROCESS: PROGRAMME OF ACTION*

Like the EU, consensus rules at the UN small arms conferences

have been more significant for the content and form of the

agreement than for dampening reputational effects. Consensus rules

are common in the UN when controversial issues are on the table

and are standard practice in the arms control community (interview

5406225; Marín-Bosch 1998; Peterson 2006). Although many

supported a legally binding agreement addressing illicit *and* licit

small arms transfers already in 2001, consensus was elusive. The

United States, to the surprise of many, announced on the opening

day its intention to oppose what it considered a fundamentally flawed

document and its negotiation “red lines” (Karp 2002; SAS 2002:219).

It was adamantly against entertaining any proposals that were legally

binding or that included provisions that could restrict licit transfers or

civilian possession. The final UNPOA was therefore only politically

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binding and dealt only with the illicit small arms trade.

Consensus meant that the conference had to bend to U.S. wishes.

But it did not mean that supportive states would not advertise or

criticize U.S. opposition. U.S. allies, other states, and NGOs roundly

rebuked the United States in public for blocking otherwise popular

efforts. However, U.S. opposition also allowed other “less influential”

opponents to maintain a low profile (SAS 2002:220; Wyatt 2002).

One expert noted that active U.S. opposition actually managed to

make Russia and China, who were less vocal, “look good” despite

their own lack of support for more restrictive measures (interview

5406225). In fact, it is difficult to identify with certainty which states

joined the U.S. opposition, suggesting that consensus rules might

shield smaller opposing states from reputational damage if a larger

40

state’s opposition becomes the magnet of international attention.

This first small arms conference resulted from numerous UN

reports and sessions in the 1990s on the problem of SALW

41

proliferation. The idea for a global agreement on small arms took

off after the success of the landmine treaty in 1997. Attendance

included 169 member states as well as forty-two NGOs invited to

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address the conference. Some NGOs, however, argue that one of

the downfalls of the conference was the decision to hold it in New

York rather than in Geneva (interviews 4206225, 5406225,

9206225), where NGOs had explicitly sought to develop a small

arms constituency in the 1990s (interview 7206225). Geneva is the

home of the Conference on Disarmament, the UN Institute for

Disarmament Research, and a plethora of arms control NGOs.

Geneva-based diplomats were therefore more likely to be

knowledgeable about small arms issues (interview 4206225,

5406225). In contrast, New York–based diplomats had rarely worked

on small arms issues and lacked basic expertise (interview

4206225). Thus, although both cities had an established group of

regularly interacting diplomats, Geneva’s diplomatic population in

2001 more readily linked small arms policy with “good” international

citizenship.

In the final hours of the conference, states agreed to a watered-

down UNPOA “strictly in the interest of reaching a compromise” that

could enable future global action (UN Department of Disarmament

Affairs 2002:80; see also Greene 2002). In the face of “prolonged

and difficult negotiations” on an issue barely on the international

agenda a few years prior, it was a major accomplishment (UN

Department of Disarmament Affairs 2002:89). The 2001 conference

recognized and defined the “problem of small arms,” raised small

arms awareness, established a humanitarian dimension to the issue,

identified like-minded states, and forced states to voice their

positions (SAS 2002; Greene 2002; Krause 2002; Wyatt 2002). It

also led to the International Tracing Instrument (2005) and to Groups

of Governmental Experts on arms brokering (2007–2008) and

ammunition (2008). Nevertheless, the 2003 and 2006 review

conferences could not garner consensus to legalize the UNPOA or

expand it to include humanitarian export criteria. Despite active NGO

campaigning and broadening state support, the United States in

particular remained a stalwart opponent and stalled the process from

going beyond the existing document. Yet the failure of the 2006

conference did not doom global arms export controls. Rather, its

failure spurred lead states to take their case to the UN General

Assembly, where the supportive majority could rule, not the

opposition voices of a few.

*THE UN GENERAL ASSEMBLY: ARMS TRADE TREATY*

When the small arms conference process deadlocked in July 2006,

leaders sought a new institutional setting to tackle arms export

controls. Moving to the UN General Assembly with its majoritarian

voting rules prevented any one State from blocking an otherwise-

popular initiative. In December 2006, the General Assembly voted

153 to 1 to initiate a process to create a legally binding ATT

regulating all legal conventional arms transfers. The United States

was the lone “no” vote; twenty-four others abstained, including

China, Israel, and Russia. Measures so widely popular in the

General Assembly signal that a new norm has become “widely

shared” and is a standard of conduct often cited and defended

(interview 5406225; Peterson 2006:101). Majoritarian voting

intensified reputational concerns carried over from the small arms

conferences. Many states did not want to be on record as opposing

the initiative alongside the United States—whose poor reputation on

43

the issue was well established.

Reputational pressures in the General Assembly cannot be

isolated from the earlier small arms conferences. States that had

agreed to language and initiatives in the context of the conferences

found it difficult, if not impossible, to oppose them when it came to

the ATT (interview 5406225). By the end of the July 2006 small arms

conference—and before the General Assembly vote was even

scheduled—Cuba, Iran, and Pakistan had withdrawn their opposition

to global arms transfer principles, leaving the United States alone in

its resistance (SIPRI 2007:432–33). In fact, leaders used the July

conference as a sounding board to decide whether to move forward

in another forum (SIPRI 2007:433). The result was a decision to

pursue a separate ATT in the First Committee meeting in October

2006 and the General Assembly in December 2006.

Although the UNPOA deals with a wide range of complex issues

related to illicit small arms transfers—which some identify as its

44

strength and others as its downfall —the ATT focuses solely on

legal arms transfers. This was an area where agreement had

evolved over the course of several years and regular diplomatic

meetings, moving from “much more resistance” in 2001 (Greene

2002:197) to near-consensus by 2006. These expectations for arms

transfer policy carried over to the General Assembly. Nor did states’

reputations—good or bad—get left behind in the transition. Concern

for “good international citizenship” connected to arms transfer policy

has played out across institutional venues, regardless of their voting

rules. With the United States clear that it would not budge, leaders

moved to the General Assembly simply because it offered the ability

to move forward and subsequently reaffirm the ATT by majoritarian

vote.

Other ATT discussions were nevertheless subject to consensus.

The 2008 Group of Governmental Experts was unable to reach

consensus on specific treaty contents, largely again because of U.S.

opposition but with some states also questioning the human security

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agenda. Meetings of the Open-Ended Working Group in 2008 and

2009 kept the process in a holding pattern until the United States

announced its support in late 2009—on the condition that

negotiations proceed by consensus—and thus enabled the process

to move ahead. With only Zimbabwe opposed, the UN voted in

December 2009 to set ATT negotiations for 2012 with a series of

preparatory meetings in 2010–2012. Although the 2012 negotiations

“showed that there appeared to be broad acceptance by states of

the need to agree to a treaty to regulate the conventional arms

trade,” they also laid bare two key contentious issues: the scope of

items covered and the inclusion of human rights and human security

in arms export criteria (Bromley, Cooper, and Holtom 2012:1041–

42). In the end, after some debate about the precise language,

human security criteria were included in the final text, but

ammunition and transfers to nonstate actors were not included in

46

order to keep the United States on board. The ATT passed the

General Assembly with a vote of 154 to 3 on April 2, 2013, and

opened for signature on June 3 with sixty-seven states signing on

the first day. It enters into force ninety days after the fiftieth state

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deposits its ratification instrument on December 24, 2014.

REPUTATIONAL CONCERNS: MAJOR SUPPLIER STATE

SUPPORT

Within these institutions, diplomats have met frequently to interact

and develop expectations about arms transfer controls. As one

German official stated, “Over the work, you get to know each other”

(interview 15107255). These meetings in turn provide fora in which

states establish their reputations on “responsible” arms transfers and

humanitarian issues more broadly. In a dramatic reversal of past

trends, support for such policies has become widespread. An

important source of this support across cases, as indicated in the

case studies, stems from the reputational concerns of states deeply

embedded in and reliant on these international institutions.

I use in-depth interviews with key players in arms export policy

making—government, NGO, and defense industry representatives—

to illustrate the effect of governments’ reputational concerns on their

policy commitments (see appendix B for information about interview

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data and coding). First, many participants directly connect states’

policy commitment to their image promotion abroad. Second,

participants reveal an acute awareness of how the stringency of their

policies stacks up in relation to their peers’ policies, making

comparisons about whose are the “best” and “most responsible.”

Finally, ministries of foreign affairs typically spearhead state policies,

not their economic ministries, which, some participants contend,

turns the focus away from states’ economic interests and toward

their international reputations. Although the U.S. case demonstrates

that some states—especially superpowers—may choose to distance

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themselves from international institutions, such cases remain the

exception, and even the United States has since reversed its public

opposition to multilateral arms export controls in response to

reputational concerns.

These references to state identity, image, reputation, and “looking

good” help to confirm the social reputation argument and were often

given in response to questions asking participants to describe their

government’s policies and explain its support for “responsible” arms

export initiatives. I was careful never to ask questions that would

direct participants to discuss reputation, image, or comparisons with

other countries’ policies. If participants or other evidence had instead

highlighted prospective material gains (military or economic) from

new policies or lead states’ coercive efforts to collect cross-national

support, a realist or neoliberal explanation would be more

persuasive. As it is, although respondents expressed some concern

over economic and foreign-policy costs, they focused instead on

social reputational concerns as a strong motivating force behind their

support for “responsible” arms transfer policies and related

international initiatives.

In general, after the Ottawa Treaty in 1997, governments “didn’t

want to be seen as being on the wrong side of history” with new

humanitarian arms control initiatives (interviews 7206225, 34207200,

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35207200, 58107255). They believed that support for “responsible”

arms transfer policies—such as the landmine ban—would be “good

for their international profile,” a point that lead states and NGOs have

emphasized in lobbying potential supporters (interviews 37207200,

34207200, 35207200). Although conventional arms present different

regulatory challenges than landmines, the Ottawa experience

changed international expectations: it altered how states’ define

appropriate arms control behavior as well as what social gains they

believe can be made from their own support of related humanitarian

arms control policies. One NGO representative, for example,

observed that humanitarian arms control has become “fashionable.”

He stated, “The landmine ban established this high moral ground.…

[I]t looks pretty bad if you don’t support it. This has led to the habit of

thinking you can look morally good by supporting weapons-related

initiatives” (interview 34207200).

As small arms garnered international attention following the

landmine treaty, policy support became, according to one

government official, “really a beauty contest among diplomats who

don’t want to be looked at uneasily by their peers” (interview

58107255). Opposition also meant being seen as “in bed with the

[United States],” whose own reputation had suffered because of its

policies (interview 34207200). States saw the potential for

reputational damage if they opposed new policies, but also for a

certain “kudos that come with being seen as in the forefront”

(interview 39307200) of humanitarian arms control issues if they

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were to come out in support of them. In the words of one NGO

advocate, “They want to look good; that’s pretty much it” (interview

34207200). Support for the UNPOA, the ATT, and similar

international policies could “give an image that they are doing

something” (interview 38207200) and taking “some responsibility” for

“moral concerns of the impact [of the arms trade] on the developing

world” (interviews 40107200, 34207200, 41107200). Thus, although

officials may express doubt over the utility and feasibility of new

policies in private, it is “almost unthinkable that [states] would say

this is a bad thing” (interviews 41107200, 43107200).

*THE UNITED KINGDOM: SETTING THE REPUTATIONAL*

*BASELINE*

The United Kingdom was an early mover on humanitarian arms

export policies. Unlike other major exporters, it first embraced new

arms transfer policies in response to scandal in domestic politics

(see chapter 5) and took on a leadership role to promote those

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policies at the EU and UN. In doing so, it has played a significant

role in shifting the standard of good policy among major democratic

exporters, providing a reference by which they can compare their

policies and assess whether they measure up. Early support and

leadership from a major exporter once resistant to common export

controls made the United Kingdom a critical state in setting off the

reputational beauty contest among democratic exporters. As the

other case studies make clear, British support, along with the

momentum provided by the success of the landmine treaty, created

a reputational baseline for “responsible” export controls and set off a

norm cascade, making support for new initiatives not only possible

but also expected.

The United Kingdom has taken on a leadership role for two key

multilateral “responsible” arms export initiatives, both with an eye to

its international reputation. First, the Labour government led the

creation of the 1998 EU Code of Conduct. In addition to pleasing

domestic audiences and diffusing the costs of unilateral export

controls, its leadership was intended to express—and confirm—the

United Kingdom’s responsible, humanitarian reputation (Blair 1997;

Dunne and Wheeler 2001; Robbins 1997). Labour sought to use its

“responsible” policies to signal the United Kingdom’s new image not

just to constituents at home but also to peers abroad, cementing

“good international citizenship” as the foundation of postcolonial

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British foreign policy. Leadership on arms transfer controls, it

believed, would “look pretty good if [it could] pull it off” (interview

37207200). Although some note that British policy implementation

has been poor (Cooper 2000; Dunne and Wheeler 2001; Mayhew

2005), this poor performance does not seem to have undermined its

reputation abroad. Rather, the UK government saw its ability to rally

multilateral support for the EU Code and later for the ATT as a

reputation-building success (interviews 41107200, 32107200).

Second, since 2004 the British government has spearheaded

multilateral transfer controls at the UN in an effort to repair its

international reputation, which took a hit following the 2003 Iraq

invasion (interviews 4206225, 35207200, 37207200). According to

reports, “Britain’s human rights policy had been weakened by the

Iraq war, military action in Afghanistan and terrorist attacks against

the U.S.” (C. Adams 2004). Interviewees suggest that joining the

ranks of ATT leadership was a strategic move on the part of the then

foreign secretary Jack Straw at the helm of the Foreign and

Commonwealth Office, hoping to recapture the United Kingdom’s

popular “ethical foreign policy” image of the late 1990s and show that

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it could “be a force for good on the world scene again.” It was also

a chance for Straw to “leave his mark on the issue” and rescue his

55

own domestic and international standing after Iraq. Indeed,

although Prime Minister Tony Blair had approved Straw’s initial

support for a small arms–only ATT, some argue that the same could

not be said for Straw’s 2005 announcement that broadened the

initiative to include all conventional arms (Straw 2005). The move

was unexpected even among other ATT supporters and cemented

not only British ATT leadership but also Straw’s legacy as the

architect of the expanded scope of the ATT, which would pass by

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wide margins eight years later.

Yet it seems likely that in the hands of another ministry less

invested in international reputation, the United Kingdom would have

eschewed its leadership role. The Department of Trade and Industry,

the Department for International Development, and the Ministry of

Defence are also deeply involved in UK arms trade policy and

practice. The Department of Trade Industry works closely with

industry and is concerned about the economic costs of transfer

controls. The Department for International Development has often

been frustrated that policies do not go far enough to address its

concerns for sustainable development, and the Ministry of Defence

takes a more technical role. The Foreign and Commonwealth Office,

in contrast, has been more concerned about international image and

public diplomacy (Martin and Garnett 1997). It has chosen and

promoted policies as a way to cultivate UK reputation and the image

necessary to attract followers to its initiatives (interviews 32107200,

40107200, 41107200). Less invested in either ethical or economic

interests, it has also been able to take the lead inside the

government to ensure that policy is unified across ministries when

promoting initiatives abroad, despite differences in bureaucratic

preferences.

Even so, the government has wanted to make its policies appear

more than “just a British idea” (interview 32107200). Although UK

support convinced many major exporters (interview 41107200), its

colonial history has made its leadership more sensitive for some

importing states. It has therefore worked with affected states and

NGOs to make the ideas “[pick] up resonance within an organization”

to encourage agreement (interview 32107200). British NGOs have

also been closely involved with the government’s policy promotion,

even as both sides seek to maintain at least the appearance of

mutual independence. Indeed, although the government’s support

and promotion of “responsible” arms export standards helped new

initiatives spread, NGOs claim the ideas behind them. NGOs had

sought an international code of conduct since the early 1990s and

worked closely with Labour to shape its foreign-policy agenda prior

to its 1997 electoral victory (interviews 33207200, 35207200,

37207200).

Whether in spite of or because of its commitment to promoting

defense exports alongside ethical arms transfers, the United

Kingdom has created a strong international reputation for leadership

on arms export controls and set the policy standard for other top

democratic exporters. Its success with the EU Code of Conduct

encouraged it to take the lead on the ATT, and the Blair government

believed its international status was enhanced as a result. UK

leadership on the issue has continued under subsequent

governments, with support from the Conservative-led coalition

government especially showing how changes in expectations since

the mid-1990s can alter past political opposition. Most importantly for

the purposes of this chapter, UK government leadership—at times in

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partnership with NGOs and the defense industry—has helped to

set policy expectations, trigger social reputational concerns, and

accelerate support worldwide.

*GERMANY: MULTILATERALISM AND CIVILIAN POWER*

Germany’s arms transfer policy and its foreign policy more broadly

have been profoundly shaped by World War II. As a rule, postwar

Germany sees itself as a strong supporter of multilateral initiatives

and wishes to cultivate a reputation for good international citizenship.

According to one official, Germany supports new arms transfer

policies, “basically because [they] sounded good and that’s what

Germany does” (interviews 16107255, 44307255). In general, it is

very important for the government to be seen as international,

multilateral, and “the best European” (interviews 16107255,

44307255). Germany stands behind UN principles in rhetoric, if not

also in action, with multilateralism as “the central reference point [of

German foreign policy]” (Grossmann and Hummel 1997:21–22). In

fact, because the United Kingdom had declared its strong support,

officials believe that “Germany couldn’t *not* do it” without risking the

appearance of being “irresponsible” and uncooperative (interview

45207255, 19407255).

Germany’s public support for common export controls has come

despite private skepticism about the merits and feasibility of

multilateral “responsible” arms transfer criteria. Many in Germany

and elsewhere “did not anticipate the [ATT] initiative to pass through

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and formalize so quickly at the United Nations.” Officials have

worried that multilateral principles were neither practical nor efficient

and risked taking attention away from other initiatives with the

potential for more concrete results (interviews 15107255, 19407255,

45207255). This distinction between public support and private

skepticism illustrates that even in Germany—where support for

multilateral initiatives is assumed to be an intrinsic element of

national identity—reputational concerns can be an important policy

consideration.

Cognizant of the growing public-relations element of the small

arms issue, the Federal Foreign Office (Auswärtiges Amt, AA) has

gone from thinking that post-UNPOA initiatives were “nothing

serious” to championing an ATT and shared export standards

(interview 19407255). Officials want Germany to be recognized as a

leader on small arms and related issues. They believe that as a

major arms exporter and a larger EU country, Germany has a

responsibility to lead, especially on arms control and disarmament

(interviews 14107255, 15107255, 16107255). With Canada and

other countries already championing small arms control, Germany

went “looking for something else” and saw the ATT process as a

public-relations opportunity after failing to press hard enough to

achieve a binding treaty on ammunition controls (interview

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19407255). In its 2007 EU presidency, Germany kept the issue on

the EU agenda. Even so, experts note that although Germany

reliably supports policies, it often stops short of overcoming major-

power opposition (interview 19407255). As a result, it has not been

recognized as a lead state on par with the United Kingdom,

presumably because the AA has chosen a backseat in non-

European fora.

Germany takes pride in its history of arms control and

disarmament (interview 14107255) and sees itself as well qualified to

promote “best practice guides for different areas of small arms”

(interview 14107255). Officials consistently emphasize the

restrictiveness of German policies, especially in comparison to EU

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requirements and other members. Annual arms export reports

describe German policies in multilateral fora and contain a section

titled “German Arms Exports in International Comparison,” in which

the government emphasizes its outreach activities and international

cooperation, while downplaying the size of its arms exports in

comparison to other major exporters. Officials also compare

Germany’s leadership efforts in the EU to those of the United

Kingdom, Netherlands, and France and note that Germany is one of

the most active states on the small arms issue at the UN (interview

15107255). Germany thus expresses a keen awareness of its

standing among European leaders and how its policies stack up in

comparison.

It is worth noting that, like the United Kingdom, Germany’s strong

support of “responsible” arms control would have been less certain

had the AA not been the key agency deciding German policy.

Ultimately, it is the AA leadership’s decision to push an issue on the

foreign-policy agenda (interview 19407255). And, as one official

notes, “there is a difference between the principles the AA will follow

and what the [Ministry for Economics and Technology

(Bundesministerium für Wirtschaft und Technologie)] will follow” with

important consequences for German foreign policy (interview

14107255). As the foreign office, the AA is more concerned with

international principles and multilateralism and more critical of arms

exports, especially as they relate to public diplomacy and support for

human rights. AA diplomats represent Germany in the EU and UN

and seek to build its reputation for civilian power. In contrast, the

Ministry for Economics and Technology is more supportive and

tolerant of arms exports and is not the public face of German foreign

policy. It is less invested in multilateral fora and seeks instead to

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defend the status quo of national arms export controls.

Given the AA’s existing interest in multilateralism and arms control,

NGOs did not see a need to push it to adopt “responsible” arms

transfer policy (interview 17207255). Rather, they see themselves as

“work[ing] in the same direction” though consultation, research, and

regular government–NGO working group meetings (interviews

17207255, 10407255, 45207255). In some respects, these

relationships are improvised as initiatives emerge and develop. As

one official noted, “Germany has never had a strong opinion on how

to [relate to] NGOs” and engages them to some extent as a matter of

public diplomacy (interview 58107255). For their part, NGOs focus

on ensuring policy implementation, stating that if the government

signs on, “we know what’s been promised, and [it also knows] we’ll

follow up” on its export decision-making practices (interview

62

17207255). By appealing to the policies to which the government

has publicly committed, NGOs seek to enhance “responsible” arms

transfers in practice as well as on paper, in line with Germany’s own

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self-image as a cooperative civilian power, a compliance dynamic I

explore further in chapter 5.

As a civilian power, Germany promotes a foreign policy focused

less on hard power than on building norms of global governance

(interviews 10407255, 16107255, 44307255). It has a “fairly strong

belief in the logic of transparency and in multilateral regimes”

(interview 14107255) and “aims to foster working together with other

countries and developing rules” (interview 16107255). It wants its

arms transfer policies to reflect this point of view (interview

10407255). According to one official, “If there is a code of conduct,

we apply it,” regardless of practicality (interview 15107255).

Moreover, Germany would not want to be “the one left behind,”

accused of *not* supporting multilateral policies (interview 58107255).

Indeed, as Germany seeks to play a peaceful, constructive role in

the international community, adopting policies that uphold its public

image as conforming with multilateral policy standards is a key factor

behind its support for “responsible” arms transfer initiatives.

*FRANCE: CHANGING POLICY TO BUILD REPUTATION*

Following in the United Kingdom’s steps, France announced its

backing of a global ATT in 2005 (Chirac 2005) and has since

become a strong supporter of multilateral “responsible” arms export

controls (interviews 59108220, 60108220). Until that time, however,

France had opposed shared legally binding criteria that “could ‘force’

it to give up some of its, by European standards, liberal arms export

policies” (SIPRI 1999:439). Even its support for the 1998 EU Code of

Conduct was prefaced on the condition that the code refrain from

issuing legally binding criteria—a condition that it dropped a decade

later, clearing the way to legalization. Absent—at least initially—a

supportive defense industry, an interested domestic public, and an

active NGO community, France’s policy shift has been largely a

matter of promoting a “good” reputation in the international

community. In general, France’s global interests are “intimately

linked to [its] *rang* [rank] and *grandeur* [greatness] and to the notion,

with deep historical roots, that global interests enhance French

power and influence in Europe” (Gregory 2000:10; see also Utley

2000). As one official noted, “the role of image” is an important

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consideration for French foreign policy and has carried over into its

policies on multilateral export controls (interview 59108220).

Like Germany, France seeks recognition as a leader on the EU

Code of Conduct, UNPOA, and ATT, but in private it is somewhat

skeptical of policy initiatives. Officials note that France places a high

priority on promoting multilateral arms export initiatives and is one of

the most involved states in promoting small arms control on the

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international agenda (interviews 59108220, 60108220). At the

same time, they are concerned about the sovereignty and security

implications of imposing shared standards on “the last place of

freedom,” conventional arms sales, and are unsure of the value of

UN processes (interviews 59108220, 60108220). Indeed, France

has sympathized with past U.S. opposition, suggesting it, too, might

prefer a narrower document focused on regional implementation

were it not for its concerns about reputation in EU and international

politics (interview 60108220). Indeed, other than the United Kingdom

and other major European exporters, France’s main point of

comparison on arms trade policy is the United States. France

compares itself to the United States as a fellow major power with

exceptional global responsibilities, as a major arms exporter with an

admired system of national export controls, and as a world leader in

human rights promotion (interviews 59108220, 60108220; Tardy

2007).

Shaun Gregory argues that France uses its UN activity to promote

“a positive humanitarian image for France and the support of French

norms and values in the international system” (2000:169). As

support for “responsible” arms export policies has become expected

in international politics, France has thus shifted its own policies to

align with these expectations. In particular, it has used its newfound,

visible policy support to overcome its past reputation for arms export

liberalism at home and policy obstructionism abroad. Since 2001, the

government has identified two tracks in the UN and wants to be a

part of the “good group,” which includes EU small arms leaders,

such as the UK and the Netherlands (interview 60108220). This is

also a way for France to distinguish itself as more responsible than

the (initially) obstructionist United States, although the results of this

strategy for France’s reputation have perhaps not been as

successful as the government had hoped. Officials argue that French

arms export policies have been unfairly criticized as too liberal

simply because France is “more responsible” than others in reporting

its sales figures, and they take pride in what they see as the

restrictive and “responsible” nature of French policies (interviews

59108220, 60108220). Stated one official, “The French image is

perhaps not that positive outside, but if you see the work of each

person in the process, then it is difficult to see how you could do it

better” (interview 59108220). Moreover, officials cite France’s

experience in arms control, its large export market, and the

complexity of its domestic export mechanisms as attributes that

enable it to provide quality leadership on this issue (e.g., interview

59108220).

France’s policy shift also seeks to strengthen the EU’s reputation

as a global actor. France promotes multilateralism as a way to

enhance and exercise its international influence, linked to its

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membership and leadership in the EU (Tardy 2007; Wood 1997).

The EU’s inability to legalize the Code of Conduct due to French

opposition had hindered the EU’s ability to advocate for a legally

binding ATT and be a credible global actor more broadly. Stalling

legalization therefore became contrary to French foreign-policy

interests beyond the arms trade. In addition, France also believed

that not only supporting but *leading* the legalization of the EU Code

after coming out in support of an ATT would signal its membership in

the “good group” of states and draw a sharp contrast between its

cooperative approach and U.S. hostility.

The decisions to support an ATT and the legalization of the EU

Code came from Presidents Jacques Chirac and Nicolas Sarkozy,

leaving the Ministry of Foreign Affairs (Ministère des affaires

étrangères) and Ministry of Economics and Finance (Ministère de

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l’économie et des finances) to follow (interview 60108220). NGOs

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have also been on the sidelines of French policy making. The

government takes the view that “states lead, not NGOs,” on the

issue of “responsible” arms transfer policy (interview 59108220). In

fact, French NGOs did not develop the background to become

actively involved in arms export policy until the ATT vote in 2006,

long after the government had announced its support. Both sides

now say they are satisfied with French policies and the government’s

receptiveness to NGO input, although NGOs have not been invited

to take part in French UN delegations (interviews 59108220,

64208220). Government officials and NGOs say that this hands-off

approach to French policy may be in part explained by the fact that

France “already [has] a quite restrictive regime” (interviews

59108220, 62208220, 64208220). As I show in chapter 5, NGOs are

beginning to turn instead to monitoring policy implementation

(interviews 61208220, 64208220). Moreover, France’s concession to

legalizing the EU Code was a point of satisfaction for states and

NGOs pushing an ATT at the international level. However, to get the

government to this point, changes in what would promote its

reputation connected to the arms trade in the international

community were necessary, with the standard set by the United

Kingdom and opportunities for France to showcase its responsible

policy positions.

*BELGIUM: MISSED OPPORTUNITY FOR LEADERSHIP*

Observers argue that Belgian support of multilateral arms trade

standards stems largely from the government’s “looking over its

shoulder at others” (interview 26207211). They suggest that the

government did not want to “hang [its] neck out on this one” and

supported new initiatives mainly because of British leadership and

the policy standards set by the United Kingdom (interviews

26207211, 30207211). In fact, some Belgian NGOs—which were

otherwise satisfied with the federal government’s leadership on

humanitarian arms control—regret that an opportunity was missed to

position Belgium as a leader on small arms as it was on the

landmine treaty (interviews 29207211, 30207211).

The federal government, which had been an early promoter of

linking small arms to sustainable development (Rossel-Cambier

1997) and an APL treaty leader, had been preoccupied by its

regionalization of national arms export licensing after 2002 (see

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chapter 5). Moreover, in the process of regionalizing policy

implementation—but not policy making—some observers have

worried that Belgium’s international reputation would suffer

(interviews 52207211, 53207211). In their view, divorcing arms trade

policy from arms trade practice would threaten the perception of

Belgium’s sincerity and its ability to impact other countries’ positions

on the issue (interview 52207211). Nevertheless, there is no

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evidence that this has occurred, suggesting that states’ arms trade

policy implementation—unlike their policies—receives little attention

outside their borders.

Despite the regionalization of export licensing, Belgian arms trade

policy is still coordinated by the federal Ministry of Foreign Affairs in

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line with European and international expectations. Although the

ministry takes input from the regions “on practical measures,” it “will

not accept [input from] regions that will hinder pursuing an [ATT] as a

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Belgian policy goal” (interview 56107211). Officials view

cooperation as a matter of “[supporting] our principles on the

multilateral level,” but they also acknowledge that it has been driven

by “pressures to support … lead nations” in international fora

(interview 56107211). And because economic interests are more

closely represented at the regional level (interview 27207211), the

Ministry of Foreign Affairs is freer to pursue concerns about

Belgium’s reputation abroad, alongside its goals to protect human

rights and democracy (Houben 2005). This focus also allows

Belgium to have influence, as officials see it, because its policy

decisions can be seen as part of a more neutral image rather than

swayed by global economic or foreign-policy interests (interview

55107211).

Arms control is “considered a central issue in Belgian policy,” and

shared standards of “responsible” arms transfers have not been

controversial (interviews 56107211, 57207211). According to one

NGO representative, “Like all human rights topics … everyone is

proud to support [the ATT]” (interview 57207211). The defense

industry, too, has learned that Belgium “will do it if the UN wants it”

(interview 31307211). Moreover, Belgium takes pride in its

“progressive” laws and avoids projecting an “arms salesman”

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image. Officials and NGOs are quick to point out that only Belgium

has adopted the EU Code into its national legislation. Belgium sees

its arms trade policies as “best of class” and “quite ethical” compared

to other states’ policies (interview 57207211). NGOs note that

government policy often outpaces their lobbying and that the public

has been largely absent from relevant policy discussions (interviews

52207211, 29207211). So they instead focus more on

implementation at the regional level, noting that the regional and

federal governments “don’t need civil society voices” on policy

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formation (interviews 26207211, 57207211).

With its successful collaboration on the Ottawa Treaty, Belgium

has sought to build on its reputation as a humanitarian leader.

Officials state that Belgium seeks to be seen as a “problem solver” in

international politics: “We’ve solved quite a number of problems,

have objectivity, and define a well-balanced decision, [even]

punishing our own industry on mine production” (interview

55107211). To maintain its reputation, Belgium therefore sees a

need to support policies consistent with the image it projects to the

international community. It has also had to overcome perceptions as

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a historic center of illicit arms trafficking. Ultimately, although

missing a leadership opportunity on arms exports was a lost chance

for Belgium to advance its social reputation, it did not inflict

reputational damage. What does cause such damage—at least

based on the U.S. experience—is opposition to popular multilateral

initiatives, even where national policies might be classified as

“responsible.”

*THE UNITED STATES: FROM OPPOSITION TO SUPPORT*

Until late 2009, the United States was the only state to vote against

the ATT process and the primary voice of opposition on UN small

arms initiatives. It is certainly active in regional and international

institutions, but its opposition suggests that it may see itself as less

beholden to the reputational concerns faced by others by virtue of its

perception of its “exceptional” position and power in the international

system. This does not mean that U.S. leaders are uniformly

unconcerned about U.S. image abroad. The United States has

engaged in “public diplomacy” across administrations (Goldsmith

and Horiuchi 2009). Rather, U.S. policy suggests that U.S. leaders

may be more flexible in their concern for international reputation,

dependent on domestic politics, party ideology, and foreign-policy

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agendas. Thus, even as the George W. Bush administration’s

opposition to “responsible” export initiatives showed a disregard for

reputational concerns, the Obama administration’s October 2009

announcement of support for the ATT process (Clinton 2009) seems

an effort to engage in reputation repair and signal renewed

multilateralism to the international community.

For many, the strident opposition coming from the United States

was puzzling. U.S. arms export policies are considered among the

best in the world. Thus, from a practical standpoint, new global

standards would not likely require substantive changes in U.S.

policies. Sensitive issues such as civilian firearm possession and

transfers to nonstate actors were kept explicitly off the table to keep

the United States at the table. During the Cold War and after, the

United States had even led initiatives to globalize its best practices

and establish shared arms transfer controls (U.S. DOS 2001).

President Carter initiated talks with the Soviet Union in 1979, and

President George H. W. Bush supported the P5 talks in 1991 (see

chapter 3). In 1999, the Republican-majority Congress passed

legislation requiring the president to start working on an international

arms sales code of conduct. The United States also claimed a

leadership role in the preparations for the 2001 UN conference and

in global small arms control more broadly (SAS 2002; U.S. DOS

2001; U.S. General Accounting Office 2000). According to a 2000

U.S. General Accounting Office report, U.S. leadership had helped to

develop international standards to prevent illicit small arms transfers;

strengthen small arms export controls; create and strengthen

multilateral initiatives on small arms; and provide assistance to other

states to destroy excess weapons stocks (5).

Starting in July 2001, however, U.S. policy shifted abruptly. The

move damaged its international reputation, quickly earning it an

“obstructionist” image (SAS 2002; SIPRI 2007). According to pro-

control NGOs, the United States was “seen as the bad guy by a lot

of states,” with an “arrogant” attitude, “no interest in abiding by the

rules,” and an inability to “play well with others” (interviews

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48207002, 51207002). Even states skeptical about arms trade

control sought to distance themselves from what was seen as the

extreme U.S. position to spare themselves the hit to their own

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international reputation. Yet the U.S. position in this case was not

an isolated incidence of U.S. opposition to multilateralism, nor was

this the first time the U.S. had derailed multilateral arms export

initiatives, including initiatives it nominally supported (see chapter 3).

Its opposition should therefore not simply be written off as concern

for domestic electoral concerns but can be seen as a larger pattern

of skepticism toward binding international instruments in general.

Some observers of the UN small arms meetings argue that U.S.

opposition can be traced back to the influence of the National Rifle

Association (NRA) on the George W. Bush administration (interview

48207002; Karp 2002). The United States explicitly cited concern for

domestic civilian gun possession as justification for its opposition

(Greene 2002), and the NRA presence was clear: according to

Rachel Stohl, “This influence ranges from the presence of NRA

board members on the US delegations at the UN and other

multilateral meetings to … NRA positions in policy statements and

79

speeches” (2006:10). In addition, the NRA has sought to use the

issue to rouse its membership base, making it the only significant

segment of the U.S. public attentive to—and angry about—UN

initiatives (see chapter 5). NRA executive vice president Wayne

LaPierre refers to the small arms conferences as a concerted effort

by the UN “to strip the Second Amendment from our Constitution”

and “take guns away from every law-abiding citizen in the world”

80

(2006:ix, 22). This argument seems to resonate with some

constituents, whose idea of U.S. identity is rooted in a national self-

image tied to the western frontiersman, explorer, and farmer (Squires

2000; Uviller and Merkel 2002). The NRA also fears that UN small

arms measures might restrict civilian possession outside U.S.

borders and so has advocated against gun control in other countries

81

(Bob 2012).

Of course, the United States already regulates its foreign sales of

small and major conventional arms, with standards that are not

vastly different from what ATT supporters proposed. Nevertheless,

the NRA set off a small but vocal domestic constituency strongly

opposed to multilateral arms trade initiatives and has mobilized

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sustained opposition to the ATT by U.S. senators. Because of the

Republican Party’s close relationship with the NRA, the Bush

administration’s considerations of this constituency’s reactions could

have been significant to its political calculus. Certainly, these

considerations affected the strategies of pro-control NGOs, which

saw the costs of getting involved under the Bush presidency as far

outweighing the benefits (interview 48207002). A Democratic

administration, they believed, would be less beholden to NRA

interests. Indeed, it seems unlikely that the Obama administration

will win support from the core NRA constituency under any

circumstances, making it perhaps freer to follow other policies at the

83

UN. Even so, the U.S. request to delay the final ATT approval to

after the July 2012 negotiations seems likely to have been motivated

by electoral concerns, with the Obama administration not wanting an

American “yes” vote to hurt the chances of more conservative

Democrats facing tight races at the polls in November.

However, throughout the ATT process, the UN and ATT leader

states have catered to U.S. interests and explicitly kept civilian

possession of firearms off the table, thus making it difficult to

attribute sustained U.S. opposition to Second Amendment

84

concerns. Proposed documents have dealt only with the

international trade in conventional arms. The Obama administration

has publicly supported the ATT, while also reminding UN delegates

that the ATT negotiations are “not an attempt to intrude, either in

principle or process, into states’ internal activities, laws, or practices

concerning the domestic possession, use, or movement of arms”

(Mahley 2012). Prior to the final negotiation in March 2013, the

American Bar Association (2013) confirmed that the proposed ATT is

consistent with the Second Amendment and federal court rulings to

date. The final ATT formally acknowledges the “sovereign right of

any State to regulate and control conventional arms exclusively

within its territory, pursuant to its own legal or constitutional

85

system.” Despite formally excluding civilian possession from the

scope of the treaty, U.S. ratification—requiring two-thirds Senate

majority—is highly unlikely in the near future, in large part because

of NRA lobbying and electoral influence.

Yet the bigger picture shows U.S. opposition to multilateral transfer

controls prior to 2009 as part of a larger pattern of U.S. aversion to

multilateralism. Although expressions of U.S. exceptionalism under

the Bush administration may have been less nuanced and less

attentive to its international reputation, perceptions of exceptionalism

86

are not unique in American politics. Exceptionalism is embedded

both in the U.S. self-image as “an agent … for good in the world and

for righting geopolitical wrongs” (Sperling 2007:171) and in how

other members of the international community view its “lack of

consideration for the majority” (Smouts 2000:48). Certainly, the

United States had “downgraded multilateralism as a substantive goal

of American foreign policy” after September 11, 2001 (Sperling

2007:182). The Bush administration’s opposition to multilateral

initiatives extended beyond small arms to include the Anti–Ballistic

Missile Treaty, the updated Biological Weapons Convention, the

Kyoto Protocol, the International Criminal Court, and the Convention

on Cluster Munitions. Pro-control NGOs in particular have noted this

“anti-international agreement attitude” that seeks to avoid obligations

enabling non-U.S. rules “to govern US foreign policy” and tie its

hands in the war on terror (interview 51207002). Yet it should not be

forgotten that it was the Clinton administration that first refused to

sign the Ottawa Treaty. Citing exceptional U.S. power and

responsibility, it argued a need at times to put aside international

norms and rules.

For the arms trade, this aversion to multilateralism has meant—

independent of the NRA or partisan preferences—a rejection of

external restraints on the ability to use arms transfers as a political

tool (R. Stohl 2006). Such rejection, of course, is not new to U.S.

policy or practice and has prevented U.S. cooperation in the past

(see chapter 3; Erickson forthcoming). Arms trade experts point out

that the United States has consistently resisted subjecting its arms

exports to human rights criteria in favor of other foreign-policy

objectives, regardless of the party in power (Hartung 2001b). Even in

U.S. national policy, presidents have preserved the ability to make

87

exceptions for exports “in the national interest.” U.S. support for

the UN small arms processes during their planning phase under Bill

Clinton was not a given, despite what some organizers might have

believed at the time. In fact, the origins of U.S. opposition to the

processes may actually have come under the Clinton administration

(interview 50207002), which took a simultaneously supportive and

“cautious” approach to the issue (Karp 2002:189).

The Obama administration, too, has emphasized arms transfers

as a means to promote U.S. national security and foreign-policy

interests (Shapiro 2012). Nevertheless, in late 2009 it publicly

announced its (qualified) support for the ATT process. Its concerns

about consensus and behind-the-scenes negotiations over

acceptable language have suggested ongoing reservations about

strong, binding export controls, but ATT support has offered the

United States easy reputational gains abroad. Studies report that

U.S. reputation had suffered as a result of its unilateralist actions and

apparent disregard for international norms and rules during the Bush

administration (American Political Science Association 2009;

Chicago Council on Global Affairs and WorldPublicOpinion.org

2008). Once in office, the Obama administration made a concerted

effort to address this problem by publicly adopting policies and

88

positions on popular international initiatives. Its public ATT support

—whatever its private reservations—is a product of its reputation-

building efforts, signaling a break with the past and a new tone of

89

U.S. foreign policy for international audiences.

Reputational concerns have been more consistent across

European exporters, which are more deeply embedded in

international institutions with peer states to which they constantly

compare themselves. In contrast, because of U.S. national origins

and confidence in domestic institutions, the U.S. self-image may not

90

consistently rely on its status in international institutions. Yet

disregard for international norms and institutions under the Bush

administration in particular has discredited U.S. policies and

damaged U.S. reputation that “no amount of ‘public diplomacy’ ” can

fix (Walt 2005:231; see also Goldsmith and Horiuchi 2009). The

consequences may be—like the widespread support of the ATT

despite U.S. opposition—a distancing of other states from the U.S.

foreign-policy agenda (Walt 2005). Its perception of superior power

may be why the United States can value its international reputation

less but also why it may need to improve that reputation. In

particular, the social benefits attached to a good reputation may help

it to cultivate its soft power, assuage the international community’s

fears, and promote a stable and rule-bound international order (see

Ikenberry 2001; Koh 2003).

Major exporters’ support for “responsible” arms transfer policies has

spread dramatically since 1998. Yet military security, economic

incentives, and domestic political gain seem largely absent from

states’ decision-making calculus. Indeed, for states with large

defense industries dependent on exports to survive, signing on to

“responsible” arms export controls may be perceived as costly at

least to their economic well-being, if not also to their national

security. In the next chapter, I show that public opinion also has little

interest in governments’ arms export policies. As a result, material

preference-based explanations provide little insight into states’ policy

choices. Instead, states adopt “responsible” arms transfer policies

out of concern for their international reputation, despite their private

reservations about the value of new norms, and in response to social

pressures from other states and the social benefits reputation can

provide. In the context of international institutions, diplomats and

leaders observe their peers’ policies, discuss new initiatives, and

adopt new expectations for “good” arms transfer policies and for their

“good international citizenship” more broadly. By supporting these

policies, states hope in turn to build, repair, and maintain their

reputations as cooperative, peaceful, and human rights–oriented

members of the international community.

Reputational pressures have been potent among major European

exporters despite their past policies of arms export promotion. This is

not simply a European phenomenon. As I show in the concluding

chapter, reputation has important effects on the arms transfer

policies of states outside the EU as well. Moreover, the U.S. case

demonstrates that states may indeed have cause for concern about

reputational damage, especially when opposition to one policy joins

a long list of similar behavior on other issues associated with

“responsible” membership in the international community. Yet

reputational pressures at the international level may not extend to

policy compliance. States may have been socialized into

expectations for new arms export policies, but, as chapter 3 shows,

these norms have mostly not been internalized in practice—at least

so far. In particular, without international monitoring mechanisms or

other forms of peer review, states’ “irresponsible” practices can

escape criticism even as these same states seek reputational kudos

for their “responsible” policies. To that end, the next chapter

examines governments’ concern for *domestic* reputation in the

context of arms trade scandals as a major factor behind those

changes in practice that they do exhibit.

*5. Explaining Compliance*

DOMESTIC REPUTATION AND ARMS TRADE SCANDAL

As states began to ramp up support for humanitarian arms control

policy in the late 1990s, arms trade practice was emerging from its

historic secrecy. In some cases, revelations of past export behavior

had damaging domestic consequences. In Argentina, for example,

scandal broke in 1995 with reports of a series of secret deals

sending thousands of tons of arms and ammunition shipments to

Croatia and Ecuador between 1991 and 1995 (Deutsche Presse-

1

Agentur 1995). It took six years to formally charge former president

Carlos Menem in 2001 with authorizing the sales in violation of a UN

embargo and a regional peace agreement. Despite his claims of

innocence, most Argentines believed him guilty, but few believed he

would be convicted. After being released a few months after his

arrest due to lack of evidence, it took another ten years before an

Argentine court would acquit Menem and seventeen other

defendants, calling the arms deals a “foreign policy decision and a

non-punishable political act” (Tarbuck 2013). But in 2013 the tide

turned: an appeals court convicted Menem and a bevy of top officials

of illegal arms smuggling and levied prison sentences ranging from

2

four to seven years.

The dealings reached deep into the Argentine administration,

implicating fifty cabinet officials, military commanders, and personal

advisers. A Buenos Aires news agency labeled the affair “an

international blunder of unforeseeable magnitude for the country”

(“News Agency Says” 1996). According to one official, it

“complicated [Argentina’s] image abroad” (“Argentine Foreign

Minister” 1996). Argentina has sought to compensate for these deals

with a strong commitment to “responsible” arms transfers, becoming

3

an ATT leader. Yet the costs of bad practice publicly revealed were

even more tangible in domestic politics. The scandal ended political

careers, further deteriorated trust in government, and embarrassed

the government at home and abroad.

This is merely one arms trade scandal among many in the post–

Cold War era, but it illustrates the difficulty of arms trade

accountability, the far-reaching implications of scandal, and the

importance of reputation to states and their leaders. “Irresponsible”

or noncompliant arms export behavior often goes un-noticed, but

when it is noticed, the consequences can be severe. Other states

with reports of arms export scandals since the early 1990s include

Belgium, Bulgaria, Colombia, France, Germany, India, Poland,

Slovakia, Slovenia, South Africa, Sweden, Switzerland, Ukraine, the

4

United Kingdom, and the former Yugoslavia. EU members have

been shamed for past arms sales to dictatorships in the Middle East

and North Africa, spotlighted by the Arab Spring (M. Bromley 2012;

Dempsey 2012). With growing transparency and shifting export

norms, arms trade scandals have become more widespread.

Because governments prefer to avoid the domestic reputational

damage and political fallout scandals can cause, scandal—and

threat of scandal—may in some cases help promote arms export

restraint among democracies.

This chapter explores the effects of domestic political pressures on

states’ *compliance* with their commitments to “responsible” arms

export controls. For the most part, policy implementation has been

weak, and changes in practice slow to appear. Decision makers

rarely perceive material or normative incentives to pursue new arms

transfer policies for a domestic audience. The defense industry, as I

have shown, is a reluctant late supporter of multilateral controls and

favors export promotion. The broader public, as this chapter

demonstrates, is typically unaware of arms export policy and

practice, with one important exception. Public attention to the arms

trade is piqued by scandal brought on by media attention to

violations of a state’s fundamental values and self-image through

“irresponsible” arms exports.

I argue that it is the prospect of arms trade scandals and the cost

to reputation—and with it, the cost to power and legitimacy—at home

that affect how well governments implement new arms trade policies.

Government sensitivity to arms trade scandal may not be able to

provoke sweeping changes in export practice, but, lacking

international enforcement, other options are limited. Governments’

perceived scandal sensitivity increases in tandem with improvements

in transparency, allowing NGOs to spotlight “irresponsible” exports in

the media and inflict reputational costs. The case studies reveal that

*both* transparency and pro-control NGOs are necessary to improve

accountability among democratic exporters, separate from—but

perhaps aided by—international commitments to new export

standards. For that small subset of scandal-prone cases where

violations of rules and values are the most clear-cut and likely to

come under public scrutiny, the policy–practice gap can begin to

narrow. These findings suggest that transparency measures,

although developed before new arms trade initiatives, can be

harnessed to promote relatively “better” (though so far not “good”)

arms transfer practices. It also has important implications for ATT

implementation, which I discuss in the concluding chapter.

PUBLIC OPINION AND DOMESTIC STRUCTURE

At first glance, it might seem far-fetched to expect states’ arms trade

policy and practice to reflect public opinion. The close relationship

between governments and defense industries indicates that the

preferences that count will not be those of the broader public but

rather those of the defense industry. Industry has the political

importance and the inside connections to make its voice heard.

Although, as I have already argued, states have committed to new

humanitarian arms trade controls in spite of defense industry

preferences, the noncompliant export practices described in chapter

3 hint that industry wishes have not been forgotten. Indeed, the

statist nature of arms transfer decision making suggests that any

other societal influence would be hard pressed to make a

substantive impact on state behavior. Across the board, arms

transfers must be approved for export by government agencies

through complex internal processes that are often understood by a

5

handful of experts and not subject to advance public scrutiny.

Moreover, if the public does care, it may do so to preserve industry

to safeguard national security and employment.

When it comes to foreign-policy making in general, scholars are

divided about the role of public opinion. Many question the public’s

interest in foreign policy. Even at the height of the Cold War, only a

few defense issues, such as nuclear weapons, stimulated cross-

national public attention (Capitanchik and Eichenberg 1983). In the

1990s, policy makers perceived a decline of U.S. public interest in

6

foreign policy in favor of domestic issues. Apart from a small

“attentive” segment of constituents, the mass public is often

described as detached from, uninterested in, and poorly informed

about foreign-policy decisions, except possibly with respect to

7

international crises. Moreover, it is less likely to focus on

“complicated and more remote foreign policy issues,” such as arms

transfers, leaving such affairs in the hands of the experts (Small

1996:69).

Literature on the “NGO-ization” of politics, however, suggests that

security issues can be popularized with the right strategies (Petrova

2007; Price 1998; Rutherford 2000). For example, NGOs were able

to engage public interest in a landmine ban by promoting a clear,

simple campaign goal backed up by personal stories with

8

humanitarian angles. The resulting groundswell of public support

helped pressure governments into accepting new norms of APL

nonuse (Petrova 2007; Rutherford 2000). In the case of small arms

control and the ATT, pro-control NGOs hoped that the success of the

landmine treaty could be replicated. However, similar tactics have

been difficult to apply to conventional weapons more broadly. Guns

and other military equipment are discriminant by nature. They are

also basic tools for police and military and in some states legally

owned by private civilians, making a ban unwelcome. As a

consequence, the issue and message alike with respect to

conventional arms are more complex and divisive in some countries:

to restrain arms transfers under specific conditions—not simply to

ban them. Yet this also means that a campaign to promote

“responsible” arms transfers has difficulty resonating with the public

with the same ease as one about landmines (Brem and Rutherford

9

2001; O’Dwyer 2006).

Interviews confirm the more cynical view of public opinion when it

10

comes to arms export controls. Government officials, NGO

organizers, and industry representatives in all five cases believe that

the public is uninterested and uninformed about arms transfers.

Even in Germany, where public criticism of the arms trade is long

established, the public does not have a sustained interest in arms

transfer policies or activities. A bad image of the arms trade simply

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“does not express itself strongly.” People are often unaware of

arms production, and the media typically finds the issue “too

complex” to report on with regularity (interviews 11407255,

12

45207255). Similarly, although peace is a broad rallying point in

Flanders and the public attitude toward the arms trade is negative

there (Flemish Peace Institute 2007c), actual interest in relevant

policies is low, just as it is in Wallonia, where the public tends to see

13

arms exports more positively.

This trend is even more pronounced in the other cases. The UK

public and media—despite a well-developed NGO culture—are

14

typically uninterested in the arms trade. In the United States, pro-

control NGOs see the arms trade issue as “really a hard sell in

15

general” (interviews 48207002, 50207002, 51207002). Although

polls find that 57 to 60 percent of Americans support international

16

arms trade regulations, it is a hot issue only among the NRA

membership, opposed to such controls. Public opinion may therefore

contribute to U.S. opposition, but it cannot explain U.S. support (see

chapter 4). France, too, has signed on to new standards without any

clear domestic incentives to do so. Government, NGO, and industry

representatives report that the media and public remain uninterested

17

in and unaware of the issue. Moreover, NGOs have acquired the

expertise and professionalization necessary to influence arms export

policy making only since 2006 as a *result* of the ATT process at the

UN, after France had announced its support (interviews 59108220,

60108220).

Indeed, in all of the cases, interviewees observed that public

pressure is not responsible for recent policy developments; the

18

public simply is not interested. As a result, domestic structure is

also less important for explaining states’ policy choices. Scholars

often point to domestic structure as the mediator between public

preferences, the groups that represent and shape them, and

government decision making (Checkel 1999; Risse-Kappen 1991,

1995a). Yet where public preferences are ambiguous, weak, or

absent, characterizing the structure through which they would travel

loses value. Thus, liberal structures such as the United Kingdom,

where governments should be more constrained by society, are as

little constrained on arms export policy as more statist structures,

such as France, where the state can typically dictate the direction of

policy more freely.

Democracies are never fully immune from domestic constraints, of

course. Although governments have faced little domestic pressure

on their arms export policies, they have become relatively more

sensitive to the effect that the implementation of such policies can

have on their domestic image. As I show next, transparency and pro-

control NGO activity can lead governments to perceive a greater

likelihood of scandal stemming from (certain) arms export deals.

When arms exports that deeply violate domestic and international

values are discovered and publicized, they can create public

attention where none previously existed. In the face of scandal,

governments attempt to preserve their domestic reputation and

political position. They may therefore approach clearly objectionable

arms deals with more caution in order to avoid scandal and its

reputational costs.

TRANSPARENCY AND SCANDAL: DOMESTIC COSTS FOR

NONCOMPLIANCE

As much as the public officials and civil society leaders interviewed

agree that domestic publics lack the interest, coherence, and force to

influence states’ arms export policy choices, they also point without

hesitation to one instance in which the public does pay attention. The

unveiling of seemingly “irresponsible” or unscrupulous arms transfer

deals sanctioned by the government against strongly held national

19

values and international norms can spark scandal. Scandals

generate public attention and outrage. Their consequences can

include a loss of government legitimacy and electoral retribution.

When faced with heightened threat of scandal, governments are

more likely to avoid those arms transfers likely to raise public ire, but

they are sheltered from condemnation as long as their behavior can

fly under the public radar.

Until the 1990s, arms trade scandals were almost nonexistent, and

governments could regularly transfer arms without fear of public

backlash. Information about the arms trade was mostly hidden from

public view, and civil society was largely unorganized to raise

concerns. The point is not that scandal was impossible—after all, the

United States had the Iran–Contra Affair—but that low-level

transparency made these events incredibly rare and their threat

20

minimal. As transparency initiatives have increased available

information, however, the arms trade has become more susceptible

to public criticism. When criticism is widespread, organized, and

linked to clearly stated national values and international

commitments, it can damage a government’s reputation. An active

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pro-control NGO community can serve as a watchdog, expose

“irresponsible” deals in the press, and frame certain transfers as

violating human rights and other national values. Such groups have

claimed a growing presence in politics in recent years as NGOs have

found a place in UN policy making and prominent scandals have

prompted domestic groups to organize around the issue. This

combination of active pro-control NGOs and arms trade

transparency creates structural conditions that make arms trade

scandal more likely in domestic politics.

Figure 5.1 illustrates the importance of high levels of both arms

trade transparency *and* domestic pro-control NGO activity for

increasing governments’ scandal sensitivity. Under these conditions,

governments may perceive a greater likelihood of arms trade

scandal and become relatively more cautious in their choice of arms

export partners. Where arms trade scandals have already tarnished

governments’ reputation, this dynamic can be particularly potent.

Scandals can prompt governments to improve transparency or

NGOs to mobilize around arms trade issues, in turn easing scrutiny

of future export decisions. Yet even where these conditions are

present, only a small segment of cases might actually be prone to

scandal and prompt better government compliance. Arms deals to

the most egregious human rights violators and severe conflict zones

may be best able to attract high-profile media attention and public

backlash if revealed. In this way, the public may have a limited but

powerful indirect effect on arms trade practice. However, in less

clear-cut cases or where these conditions are absent, public interest

may remain dormant, allowing government to pursue less

“responsible” practices without fearing reputational damage.

FIGURE 5.1. SCANDAL SENSITIVITY IN DOMESTIC POLITICS.

*TRADITIONS OF SECRECY AND SILENCE IN THE ARMS TRADE*

Before the 1990s, only the United States and Sweden regularly

issued arms export reports, and other states feared losing customers

if deals went public. With the 1991 Gulf War, however, supplier

states experienced firsthand the consequences of unchecked

regional arms buildups and instituted the UN Register of

Conventional Arms. Some states passed additional transparency

measures at home in response to domestic fallout over secret arms

sales to Iraq. The EU also included an information-sharing

component in its 1998 Code of Conduct in response to NGO and EU

Parliament lobbying to make such information public (M. Bromley

22

2012). Although unevenly executed overall, reporting became

increasingly widespread among democracies especially and

23

coincided with the growth of transparency norms in world affairs.

Arms trade transparency has since enhanced scandal sensitivity by

providing information about government practice, without which

public accountability would be far more difficult.

Secrecy was long the rule in the United Kingdom, and not just for

24

arms exports, making scandal outbreak difficult. Information about

the arms trade was “hard to come by,” and the trade was thus

“undebated” (Phythian 2000b:80). Before 1987, the United Kingdom

did not maintain export-licensing statistics even for its own internal

usage (UK House of Commons 1991, debate on April 26). Moreover,

there was “a time-honoured lack of specificity about the details of

individual defence export contracts, justified at least as much by

reference to commercial as to state secrecy” (Gummett 1999:115;

see also Phythian 2000a). This culture of secrecy dates back to the

late 1800s but began to lose public credibility in the 1980s (Ponting

1990; Vincent 1998). By 1992, with the exposure of British defense

exports to Iraq, it became a rallying cry for Labour’s successful bid

for power against Conservative secrecy and the wider “culture of

sleaze” in the 1997 general elections. Annual public reports began in

2000 after the new government led the adoption of the 1998 EU

Code of Conduct.

Belgium also maintained a tradition of arms trade secrecy.

However, revelations about exports to Iran and Iraq in the 1980s led

the Parliament to institute an annual arms export report in 1991

(Carlman 1998; Flemish Peace Institute 2006). Nevertheless, public

information remained “extremely succinct and confidential”

(Mampaey 2003), and reports did not identify recipients until required

by the EU Code. Regional governments have been in charge of

annual reports since 2003, when they took over arms export

licensing. Flanders has offered more frequent and detailed

information about its arms trade than mandated by federal law

(interviews 21407211, 24107211, 53207211). One expert stated that

Flemish measures had progressed so that “the public knows more

now than parliamentarians knew before” (interview 21407211).

Wallonia adheres to federal transparency requirements, but reports

can be more difficult to obtain (interviews 21407211, 2720721). A

primary goal for Walloon groups is improved reporting to enable

campaigning on specific cases or issues (interview 27207211).

Increased transparency overall makes it possible for NGOs to react

quickly to mobilize public opinion through the media on cases of

problematic export deals in a way that was impossible before

(interview 29207211).

Although France and Germany have contributed regularly to the

UN Register since the 1990s, neither issued annual public reports

until required by the EU. Their first reports appeared in 2000,

covering transfers for 1998. Previously, Germany had “a very limited

reporting process” and provided only aggregate arms export totals

each year in accordance with its 1961 Weapons of War Control and

the Foreign Trade and Payments Acts (Chrobok 2004:47; see also

25

Carlman 1998). The French state had also “discourag[ed] a

sustained flow of public information” (Kolodziej 1987:280). Starting in

1983, the French government gathered information relating to arms

sales but kept it classified and released only aggregate information

to the Senate and National Assembly on a postexport biannual

basis. These reports also did not identify any specific recipient

countries (Carlman 1998:14). French media and civil society did not

attempt to fill the information gap on their own. Edward Kolodziej

attributes their lack of activity in part to France’s lack of a “well-

established tradition of investigative reporting … and a well-

developed network of independent security and arms control

research centers” (1987:281). Moreover, unlike Germany, France

has not been shy about its aggressive export policies, which have

largely avoided domestic criticism and are linked to a broad foreign-

policy consensus and a desire for an independent military policy

(Boyer 1996; Kolodziej 1987). Relevant NGOs have emerged along

with transparency measures only in recent years. In response,

officials have become more concerned about the public image of the

arms trade, as I show later in this chapter.

Of the cases at hand, only the United States has a history of arms

trade transparency predating the 1990s, making it “the most notable

exception to the prevailing pattern of secrecy” in the arms trade

(Lumpe 1999b; see also Kemp and Miller 1979; Schroeder 2005).

Transparency in major conventional arms transfers was already a

point of public concern by the late 1970s, connected to the perceived

unchecked use of arms sales as a tool of foreign policy (Kemp and

26

Miller 1979; U.S. Senate 1979). By the early 1990s, “the vast

majority” of U.S. major conventional arms transfers were public

(Goose and Smyth 1994:96). In 1996, the United States also began

reporting disaggregated data about small arms transfers (Lumpe

1999b), making its policies in this regard an early model of openness

(Schroeder 2005).

Yet even as national arms export reporting has spread since the

1990s, more information does not automatically lead to more

accountability, as the U.S. case shows. The presence of an NGO

community willing and able to call governments to task on their

“irresponsible” exports is also necessary. NGOs seek out and comb

through reports to spotlight questionable deals in the media and

public. As the cases show, without *both* arms trade transparency and

active pro-control NGOs to spotlight apparent government hypocrisy,

scandal is possible but not feared. Together, they can increase

governments’ scandal sensitivity and drive them—in some cases—to

be more selective about their export partners. A major scandal can

also enhance a government’s scandal sensitivity directly by teaching

it firsthand the potential costs of scandal and indirectly by prompting

legislative reform and NGO activity. The key point, as I demonstrate

in the following sections, is that the anticipation of criticism and

scandal can push governments to scrutinize and better justify arms

export decisions that they anticipate might trigger public outcry if

made known.

THE UNITED KINGDOM: SCANDAL AS INCENTIVE FOR

LEADERSHIP

The British Arms to Iraq scandal broke in the wake of the 1991 Gulf

War and helped the Labour government get elected in 1997,

prompting policy changes and international policy leadership. New

transparency measures, a commitment to “ethical” arms transfers,

and a newfound role for NGOs in the policy-making process, have

had consequences for British scandal sensitivity and arms export

practice. These changes place the contemporary British case in the

high-transparency-active NGO category, giving existing NGOs clear

standards by which to judge government export behavior and more

information by which to do so. The government, in turn, has become

more concerned about its domestic reputation and arms exporter

image, although for some critics at the expense of more substantive,

far-reaching reform (Cooper 2006; Stavrianakis 2008, 2010).

*ANATOMY OF A SCANDAL*

The Arms to Iraq scandal tarnished the ruling Conservative Party’s

reputation and helped usher in a “totally different world” of arms

export decision making (interview 32107200). In the late 1980s,

British media did not widely consider clandestine arms sales to Iraq

an issue worth pressing (Negrine 1997). Yet by 1996 the *Financial*

*Times* had denounced the British arms trade as “a culture corrupted

by the absence of checks and balances against the power of the

executive and by an obsession with secrecy” (Stephens 1996). It

was the Iraqi use of British weapons against British troops in the Gulf

War that raised public ire and party politics that kept it going. The

resulting scandal changed the terms of the arms trade debate and

public expectations for government practice and contributed to the

1997 Labour victory and its commitments to government

transparency and “ethical” arms transfers. These policy changes

have left the government more sensitive to the threat of arms trade

scandal, even as it seeks to support exports abroad and defense

industry employment at home.

The illegal sale of British arms to Iraq during the 1980s initially

appeared to be the sole responsibility of private firms. Published

policy from 1985 clearly prohibited the transfer of any lethal

equipment to Iraq (Cooper 1997; Leyland 2007). Throughout 1990

and 1991, officials claimed the policy had not been changed and

denied the legal sale of arms to Iraq by British firms (UK House of

Commons 1990, debate on December 3, and 1991, debates on

January 31 and July 1). The blame instead fell—at first—on three

executives from defense manufacturer Matrix Churchill, who went on

trial in 1992. The trial collapsed, however, when former minister of

trade Alan Clark testified that the government had known of the

sales all along (Pilkington 1998; Tomkins 1998). He also admitted to

counseling companies to “stress the civil applications of their

equipment [in their license applications] even though they knew that

it would be put to a military use” (B. Thompson 1997:2). From Clark’s

admission, it became clear both that the government had supplied

arms to Iraq that were used against British troops and that it had

made a “secret change of policy” on arms sales, which it kept from

the Parliament and the public (House of Commons 1992, debate on

November 10).

One day after Clark’s testimony, Prime Minister John Major called

for an independent investigation, to be run by Lord Justice Sir

Richard Scott. According to Colin Pilkington, the investigation was

“[t]he most severe test of government secrecy and ministerial

accountability for many years” (1998:198–99), illuminating in

excruciating detail hidden governmental practices. The government

had reportedly not intended the investigation to take on such a broad

scope (Norton-Taylor, Lloyd, and Cook 1996:31). Nevertheless,

Scott’s inquiry took three years, interviewed 276 witnesses, including

Major and Thatcher, and reviewed two hundred thousand pages of

official documents. Its findings, released in the 1996 Scott Report,

stated that the government had purposefully and repeatedly “misled

parliament in breach of ministerial accountability,” prevented “crucial

evidence about arms sales being revealed,” and “collectively

conceal[ed] government policy from parliament” (Pilkington

1998:201; see also Cooper 1997; B. Thompson 1997; Tomkins

1998).

The issue captured public attention and was followed closely by

the news media. Why did the Scott inquiry resonate when the arms

trade otherwise did not? Two reasons, unrelated to the exports

themselves, are key. First, the inquiry simply made for “good

entertainment” (B. Thompson 1997:1; Tomkins 1998). As Matthew

Baum argues, scandals and trials can be “easily framed as

compelling human dramas” and attract soft news media and

consumers not ordinarily interested in politics or foreign policy

(2002:91). The Scott inquiry contained “the ingredients of a good

popular drama, spies, criminal trials and internecine squabbling

amongst ministers and officials” (B. Thompson 1997:1). *Guardian*

reporter Richard Norton-Taylor even cowrote a play based on the

inquiry, which ran in London (Norton-Taylor and McGrath 1995).

Second, the “sleaze factor” came into its own with the Scott inquiry

(Lee 1999; Phythian 2000b). For secrecy and hypocrisy to trounce

accountability in a democracy was itself scandalous. Multiple sex

scandals and minor arms trade scandals had plagued the Tory

government, and Arms to Iraq was the biggest, spreading the blame

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to the party as a whole. What was most clear to the electorate was

“the hypocrisy and hint of double standards” (Pilkington 1998:184).

Indeed, it was the issue of accountability on which most press

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reports focused. Opinion polls showed that 87 percent of the public

“thought ministers had misled Parliament, and 54% had done so

deliberately,” and more than 60 percent were in favor of ministerial

resignations (“The Scott Report” 1996). It was felt that such illegal

and secret trades were simply unacceptable behavior for a good

democracy, a sentiment echoed in debates in the House of

Commons and House of Lords (UK House of Commons 1996,

debates on February 15, 19, 26).

The immediate political aftermath was surprisingly minimal given

the uproar the scandal had caused. Analysts argue that the length of

the report, combined with Scott’s vague language, made it subject to

spin on both sides (Negrine 1997; Pilkington 1998). The government

gave itself eight days’ advance access to read the 1,800-page report

before the parliamentary debate on publication day, compared to

three hours given to Parliament member Robin Cook as the Labour

representative (Pilkington 1998:201; Norton-Taylor, Lloyd, and Cook

1996). The government survived a vote of confidence by one vote,

and the Scott Report faded from public attention (Tomkins 1998:13).

By the 1997 election, however, it returned. The public had begun to

condemn “all government ministers as shifty” (Pilkington 1998:202;

Vincent 1998). Labour itself “made much use of the Scott Report”

(Lawler 2000:293), stressing themes of ethics and transparency as a

part of its election strategy (Worcester and Mortimore 1999:71). In

this sense, the scandal was the catalyst for policy change that, as I

describe next, has made the government more sensitive to future

scandal.

*CONSEQUENCES FOR ARMS EXPORT DECISION MAKING*

In the words of one official, “the Arms to Iraq scandal had a dramatic

effect” on the new Labour government, even if the changes were not

immediate or automatic (interview 41107200). Not only did Labour

have “to contend with the same pressure against sleaze in the

changed climate” after the Scott inquiry (Lee 1999:301), but it had

also provided a baseline of commitments against which its own

progress could be measured. Its promised reforms—to engage in an

ethical arms trade, overhaul arms export legislation, and make

transparent the processes of policy making in the arms trade and

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otherwise —provided civil society with both the standards by which

to judge its progress and the means to do so. Although these

commitments were coupled with others to support defense exports

and employment, they were a departure for British defense export

policy, which earlier had not existed apart from “the longstanding

objective of increasing the volume of sales of conventional

weapons,” with export decisions “made on an *ad hoc* and pragmatic

assessment of changing, and often conflicted, British interests” (D.

Miller 1996:360).

Labour had in essence “paint[ed] itself into a corner,” requiring that

it take action when it came to power (interview 37207200).

Appointing longtime arms trade critic Robin Cook as foreign minister

helped signal its commitment to the cause. It also took a highly

visible leadership role on arms exports in multilateral fora and

opened up export decision making to scrutiny by NGOs. These

policy changes not only helped build the government’s domestic and

international reputation but also greatly increased its scandal

sensitivity. Once shut out of policy making, NGOs—including

Amnesty International, Oxfam, Saferworld, and others—were invited

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in. Arms trade transparency also went from a limited practice at

best to an extensive practice with an “unprecedented” level of detail

and frequency (Gummett 1999:115), enabling new scrutiny of export

practices.

The Labour government introduced a role for NGOs in policy

making that the previous government had resisted. Several years

before the 1997 elections, Labour had begun to work with pro-control

NGOs on its foreign-policy agenda (interview 35207200). NGOs also

provided some of the expertise needed to make criticisms of

Conservative arms trade policy and practice during the Arms to Iraq

affair (interview 37207200). The consequences of “cozying up” to

NGOs while in opposition, however, meant that the postelection

period became “payback time for NGOs” (interview 32107200).

Groups continued to work with Labour, which opened up

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bureaucracies to their input as a matter of good public relations. As

one official stated, “It makes sense to take their opinions seriously”

when NGO media access could mean potential embarrassment

through reports and articles in the press (interviews 40107200,

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41107200, 43107200; see also Grant 2000).

Also as a result of the Scott inquiry and its findings, the Labour

government began to lift “the veil of secrecy” hiding arms export

decision making (Phythian 2000b:81; see also Gummett 1999;

interviews 32107200 and 41107200). Publishing an annual report

has made UK arms trade practice “subject to scrutiny,” whatever the

ruling party (interviews 41107200, 32107200). In the past, the

“sweeping categories” used to fulfill UN reporting requirements

effectively hid the substance of British practice from view and made

criticism by Parliament or NGOs difficult (Gummett 1999; Tomkins

1998). In contrast, newer, more detailed reports show Parliament,

the media, NGOs, and the public “the types of arms-related

equipment provided by British companies to particular countries” and

reveal where the problems lay (Gummett 1999:115).

Foreign Minister Cook presented the first annual report to the

Select Committee on Foreign Affairs, stating, “We can all take

satisfaction that Britain is now the most transparent of all the

European countries in how we handle arms licences.” He added that

the reports should “enable Parliament, public, NGOs, to invigilate

whether we are standing by [the new] criteria, making sure that we

are not breaking those criteria” (Cook 1999, testimony on November

3). Parliamentarians and activists took him up on it. Questions on

arms transfers to Indonesia, Pakistan, China, Zimbabwe, and other

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locations arose immediately (Lawler 2000). In its first report,

moreover, the administration listed some “questionable shipments” to

Sierra Leone during its first eight months in office (Lawler 2000:292).

Cook and the administration were tainted by the subsequent Arms to

Africa affair, which taught them early on that NGO involvement and

transparency may not only serve their domestic reputation but also

harm it. More recently, in 2012, a report from the All-Party

Parliamentary Group on International Corporate Responsibility

critiqued government export credits, including arms deals to Saudi

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Arabia and Zimbabwe.

Party image and reelection are major concerns for politicians, and

the British are no exception. What changed in the United Kingdom

was not these concerns, but the ease with which a party’s reputation

could be damaged. Labour also sought to promote arms exports, but

with the growth of transparency and NGO activity, officials “seem

genuinely worried” about the potential consequences (interview

35207200). Amnesty and Oxfam in particular “can mobilize

significant constituencies,” and Labour might easily lose support

from voters important to it (interview 35207200). NGOs have

adapted their strategies by seeking to get the media interested and

asking questions to build public attention to certain cases (interviews

32107200, 33207200). The arms trade “doesn’t become an issue

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until you get headlines,” and scandals “raise [its] profile.” Simply

stated, “Ministers care about what gets on the front page” (interview

35207200). With NGOs watching and waiting, the government

became more keenly aware of the public-relations problems that

“irresponsible” arms exports can create and claimed a more

restrictive approach to its arms trade practices. The Tory-led

Cameron government has continued the United Kingdom’s public

commitment to “responsible” arms exports. Moreover, its rapid

decision to revoke licenses to North Africa and the Middle East in

light of the Arab Spring suggests concern for how arms exports to a

repressive region in the public spotlight will be received (Saferworld

2011).

GERMANY: HIGH SENSITIVITY AND ACTIVE CIVIL SOCIETY

The German case highlights a longtime public commitment to

restrictive arms export practices that has been called to account

more reliably in recent years as NGOs have gained access to

government arms export reports. Since World War II, Germany has

been extremely sensitive to arms trade scandals and has

experienced public backlash in response to some of its export

decisions. As transparency measures have grown to accompany an

established and active NGO community, the German government

continues to be a relatively more scandal-sensitive case. Yet in

recent years it has also occasionally sought—in “a wide break from

the German foreign policy consensus” with widely unpopular results

—to use weapons supplies to counteract growing demands for

German troops abroad, demands that sit uncomfortably with its

civilian power identity (von Hammerstein et al. 2012:21).

*THE HISTORICAL CONTEXT*

Germany’s arms transfers have been powerfully shaped by World

War II (Davis 2002; Pearson 1986; Wulf 1996). As the federal

minister for economics stated, “The uncontrolled proliferation of

weapons, as well as industrial goods and knowledge with the

weapons can be produced, leads to a grave danger to the peaceful

co-existence of people. In this knowledge, and also on the basis of

Germany’s historical experience, the Federal Government feels a

special responsibility for a restrictive Arms Export Policy” (German

Minister for Economics 1993:1).

The arms industry was closely affiliated with Hitler and the Third

Reich, becoming a symbol of militarism from which postwar

Germany sought to distance itself. Over the years, domestic

opposition to arms transfers has been strong (Brzoska 1989; Davis

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2002; Pearson 1986). Governments have responded to this

political unease by prohibiting arms deliveries to “areas of tension” in

1965 and abandoning all major military aid programs by the end of

the 1960s (Davis 2002:156; see also Cowen 1986). Officials have

also avoided the appearance of using arms transfers as a foreign-

policy tool and, unlike most other major arms producers, have

declined to promote arms sales abroad (Davis 2002; Pearson 1986).

Laws have been designed to “achieve the benefits [of arms

transfers] without the stigma” and to avoid the embarrassment of

approving problematic export requests (Pearson 1986:532, 533).

Politically sensitive arms export requests are adjudicated not by

bureaucrats in the Federal Office for Economics and Export Controls

(Bundesamt für Wirtschaft und Ausfuhrkontrolle) but instead handed

up to an interagency commission.

In 1980, pending arms deals to Saudi Arabia and Chile initiated a

public debate over specific decision-making criteria. As Regina

Cowen observes, “Governmental disengagement and the

consequential divorce of arms exports from foreign policy [had]

greatly encouraged the commercialization of arms transfers,” leading

to serious concerns about a “credibility gap” between arms export

law and practice (1986:269). Yet the debate was not about loosening

restrictions; indeed, there was broad consensus to maintain a

restrictive stance. Rather, it focused on how to better define existing

political rules and organize the decision-making structure (Cowen

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1986:269). Following the adoption of export guidelines in 1982, the

proposed deals to Saudi Arabia and Chile were denied (Cowen

1986:270). The public has also made clear over time its disapproval

of specific arms deals, including to Indonesia, Saudi Arabia, Turkey,

and Israel.

Public attention has both generated and been sustained by an

NGO community that pushes arms export restraint, which “has been

an important issue of morality and political culture for a wide variety

of groups and institutions” (Davis 2002:160; see also Brzoska 1989).

Amnesty Deutschland, Oxfam, peace research institutes, religious

groups coordinated through the Joint Conference Church and

Development (Gemeinsame Konferenz Kirche und Entwicklung),

labor organizations, and the Berlin Information-Center for

Transatlantic Security have all taken an active interest in the arms

trade. In recent years, small arms NGOs have gathered monthly with

relevant government bureaucracies to discuss developments in

small arms and other conventional arms control policy (interview

14107255). New transparency measures since 2000 have made

government decision making more public. Thus, although the

German public—like the public elsewhere—is typically focused on

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internal issues, it has also demonstrated a continued discomfort

with arms exports in the context of international peace and its own

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postwar identity. Controversy across the political spectrum over

Chancellor Angela Merkel’s more liberal arms export practices in

recent years further illustrates the broad public consensus over arms

export restraint. Merkel knows that arms exports are unpopular

among voters, especially “if authoritarian regimes like Saudi Arabia

secure their power with German weapons” (von Hammerstein et al.

2012:25). With Afghanistan still fresh in everyone’s mind, she has

nevertheless risked paying the social costs, hoping to avoid even

more unpopular decisions down the road to send troops into conflicts

overseas.

*CONSEQUENCES FOR ARMS EXPORT DECISION MAKING*

German press and civil society groups had begun to pay careful

attention to arms export practices even before official reporting

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began in 2000. Otfried Nassauer and Christopher Steinmetz

observe, “Heated discussions regularly ensue on the political and

moral acceptability of shipping tanks, rockets, submarines, or

personnel carriers abroad” (2005:1). Such discussions, however,

have not meant that the government has exported only to

controversy-free destinations. Rather, it has simply sought to avoid

the public *appearance* of irresponsible arms transfers to avoid

reputational costs at home. First, it has used coproduction

arrangements to bypass more stringent domestic restrictions,

suppress arms export tallies, and avert public condemnation for

certain deals (Brzoska 1989; interview 11407255). For example,

coproduction arrangements allowed German antitank missile exports

to Syria from France in the 1970s and the export of German missiles

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to Taiwan from the United States in the early 1990s (Peel 1993).

Second, decision makers have a “declared preference [for] sales to

NATO [North Atlantic Treaty Organization] countries,” which face

lower restrictions in German law and generally do not present strong

human rights concerns (Davis 2002:157). However, with the

exception of Turkey, as I explain shortly, NATO exports are also not

controversial among the public, which values alliance cooperation.

NGOs—especially with improvements in arms trade transparency

—keep a watchful eye on the government’s export decisions.

Officials are keenly aware of the potential for scandal as they

adjudicate export requests (interviews 14107255, 58107255).

Governments have gotten into the most trouble over export

decisions where the legalistic approach has insufficiently reflected

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national values. For example, although human rights was not a

criterion for refusing arms transfers until 2000, already in 1993 the

Kohl government came under fire for exporting used East German

43

ships to Indonesia because of violations in East Timor (Peel 1993).

By 2003, Germany no longer permitted arms transfers to Indonesia,

and weapons once supplied by German companies came instead

from Turkey and Pakistan through licensed production (Kleine-

Brockhoff and Kurniawati 2003).

Arms transfers to Turkey have been a particularly sensitive

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subject, pitting support for human rights against support for NATO.

Yet although German export law and practice privilege NATO allies,

Parliament embargoed Turkey in November 1991 in response to

human rights violations against the Kurds (Davis 2002; Kinzer 1992).

The Christian Democratic Union (CDU, Christlich Demokratische

Union Deutschlands) government—apparently without top officials’

knowledge—attempted to reconcile its problem by covertly supplying

fifteen tanks to the Turkish government. The strategy backfired. In

March 1992, Turkish forces attacked Kurdish areas with what

witnesses reported to be German-made tanks. The Panzeraffäre

spread, Defense Minister Gerhard Stoltenberg claiming that his

officials had supplied the tanks without his knowledge. With state

elections scheduled for early April, the Social Democratic Party

(SPD, Sozialdemokratische Partei Deutschlands) highlighted the

scandal in its campaign, even naming as an arms trafficker rival

CDU candidate who was a former Defense Ministry aide (Kinzer

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1992).

Fearful that damage to the government’s image would worsen

despite its postreunification popularity, Stoltenberg dismissed senior

aide Wolfgang Ruppelt in hopes of ending the affair (M. Fisher 1992;

Kinzer 1992; “Unter dem Druck” 1992). This tactic also failed. Calls

for a sign of responsibility at the top grew, and Stoltenberg finally

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gave in to public pressure and resigned. The *Süddeutsche*

*Zeitung,* the major newspaper in the CDU stronghold of Bavaria,

declared that “the illegal tank delivery to Turkey has now

conclusively ended the political career of the minister”—a man once

considered a possible future chancellor (“Kritik an Stoltenberg”

1992). Chancellor Helmut Kohl and the press alike declared

Stoltenberg’s duty to resign, whether he had known the illicit

transfers had taken place or not (Casdorff 1992). In turn, the affair

left that generation of CDU leaders acutely aware—by firsthand

experience—of the high costs to be paid for politically unpopular

arms transfers.

Arms exports to Turkey have since been treated with a greater

degree of caution for fear of political backlash (interview 45207255).

The CDU government installed another embargo against Turkey in

April 1994 just prior to elections (Davis 2002; Sariibrahimoglu 1992)

and denied transfers in 1999 in response to civil society pressure

(interviews 18207255, 19407255, 45207255). In 2003, the SPD

government declined a tank order to prevent its coalition with the

Greens from collapsing. Tank exports specifically became much

more difficult because of the use of tanks in Turkey’s human rights

violations, despite the importance of the land armament vehicle

sector for the German defense industry. Other defense goods, such

as ships and submarines, pass through the export decision-making

process with greater ease and less political concern (Mulholland

2003).

NGO and media criticism of numerous arms transfers since the

mid-1990s have stopped some noncompliant sales from going

forward to prevent further public backlash—but, as the 2011 Saudi

Arabian tank deal showed, certainly not all. The public becomes

more attentive when a deal explodes in the press and becomes a

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scandal with political liability. It was difficult to cultivate sustained

improvements in government practice in the 1990s without

transparency (interview 11407255), but, according to one NGO

representative, new transparency measures since 2000 have

enabled a central mobilizing strategy targeting the government’s

policy–practice gap: “The biggest difficulty is being heard. With

scandals, [public] interest picks up; you need examples to awaken

interest. The easiest way to act is to look at the export report and

use what’s already public. We criticize in relation to political

guidelines, the law the government sets out for itself, and its

obligations” (interview 17207255).

High-profile conflicts and severe human rights abuses serve as

potential scandal material for organizations scrutinizing export

reports. Industry analysts note, for example, that the government

would be unlikely to grant export licenses to China even if the EU

arms embargo were lifted, “as human rights issues there would raise

too much opposition” (Mulholland 2005:22). In 2002, after pressure

from NGOs in the press, the government denied small arms exports

to Nepal. Prior to the decision, Amnesty and other groups noted that

Nepal was embroiled in internal conflict and engaged in massive

human rights violations. Approving the license would therefore be a

clear violation of German export law and policy (Deutsche Gewehre

2002). The government listened, and NGOs counted it a victory

(interview 17207255)—but not one easily repeated elsewhere, as the

Belgian case demonstrates.

More recently, however, the Merkel government has pushed the

boundaries of acceptable arms export practice in Germany, facing

widespread public backlash for secret deals exposed and denied. In

2011, officials publicly denied making a deal to sell 270 Leopard

tanks to Saudi Arabia after press reports of a similar deal leaked

earlier in the year drew protests and outcries of scandal (“Saudi-

Arabien” 2011). Similar deals were delayed in response but in some

cases have since been approved. In 2014, reports surfaced that

divisions within the government over sending battle tanks to Saudi

Arabia may have stalled or ended the deal altogether (Agence

France Presse 2014). Despite multilateral commitments and

domestic anger, Merkel has sought to implement dramatic changes

not just in German arms export practice but also in national arms

export policy. For Merkel, the perceived failures of Afghanistan loom

larger than arms trade scandal, prompting weapons sales to regions

of potential conflict so that those countries can use them instead of

German soldiers to maintain peace and stability down the road (von

Hammerstein et al. 2012:25). She has conceded to providing the

Bundestag more information sooner on new deals but has rejected

calls for a new arms trade supervisory body.

Concern for national and international norms is expected for

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Germany with its civilian-power-based foreign policy. Clearly,

however, government restraint in arms export behavior is not simply

self-motivated, rooted in identity and deeply embedded normative

commitments. CDU and SPD governments alike have pursued arms

transfers contrary to stated national values, only sometimes pulling

the plug due to public backlash. The pressure of public accountability

and the fear of the high costs of scandal have thus motivated some

compliance. But it also shows that perceived political expediency

may come at the expense of arms export restraint, especially when

the various demands of civilian power clash with each other and

political power is not credibly threatened.

FRANCE: LOW SENSITIVITY WITHOUT NGOS

France has taken a place in the high-transparency-active NGO

community category only since 2006. French NGOs began to

organize around the arms trade issue in 1998 in response to

revelations about French arms deals to Rwanda in the early 1990s.

Scandal was a catalyst not for government policy reform but for

emerging NGO activity. However, NGOs were unable to mount

sustained lobbying and mobilization efforts until after the ATT

process got under way at the UN. Transparency, too, was poor until

new measures were adopted in 2000 in response to the EU Code of

Conduct. The threat of scandal therefore remained low in the eyes of

the government, while new NGOs struggled to engage on the issue,

and transparency was lacking.

*THE RWANDA AFFAIR*

France has long pursued aggressive arms transfer practices with

little public criticism. Without NGOs to push the issue, the media

have maintained a largely apolitical stance. Even in cases of would-

be scandals, they have refrained from probing too deeply to gather

information or expose evidence. This is not for lack of potential

material. France has often received criticism from outside its borders

for its arms export deals. It has an active arms trade with

Francophone Africa, has transferred large volumes of defense

materials to Iran and Iraq during the 1980s, and has liberally

interpreted the EU arms embargo to China. As a result, the case

demonstrates not only the difficulty of inciting arms trade

accountability but also, with the Rwanda Affair, the transformative

role scandal can play in mobilizing NGO interest in the arms trade.

During the Cold War, even severe violations of national law had

difficulty creating any traction for arms trade scandal. For example,

in November 1987 reports surfaced that despite an arms embargo

France sent $120 million of arms to Iran from 1983 to 1986 (Gaetner

1987; Greenhouse 1987; Pontaut 1987). A secret Ministry of

Defense (Ministère de la Défense) follow-up to the 1985 l’Affaire

Luchaire (named after the arms manufacturer responsible for the

sales and initially believed to have acted without government

knowledge) suggested that the deals had taken place with the tacit

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approval of top officials in the Socialist government. By some

accounts, moreover, kickbacks of 3 to 5 percent had landed in

Socialist Party coffers. The news was leaked to pro-right magazines

by the then prime minister Jacques Chirac, who was lagging badly

behind François Mitterrand in the polls in the lead-up to the 1988

presidential elections (Greenhouse 1987; Webster 1987a).

Yet despite the ingredients for a good scandal—seemingly corrupt

high-ranking politicians, secret embargo-busting shipments to a

country affiliated with terrorist attacks and hostage holders, an official

denial, and an upcoming election—the affair soon died without

causing political damage or affecting the public arms trade

discourse. The reasons highlight both the lack of sustained public

interest and the lack of nonstate actors capable of instigating

sustained public interest. It was unclear the degree to which

Mitterrand himself could be touched by the accusations, and the

corruption charges were a relatively nonprovocative issue among

voters (Hoagland 1987; Jacobson 1987b; “That Damned Elusive

Mitterrand” 1987). The public was overwhelmed by a plethora of

scandals amid the preelection “scandal wars” (Webster 1987b),

which lessened the impact of the news and reinforced the cynicism

with which voters had begun to view all politicians (Jacobson 1987a;

Markham 1987a). The public also did not appear shocked by the

developments. Arms exports were not often publicly questioned. For

many, defense policy was simply “sacred ground and out of bounds”

(Webster 1987a). And without the presence of NGOs, the apparent

indifference of the media and public—a silence both pervasive and

deliberate, according to Jean-Paul Gouteux (1998:230)—could go

uncontested.

Most importantly, the ministry report emerged in the middle of a

recession, when economics issues trumped all others among the

electorate and was already a key driving force behind the French

arms trade (“That Damned Elusive Mitterrand” 1987). The report

clearly “establishe[d] that the Socialists’ decision to overlook these

exports grew out of official concern that nearly 1,000 jobs would

have been otherwise lost in the factories run by the Luchaire

company” (Hoagland 1987; see also Markham 1987b). Instead of

violating French values, the deals were seen as *confirming* them—

medicine for an ailing industry important to employment and

economic well-being (Webster 1988). The issue was for many not a

matter of morality and irresponsible exports but rather effective

policy making by whoever was responsible within the government

(Echikson 1987).

After the Cold War, the possibility for critical media attention

seemed to have emerged in reports of French arms transfers to

50

Rwanda. Yet the absence of an active NGO culture initially left

calls of foul play to sources outside France. France was a major

supplier of arms to Rwanda after the start of the 1990 war and the

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1993 Arusha Accords. Arms flows and training were (and still are)

key parts of French military cooperation in Africa, and French military

relations with Rwanda dated back to 1975. This was no secret—

France treated Rwanda like its former African colonies. The key

questions were whether France shared in responsibility for the 1994

genocide and whether it had violated the May 1994 UN arms

embargo.

France only acknowledged deliveries from 1990 to April 1994,

when the massacres started. In 1994 and 1995, however, foreign

NGOs released evidence in the international media accusing France

of sending arms to Rwanda after it knew of the genocide and after

the UN arms embargo was imposed (Austin 1995; HRW 1994). The

big media splash came from a 1995 BBC report including testimony

that France “had delivered munitions to the FAR [Forces armées

rwandaises (Armed Forces of Rwanda)] when the genocide had

already been underway two days” (McNulty 2000:115). Belgian

journalist Colette Braeckman found further evidence of a May 1994

arms deal (1994:116). An HRW report (Austin 1995) claimed that

French arms shipments after May 1994 were simply diverted through

Zaire.

The weapons were said to have “expanded the conflict,”

“facilitated violations of international law[,] … and increased human

rights abuses” (Goose and Smyth 1994:90). Although machetes

were the weapons of choice, small arms were also instrumental in

rounding people up for easier and more efficient mass killings

(Goose and Smyth 1994; Verwimp 2006). Although the French

media briefly reported the government’s alleged “complicity in the

genocide” (Callamard 1999:157), both the media and government

were largely unresponsive to external pressures. Without NGOs

inside France to sustain domestic criticism, what might have had

devastating political consequences elsewhere died down with little

significance in French politics.

It took another four years to initiate an official inquiry into the

events. In 1998, *Le Figaro* broke with tradition and accused the

government of supplying the missiles used to shoot down Rwandan

president Juvénal Habyarimana’s airplane, alleging that it had

continued arms shipments into the summer of 1994 (Burns 1998;

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“France Denies” 1998). The government claimed that all shipments

were halted on April 8, more than a month before the embargo. Yet

in a rare turn of events media criticism was heavy enough and public

sensitivity to genocide strong enough (La Balme 2000:274) that the

government appointed its first-ever parliamentary commission to look

into French overseas military activity. With global humanitarianism

and the birthplace for human rights central to French identity

(McNulty 2000:105; Tinsley 2004), complicity in the genocide

seemed a fundamental violation of French national values.

The Quilès Commission was groundbreaking. African policy “was

traditionally an area shrouded in mystery and run from the

president’s office” (Melvern 2000:233). However, the commission’s

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report was not similarly novel. It declined to make any conclusions

related to arms trade practices and absolved France of any

responsibility for the killings, despite some errors in judgment

(Whitney 1998). The source of the weapons also went unaddressed

(McNulty 2000). In fact, the report eschewed the arms issue

altogether. Rather than being an exercise in transparency and

accountability, it simply “repeated rumour, speculation and intrigue

and to date the most basic facts have still to be established”

(Melvern 2000:234).

Once again French policy traditions and the dearth of organized

civil society combined to prevent a scandal from imposing damaging

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consequences on politicians. First, because the investigation did

not offer conclusions on the arms trade, the issue remained

shrouded in secrecy and essentially dropped away with no one to

revive it. Relevant NGOs were new and weak—formed in response

to the affair (McNulty 2000:106)—and had not been integrated into

domestic discourse. The press remained reluctant to push the

government too far. And although public attitudes toward

humanitarianism had become more pronounced in the midst of the

1997 landmine campaign, l’Affaire du Rwanda resulted in no direct

repercussions for the government.

Second, France’s Africa policy gave considerable discretion to the

executive and shielded it from domestic criticism (Kroslak 2007).

France treated Rwanda as if it were a French colony and maintained

close relations with its government (Callamard 1999; Klinghoffer

1998; Melvern 2000). The support seemed natural: the Hutu had

“had a social revolution, constituted the majority, and Habyarimana,

like one of the leaders of the French revolution, would eventually

emerge as the strong man of the democratization process”

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(Callamard 1999:173). France also wanted to ensure that Rwanda

stayed within “the Francophone fold,” a key policy concern since

1990 (Klinghoffer 1998:86; see also Callamard 1999; Kroslak 2007).

The institutionalized relations and dependence of Francophonie was

perceived as a cornerstone of France’s continued global *grandeur*

and advancement of global interests (Gregory 2000; Kroslak 2007).

Thus, although misjudgments may have been perceived, France’s

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overall policy did not diverge from accepted practices.

*CONSEQUENCES FOR ARMS EXPORT DECISION MAKING*

The Rwanda Affair did not have any direct consequences for French

arms trade practices, nor did it inspire legislative reform.

Significantly, it did spark civil society organization on the arms

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trade. However, NGOs remained weak until 2006, stopping policy

makers short of developing a heightened sense of scandal sensitivity

and leaving media a passive actor. Although a new discourse of

“responsibility” arrived in French politics as a result of events in the

1990s (Roussel 2002), it remains to be seen how fully it will translate

to arms exports. The nascent NGO community born of the Rwanda

Affair has become more professionalized since the 2006 ATT

process, opening up new avenues for accountability to regional and

international norms and agreements. Greater transparency, too, has

come about due to international commitments.

Minor scandals since 2000 have so far lacked the teeth to

encourage serious reform. “Angolagate”—in which government

officials were charged with trafficking Soviet-made weapons to

Angola during the 1990s—resulted in the arrest of Mitterrand’s son

and former Africa adviser Jean-Christophe Mitterrand in 2000 (Gee

2000; Henley 2001). In 2004, he was found guilty, fined, and given a

suspended jail sentence. In 2009, Interior Minister Charles Pasqua

was also convicted of corruption charges, responding with, as one

report put it, a call “for an end to the official secrecy act on

documents concerning arms sales” (Hollinger 2009). The arrests and

initial trials appeared to mark a change in French responses to arms

trade scandal and a somewhat more aggressive media with a lower

public toleration for corruption (Bell 2001; interview 60108220).

However, an appeals court acquitted Pasqua on all charges in 2011

and cleared other defendants of arms-trafficking charges, leaving the

impression that perhaps the French justice system was not so

concerned with arms sales after all (Thréard 2011).

Although one official claims that “in a democracy, regardless of

whether there are strong NGOs, everyone is afraid of what can be

said” (interview 59108220), France’s reputational concerns began to

appear only with the professionalization of the NGO community

since 2006. Officials now express image concerns connected to

France’s arms trade and increasingly fear the negative public

attention arms trade scandals generate (interview 59108220). Arms

export decision makers are careful to keep detailed records, showing

exactly what has been transferred and that each transfer is within the

law: “You have to leave things crystal clear for years down the road

when they could be questioned” (interview 59108220). Officials also

take care to note what they see as the highly restrictive nature of

French arms export law. They add that France has largely ceased to

export small arms to Africa because of the political risk (interviews

59108220, 60108220). These developments suggest a growing

sense of responsibility and an interest in relatively more restrictive

sales in response to reputational concerns.

In addition, the government has begun to engage with NGOs,

noting that the NGO culture has transformed radically in recent years

(interviews 59108220, 60108220). Indeed, the government’s

receptiveness to parliamentary, public, and civil society input “is

brand new, and not just an issue for weapons” (interview 64208220).

NGOs agree that their relations with the government have improved

in recent years and that they too are more competent in their arms

export control advocacy (interviews 61208220, 62208220,

64208220). Nevertheless, they are still finding their way in relatively

new territory. Government reports are frequently released too late to

impact policy substantively (interview 61208220). Moreover, arms

export control advocacy has often been an issue tacked on to

existing organizations whose resources and main concerns are

devoted elsewhere (interviews 62208220, 64208220). It is perhaps

too early to tell, therefore, how well NGOs will really be able to affect

French arms export practice.

Even so, existing levels of transparency have aided civil society’s

transformation by giving NGOs information with which to criticize the

government (interview 61208220). Yet accountability in France lags

behind that in the other European cases. NGOs are still transforming

from reactive to proactive, and although some past deals have been

questioned, the government has yet to be critiqued on contemporary

decisions. With claims that France had helped to arm Chad at the

beginning of its February 2008 civil war (interview 61208220) and

questions about arms exports in the context of the Arab Spring,

opportunities have emerged for arms control advocates to assert

their political perspective. If they do, it could have far-reaching

consequences for French arms trade practices.

THE UNITED STATES: LOW SCANDAL SENSITIVITY

Despite high arms trade transparency since the late 1970s and a

large-scale, global arms trade, the United States has suffered little

domestic criticism of its arms transfer practices. As Susan Waltz

observes, there is a distinct gap between its “principled policy”

calling for restraint in arms transfers and its actions that “do not

easily fit within the bounds of the policy that is publicly promoted and

lauded” (2007:3, 4). Yet successive governments have remained

relatively impervious to scandal. The cause, I argue, has to do

primarily with the absence of a pro-control NGO community with an

active voice in American politics.

*GOOD LAWS, BAD PEOPLE?*

The United States has a record of steady arms exports—small arms

especially—to human rights violators and conflict zones in the Middle

East, Africa, the former Soviet Union, and Asia. Reports of transfers

to Indonesia, Sierra Leone, Nepal, Iraq, and others have had dire

political consequences for governments elsewhere but have raised

little commotion in the United States. As in France, this lack of notice

is largely due to the absence of an active pro-control NGO

community, which reinforces—and is reinforced by—the lack of

public interest in the issue. As a result, arms exports maintain a low

profile in the United States, and government scandal sensitivity

remains minimal.

The Iran–Contra Affair of the 1980s might appear to be the one

exception. It started as two separate scandals about covert U.S.

arms transfers to Iran and Nicaragua. The first broke in October

1986, when Nicaraguan Sandinistas shot down a U.S. cargo plane

and broadcast the existence of a U.S. military resupply chain for the

Contras, which was seen as a clear violation of U.S. law and

detrimental to the image of the U.S. government. With the Boland

Amendments in 1982 and 1984, the Reagan administration had

been legally prohibited from assisting the Contras through military

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aid. The second scandal broke a month later with reports in a

Lebanese magazine, picked up by the U.S. press, of U.S. arms sales

to Iran. Despite the U.S. arms embargo and Reagan’s policy of not

negotiating with terrorists, it appeared as though the White House

had traded arms for hostages. The president claimed that the sales

had been intended primarily to normalize relations with Iran, not to

release hostages (Walsh 1997:10). However, the shock the public

felt at “the revelation that the administration had been saying one

thing publicly and doing the opposite clandestinely” dragged the

news into the media spotlight and formed the heart of the scandal

(Draper 1991:470; Trager 1988).

But in late November 1986, the administration’s admission that the

two scandals were in fact intimately related immediately

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overshadowed both (Cohen and Mitchell 1988; Walsh 1997). The

larger scandal involved the diversion of funds from the arms sales to

the Contras. Although the affair damaged Reagan’s domestic

reputation, it did not lead to public backlash against U.S. arms sales.

In fact, it had little if any perceptible effect on U.S. arms transfer

policy or practice. Instead, it became preoccupied with questions of

who knew about the diversion of funds and whether, as in

Watergate, the corruption reached all the way up to the president

(Draper 1991:497; Wroe 1991). Indeed, Iran–Contra coverage was

so strongly shaped by Watergate and its focus on what the president

knew and when that it left the arms sales issue on the sidelines (R.

Busby 1999; Kornbluh and Byrne 1993; Trager 1988).

Although Americans conceded that laws had been broken and

policies ignored, many supported the anti-Communist goals behind

the arms sales. Oliver North—the scapegoat and hero of the affair—

won over the public with his appearance of patriotic virtue during

congressional hearings (Walsh 1997; Wroe 1991). He invoked

reminders of “America’s own struggle in the War of Independence,”

blamed Congress for not supporting the Nicaraguan “freedom

fighters,” and painted the arms supplies as a necessary and just

policy (qtd. in Wroe 1991:68; see also Walsh 1997). Like the French

Luchaire Affair in a sense, defendants of the Reagan administration

saw its policies and practices as broadly in line with and justified by

U.S. interests and U.S. values.

In the end, Iran–Contra “was left as a scandal whose natural

constitutional denouement—the fall of the man at the top—had never

happened, and whose true nature would possibly never be known”

(Wroe 1991:iv). Its focus on Reagan’s culpability, which it was unable

to establish with any certainty, severely limited its consequences for

arms trade policy—or for the national security apparatus in general

(Koh 1990; Kornbluh and Byrne 1993). This was not a foregone

conclusion: Reagan’s approval ratings crashed with revelations of

his administration’s illicit activities, and many—including White

House advisers and the media—thought the affair could topple his

presidency (Thelen 1996; Walsh 1997). At the time, Iran–Contra was

seen as damaging the president’s reputation, revealing his

vulnerabilities, undermining his ability to lead, and possibly exposing

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him to impeachment.

But answers to the question “What did the President know and

when?” were elusive (Wroe 1991:iv; see also Cohen and Mitchell

1988; Kornbluh and Byrne 1993). Extensive document shredding

and questions about Reagan’s memory prevented a resolution.

Many doubted his ignorance: the issues were centerpieces of his

policy agenda on which he received daily briefings, and “the

diversion was no fringe detail” to keeping them alive (Walsh 1997:24;

see also Kornbluh and Byrne 1993). However, as Harold Koh states,

“The Iran–Contra committees’ inability to find a smoking gun

damning the president effectively mooted the impeachment question,

leading several members to act as if their inquiry were exhausted”

(1990:19). The public, too, seemed to want the issue to drop. In the

long run, Reagan remained personally popular, and no one wanted

to deal with the aftermath of another Watergate (R. Busby 1999;

Cohen and Mitchell 1988; Walsh 1997). It was only in 2011 that the

1991 reports by prosecutor Christian Mixter were made public,

revealing that although Mixter had found that Reagan had been

briefed on the weapons shipments, neither Reagan nor Vice

President George H. W. Bush was criminally liable (Associated

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Press 2011).

Iran–Contra was instead generally blamed on “bad people” not

“bad laws” (Koh 1990:2). Admiral John Poindexter, deputy national-

security adviser, and North, his aid, were fired and prosecuted (and

then pardoned in 1992), but reforms were not forthcoming. Unlike

other cases, scandal did not ignite fear of public reaction to other

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“deceitful” arms transfers. Indeed, Iran–Contra demonstrates that

scandal does not guarantee governments’ sensitivity to future

scandal, especially when its effects are dependent on assigning

blame to a single leader. Scandal sensitivity is heightened when

scandal encourages institutionalized policy reforms and the

emergence of NGOs seeking to hold governments more accountable

to its policy commitments. The pairing of transparency and organized

civil society is at the core of enhancing the domestic threat of

scandal. Lacking an active pro-control NGO community and

evidence linking “irresponsible” exports to the top, U.S.

administrations have been able to proceed largely without regard to

public retribution when it comes to their arms transfer practices.

*ANOTHER CASE OF U.S. EXCEPTIONALISM?*

Aside from illustrating the lack of credible threat for scandal resulting

from “irresponsible” export deals, the U.S. case also makes clear the

need to distinguish between pro-control and pro-gun NGOs. The

United States does in fact have a well-resourced, high-profile NGO

community involved in the arms issue. However, these groups, in

contrast to groups concerned about the issue elsewhere, are

strongly opposed to multilateral export controls (see chapter 4). The

NRA, “by far the largest and most influential of groups opposing gun-

control legislation” (Finch 1983:26), represents the “active”

contingent of the U.S. public on this issue. Its focus on civilian

ownership rights makes it largely uninterested in export

accountability. Instead, its work on the arms trade has focused on

U.S. foreign policy and on rousing its constituents to stave off

international standards it believes might undermine the Second

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Amendment, not raising public ire about U.S. export practices.

It is not unusual for a country to lack active arms trade NGOs.

What makes the U.S. case exceptional is its strong pro-gun NGO

community with its active constituency, which has the ear of policy

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makers and has overwhelmed smaller pro-control groups from

mobilizing a broader (and less interested) public. In contrast,

European gun organizations consider themselves observers of and

not participants in the political process. Although U.S. pro-control

groups have lobbied Congress and the administration on some laws

and export cases (interviews 48207002, 50207002, 51207002), they

have insufficient means or will to generate the public interest needed

to press for export accountability (interviews 48207002, 50207002).

Congress, moreover, is “relatively uninformed about the impact of

small arms proliferation and … tend[s] to be overly cautious and

deferential to pro-gun perspectives and views” (Stohl and

Hogendoorn 2010:38). During the George W. Bush administration

especially, pro-control groups felt that the arms trade was an issue

that was “not going to have a lot of successes” and placed it lower

on their agendas as a result (interviews 48207002, 50207002,

51207002). Yet even under the Obama administration, pro-control

NGOs have been slow to engage in advocacy at home, focusing

their limited resources on shaping the U.S. role in UN processes.

Moreover, the NRA has been active in communicating to Congress

its opposition to those processes, pushing to prevent ATT ratification.

Iran–Contra has not been followed by other arms trade scandals,

and decision makers have not been pushed to change arms export

practice, which is seen as vital to support allies in the Middle East

and Central Asia. In 2012, the Obama administration resumed

deliveries to Bahrain after Congress briefly suspended a deal over

Bahrain’s crackdown on protesters and American NGOs. Arms sales

to Persian Gulf states have increased dramatically in recent years

with otherwise little reaction from Congress or the public. As in the

Cold War, the public has accepted arms exports justified by national-

security arguments. In the long term, the consequences of low NGO

activity may therefore reach further than case-by-case accountability.

NGO campaigns can help shift public values and interest. As Rachel

Stohl and E. J. Hogendoorn observe, “The connection between small

arms and human suffering … has not been made successfully by the

U.S. government or advocacy groups” (2010:38). The United States

now supports “responsible” export controls. It remains to be seen if

pro-control NGOs will hold it accountable to those commitments or if

the hurdles set by the NRA and public disinterest are simply too high

to overcome.

BELGIUM: TWO REGIONS, TWO TRADITIONS

Until 2003, Belgian arms export policy and practice were decided by

the federal government. Early export reports, initiated amid emerging

scandal in 1991, did not name individual recipients, making it difficult

for NGOs to raise specific concerns. Transparency and export

controls grew after the EU Code of Conduct was developed,

activating NGO criticism of certain export deals. With export decision

making regionalized in Belgium in 2003, scandal sensitivity now

varies across the two major regions. Although both regions have

some level of pro-control NGO activity, only Flanders has maintained

a level of transparency with which those NGOs can wield information

to spotlight government hypocrisy. In contrast, lower transparency in

Wallonia leads to lower scandal sensitivity and the perception that

government practice is less restricted.

*REGIONAL DIVIDES*

Like many of its allies, Belgium was implicated in an Arms to Iraq

scandal in the early 1990s. The 1990 murder of Canadian-born

weapons engineer Gerald Bull in Brussels—his base for the Iraq

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“supergun” project —brought Belgium firmly into the Arms to Iraq

intrigue. In the process of investigating propellant manufacturer

Poudrières réunies de Belgique’s (PRB) role in illegal sales to Iraq,

former deputy prime minister André Cools uncovered connections

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between PRB, the Iraqi supergun project, and Bull. Cools was

murdered in 1991, soon after receiving documents implicating

Belgian civil servants in the affair. According to reports, civil servants

had been bribed “to secure the use of Belgian air force freighters to

ship cargoes of ‘supergun’ propellant to Iraq” and allowed defense

goods destined for Iraq to pass through customs without proper

authorization (Foster, Cleemput, and Lambert 1991).

Unlike in the British affair, only low-level career bureaucrats

appeared to be at fault in this scandal. Nevertheless, arms export

reform—which had been simmering since accusations of lax controls

in the late 1980s—was quick to follow the murder of Cools,

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preventing the scandal from developing further. In August 1991,

Parliament passed legislation to institute some reporting and stricter

controls based on conflict and human rights, making Belgium an

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early mover on humanitarian export controls at the domestic level.

The law also gave final decision-making power to an interministerial

committee (in practice, the minister of the license-requesting

company’s region) to allow decisions to reflect the exporting region’s

economic and normative concerns. The reform was a distinct change

for Belgium, which had been “notorious as [a world center for the

arms trade] since the Middle Ages” and where international arms

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trafficking from ports and airports had flourished (Lowther 1991:5).

Arms export decision making became a contentious topic within

the government almost immediately, with splits in the coalition over

transfers to Saudi Arabia causing Parliament to dissolve in late 1991

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(Flemish Peace Institute 2007a). Yet although the new law

introduced national reports, public transparency remained low, with

the first report in 1994 limited to geographic zones and not including

individual recipients (Mampaey 2003). The report did provide think

tanks, peace groups, and other organizations—active on the arms

trade since the 1970s and 1980s—with some new information, but

debates were still mostly intergovernmental. In particular, Flemish

peace parties, which are opposed to arms exports as a rule, made

decision making contentious and at times exposed it to the public

eye, especially for non-NATO transfers to the Middle East and

developing world.

Controversies spread as transparency improved and NGOs

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became increasingly involved in generating public accountability.

The issue exploded in 2002 with the authorization for Walloon

producer FN Herstal to export machine guns to Nepal despite strong

public opposition (Vranckx 2005; Weidacher 2005). A few months

earlier Germany had denied weapons to Nepal, which was embroiled

in civil war. As a result, Belgium’s approval not only seemed to

circumvent Belgian law but also introduced complex issues under

the EU Code of Conduct about knowingly approving a deal

previously denied by another EU member (Donnay 2002; 2007a;

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Vranckx 2005). The government made its initial decision by

consensus behind closed doors in July 2002 and justified it by

declaring that the situation in Nepal had changed and that the sale

would support a young, fragile democracy (Dombey 2002; Flemish

Peace Institute 2007a; interview 52207211).

Nevertheless, once the deal was made public a month later, it

prompted the resignation of one minister in the ruling party

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coalition and revived regional tensions. Flemish leaders cried foul

and called for the suspension of the licenses (Belgian Chamber of

Representatives 2002). The government nearly collapsed, saving

itself only by agreeing to incorporate the EU Code into federal export

law (Vranckx 2005). Yet the sharp regional division over public

expectations for arms export accountability remained unresolved,

and the Nepali licenses continued to attract criticism from Flanders.

The longer-term resolution in 2003 left federal arms export laws in

place (incorporating the EU Code) but transferred their execution to

the regional governments just before the Nepali licenses required a

divisive renewal decision (Crutzen 2003).

Flemish party leader Hugo Coveliers summed up the source of the

consensus for the decision: “With this law we will avoid a great deal

of tension in our federal state” (qtd. in Otte 2003). The decision freed

Flemish politicians from public backlash against “irresponsible”

Walloon licenses and Walloon politicians from Flemish reluctance to

approve Walloon export deals (interviews 21407211, 24107211,

57207211). Both sides appeared satisfied. Flemish commentator

Jorn De Cock noted that “Flemish politicians will soon need to have

no more twinges of conscience over controversial arms supplies by

FN Herstal” and can focus on an “ethically inspired foreign policy”

(2003). Walloons, in turn, felt that regionalization would allow them to

export weapons “as they see fit” (Otte 2003). Ultimately, the decision

was “mainly a question of accountability to [the] public” because the

values of the electorate to which decision makers in Belgium are

accountable are regional, not national (interviews 20307211,

21407211).

*THE “REGIONALIZATION OF CONSCIENCE”*

The regionalization of arms export decision making highlights

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fundamental divisions within Belgium. In the past, Flemish

politicians and activists had mainly criticized Walloon practice,

painting a picture of “the good Flemish pacifist versus the cynical

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Walloon merchant of death” (Mampaey 2002:13). The fact that

most Flemish defense exports were dual-use technologies not

clearly identifiable as weapons also helped its image seem

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“innocent” and “cleaner, even if it [wasn’t].” Flemish politicians

could therefore more easily avoid public perceptions of

“irresponsible” arms exports.

Since 2003, however, each region has had to take responsibility

for its own decisions. Flanders faces a clear chain of public

accountability brought on by a culture of NGO activism and strong

arms trade transparency, which has markedly increased scandal

sensitivity. Even as the Flemish government has ratcheted up

transparency standards, it often feels compelled to avoid critiques

from civil society (Flemish Peace Institute 2006; interviews

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21407211, 24107211, 53207211). NGOs have criticized and

lobbied the government, “really focusing on [policy] implementation”

(interviews 57207211, 24107211). The government faced criticism

early on for dual-use transfers to Algeria, Colombia, Liberia, India,

Israel, and Pakistan. It countered by arguing that it did not approve

the export of guns but rather the export of displays, lighting, and

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airport equipment (Brinckman 2005; Verschelden 2006a, 2006b).

As one official remarked, “[Export decision making is] not that easy

when you have the responsibility” (interview 55107211). Indeed,

some in Flanders have since regretted regionalization as a result

(Otte and Verschelden 2006). Even so, regionalization was seen as

“an opportunity for the Flemish region to demonstrate [that] we can

do it better, more ethically” (interview 21407211). The Flemish

government is therefore increasingly cautious and reluctant to

approve export deals, resulting in longer processing times and

higher refusal rates (interviews 20307211, 24107211). Arms trade

experts state the vast majority of favorable export decisions in

Flanders “go to trustworthy destinations” in industrialized countries.

Approximately half of denials are made for administrative reasons

such as missing documents. The other half are for political reasons,

such as human rights and security (interview 21407211).

The Walloon government, in contrast, lacks high scandal

sensitivity. In 2003, Minister-President Jean-Claude van

Cauwenberghe declared his intention to conserve the federal regime

and its ethics and standards (Crutzen 2003:10). Yet Wallonia has a

reputation—whether accurate or not—for a less restrictive, more

economic approach to arms export decision making, in part because

the Walloon public is more positive toward the defense trade, which

is a major employer in the region (interview 20307211). In addition,

transparency is lower and government access for NGOs is more

difficult in Wallonia than in Flanders (interviews 53207211,

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21407211, 26207211). Export reports are slower to be released

and contain fewer export details. One NGO representative noted that

the public reports simply do not provide useful information with which

to criticize the government and mobilize the public (interview

27207211).

The rare instances of pressure on Walloon export decision making

have come from the federal government, not from NGOs or the

public. The divorce between policy making and implementation

created by regionalization has given rise to difficulties in reconciling

regional practice with federal foreign policy. Wallonia’s 2005 approval

of an export license for the New Lachaussee Company to build an

ammunition factory in Tanzania is a key example of this unique

policy–practice gap. The federal government argued that the

decision would undermine its policies to support humanitarian arms

control, oppose illicit arms trafficking, and promote a peacemaker

role in the region (interviews 21407211, 53207211; Verbruggen et al.

2005). Wallonia had no legal obligation to grant the federal

government’s request or any direct stake in its foreign policy. Yet its

retraction of the license also seems unrelated to the negative public

attention the case generated once it hit the news. In fact, one official

noted that the issue did not have a “naturalistic appeal” to the public

absent the sudden press coverage (interview 55107211).

Nevertheless, the regional government agreed to cancel the license

“purely because of the power of the political party” (interview

52207211): there is no hierarchy of governments in Belgium, but

there is a party hierarchy. Federal parties are above regional parties,

which are often starting points for political careers (interview

26207211).

The Tanzania episode suggests an alternative, albeit rare, path for

export accountability and demonstrates the difficulties inherent in

separating the agents of arms transfer policy from arms transfer

practice. Overall, although regionalization bucks the trend of greater

international convergence on arms trade issues, it also demonstrates

governments’ concern for avoiding the costs of domestic backlash

against unpopular export decisions. Both active NGOs and

transparency are critical for establishing and enhancing this

domestic reputational dynamic. Yet, as the contrast between regions

in Belgium shows, improved accountability can—but does not

necessarily—translate into improved compliance with new export

standards.

Domestic politics cannot explain the adoption of “responsible” arms

transfer policies in most cases, but it can have limited consequences

for policy implementation. Governments ordinarily have little reason

to adhere closely to new arms transfer standards, which can be

costly to foreign and economic policy. Material interests can

therefore help to explain states’ broader patterns of noncompliance.

However, they have trouble accounting for those rare but important

instances in which governments *do* seek to close the policy–practice

gap. Although often shielded from public attention and buried in

complex bureaucratic procedures, arms exports that violate national

values can under the right conditions come to light and cause

scandal. Policy makers—especially those with scandal experience—

may seek to avoid “irresponsible” exports when the threat of scandal

appears high. Scandal can also lead to reform. However, where civil

society or transparency or both are weak, the threat posed by

scandal declines dramatically. This points to the importance of both

information about government activity and the existence of an NGO

community able to act on the information that transparency provides.

Transparency in the hands of an active civil society can increase

scandal sensitivity and cause governments to respond with greater

restraint—at least in a limited set of those most high-profile and

egregious (i.e., scandal-prone) export deals.

Domestic politics is clearly limited in its ability to produce a

sustained and widespread compliance dynamic. But in the absence

of international accountability mechanisms, it is domestic politics that

may be best able—among democracies at least—to reshape

national arms export cultures in light of new arms transfer norms.

Arms trade transparency measures provide the means by which civil

society can call policy makers to account. Governments’ public

commitment to the ATT and other multilateral agreements can also

facilitate and enhance NGO critiques of arms export practices by

clearly articulating their values and norms. The five cases described

here show how variation in transparency and civil society

involvement affects governments’ scandal sensitivity and emerging

willingness to impose export restraint in some cases. They also

show that scandal sensitivity can be tempered by the historical

national relationship with the arms trade, foreign-policy values, and

national political priorities. In the final chapter, I consider these

conclusions in the context of the book’s broader theoretical and

empirical questions and offer insights into its lessons for the

implementation of the Arms Trade Treaty. *6. Conclusions and Implications*

Questions and controversies about the supply of weapons to Syria

have been at the heart of debates about the appropriate and prudent

international response to its conflict since 2011. Russian arms

transfers to the regime have been widely condemned, but arms

embargo proponents failed to neutralize Russian and Chinese

opposition at the UN. As the conflict dragged on, the debate in the

United States and Europe shifted from embargoing arms transfers to

supplying rebel groups. In 2013, the United States announced its

intention to arm Syrian rebels, and the EU let its embargo to Syria

lapse, enabling it to do the same. These decisions have been

praised for showing support for the opposition without putting troops

on the ground. They have also come under fire for the potential

security costs that arms transfers may bring, including their diversion

to terrorist groups, role in conflict escalation, and use in human rights

violations. The complex interests, conflicting values, and murky

ethics in the Syrian case are symptomatic of the tensions inherent in

the contemporary arms trade as a whole.

The Arms Trade Treaty attempts to clarify these dilemmas and

encourage export restraint in cases such as Syria. It lays out—for

the first time—legally binding principles to restrict small and major

conventional arms exports to human rights violators, conflict zones,

and recipients that risk of diversion to illicit markets or terrorist

actors. This is a dramatic policy achievement once thought

impossible. Despite widespread support for the ATT, however,

putting these principles into practice is often messier in reality than it

seems on paper, as Syria shows. The conventional arms trade has

long been seen as necessary for states’ foreign policy, national

security, and economic well-being. Yet the effects of arms export

decisions can have long-lasting consequences for the states and

populations on the receiving end. Arms supplies may enable or

prolong conflict and repression, destabilize societies, and undermine

human security. In the post–Cold War era, many of these problems

with conventional arms—small arms especially—have become more

difficult for states to ignore as bloody internal conflicts hit the front

page of newspapers and as affected states and NGOs have begun

to voice their concerns. Hundreds of thousands of people die each

year as a direct or indirect result of armed conflict and by firearms in

nonconflict areas. Moreover, extensive research has explored the

causal connections between conventional arms proliferation and

conflict, human rights, governance, and development in importing

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states.

A handful of states export the vast majority of global legal

conventional arms, but until recently these states have been subject

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to little external regulation regarding their export decisions. In the

past, states have openly or clandestinely supported many conflicts

and abusive regimes with arms supplies. Today, although states

continue to face decisions about whether to supply arms to buyers

who may use those arms to provoke conflict or harm civilians, new

rules and norms have introduced human security to the political

calculus of arms export decision making. These new “responsible”

arms export norms fight against supplier states’ long-held national-

security, foreign-policy, and economic interests. Nevertheless, most

major democratic exporters in recent years have agreed to restrict

their arms transfers to war-torn and repression-prone destinations—

at least in theory.

In this book, I have explained why major arms-exporting

democracies have committed to multilateral humanitarian export

controls, despite their past opposition, and to what effect. First, I

have argued that states’ social reputational concerns account for

their commitment to the ATT and related multilateral initiatives.

Second, I have attributed marginal changes in export practice, amid

a persistent gap between states’ arms export policy and practice, to

some governments’ concerns for their domestic reputations in the

face of arms trade scandal. These findings have consequences for

understanding—and possibly improving—conventional arms control

and for the broader relationships between commitment and

compliance in international affairs. In this concluding chapter, I

summarize the main findings of the book, explore their implications

for IR theory beyond state reputation, and offer a brief analysis of

three additional non-European arms exporters: Israel, South Africa,

and Brazil. I end with a series of policy implications for ATT

implementation and for how states collectively reconcile their

conflicting interests and obligations in world politics more broadly.

SUMMARY OF FINDINGS

The empirical findings suggest reasons for both pessimism and

optimism for the prospects of conventional arms control. On the one

hand, they demonstrate that past hostility to shared export policies

has been replaced with a strong endorsement of them—at least on

paper. The states once most resistant to “responsible” arms transfer

standards are now among their biggest proponents. Major European

exporters that once firmly opposed similar policies on economic

grounds today vocally endorse new standards of export control,

despite ongoing concerns for the viability of their defense industries.

The United States is an exception in that it unilaterally (and

temporarily) supported similar policies during the Cold War but was

the leading opponent of recent initiatives until late 2009. On the other

hand, the findings also reveal a glaring disconnect between states’

“responsible” policies and their often “irresponsible” practices.

Accountability can be rare and may require the confluence of pro-

control NGOs and arms trade transparency. Commitment can come

without compliance: state behavior is hard to change.

The first part of the book assesses broad historical trends in

conventional arms trade policy and practice and seeks to account for

contemporary changes in international arms trade norms. It

highlights the persistent failure during much of the twentieth century

to achieve multilateral arms export controls, which were doomed by

entrenched norms of sovereignty and the material stakes that major

powers attach to their arms trade. Poor human rights records, I

show, did not significantly deter arms exports in practice. It was the

confluence of four key events in the 1990s, I argue, that created new

expectations for interstate cooperation on policies intended to curb

the detrimental effects of conventional arms proliferation: Arms to

Iraq scandals following the 1991 Gulf War, high-profile civil and

ethnic conflicts, the success of the 1997 Ottawa Mine Ban Treaty,

and the growing role of NGO advocacy in international affairs. These

events resulted in a new and dramatically different normative

environment for the arms trade, drawing attention to human security

and putting in place the conditions to generate widespread support

for new humanitarian initiatives.

Nevertheless, these new initiatives are costly for major exporters,

limiting their foreign-policy autonomy and the available markets for

their defense products. Standard explanations for states’

commitment to multilateral agreements rest on such costs being

outweighed by anticipated material benefits or a sense of normative

obligation. States may also support low-cost agreements that simply

codify existing practice. These explanations therefore expect states’

practice to mirror their policy commitments. Yet statistical analyses

examining the SALW and MCW export practices of top supplier

states from 1981 to 2010 suggest otherwise. The results indicate

that states for the most part have not significantly reduced arms

exports in response to recipients’ poor human rights performance,

either before or after the advent of their support for “responsible”

arms export initiatives. And even as states’ policies have been

closely scrutinized in international politics, they have largely escaped

international condemnation for non-compliance. States have chosen

to adopt and promote new policies despite the fact that these

policies require far-reaching changes in their export practice. Yet it

does not appear that states perceive a need to implement these

policies in anticipation of material gains or to fulfill normative

obligations. Explanations that can account for commitment without

compliance are therefore needed.

The second part of the book delves more deeply into states’

motives for commitment and compliance using case studies of five

major arms-exporting democracies: Belgium, France, Germany, the

United Kingdom, and the United States. I show that these states

have supported “responsible” arms transfer policies *in spite* of their

own material interests, not because of them. Defense industry

preferences have followed government support, not led it. Domestic

publics have remained largely unaware or disinterested. With high

material costs and little to no domestic incentives attached to new

policies, what accounts for support from states that once opposed

such initiatives? I argue that states’ social concerns for their

international reputation—made possible by normative changes

begun in the 1990s—instead play a prominent part in explaining their

commitment to “responsible” arms export initiatives such as the EU

Code of Conduct and the ATT.

Interviews with key players in the arms transfer policy-making

process, government documents, and secondary literature

demonstrate this concern for social reputation in international

politics. The United Kingdom was an early mover, setting a new

reference point for other now-supportive states, which have carefully

chosen their policies as a means to improve their reputation as

“good” citizens of the international community. States (and the

diplomats who represent them) have sought to conform to social

pressures brought on by the new international environment attached

to arms trade norms. International institutions serve as sites of norm

development as well as venues in which states engage in reputation-

building behavior. Those states whose self-images are strongly tied

to international institutions are more likely to respond to social

pressures in the context of international institutions, seeking praise

and social gain from their peers and avoiding censure for their arms

export policies. In other words, reputation provides states with a

social incentive to act, despite the material costs of doing so.

Moreover, although its exceptionalism creates a more complex

relationship with its international reputational concerns, the United

States too has turned to support the ATT as a low-cost (given its own

strong national export controls, unlike other top exporters) part of a

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strategy of reputation repair since 2009.

Where domestic pressures can play a prominent role is in the

policy implementation phase. Democratic governments that face

both high arms trade transparency and an active pro-control NGO

community may fear backlash from the public unveiling of their most

“irresponsible” export deals. Although scandals rarely influence

elections, they nevertheless draw attention to governments’ arms

trade practices and harm their domestic reputations. Past scandals

can also induce reforms that enhance transparency and mobilize

civil society, increasing the threat of future scandal. Under these

conditions—high transparency and pro-control NGO activity—

governments can become sensitive to the threat of scandals in

cases of deals that showcase the extreme violation of national

values or international norms. Even so, this is a relatively small

subset of cases in which governments may voluntarily seek to

improve policy implementation relative to past behavior. States

remain committed to bolstering national defense industries, and

overall trends in arms export practice suggest that new norms are

not yet broadly influencing state behavior.

A EUROPEAN PHENOMENON? OUTSIDE THE TOP FIVE

This book has focused on cases of top democratic arms exporters in

order to examine state support of humanitarian arms control despite

strong material incentives to maintain more liberal export policies—

precisely what states had done in the past. However, these cases

cannot explore whether state support and the reputational pressures

I use to explain it are simply a European or Western phenomenon. I

argue that although domestic culture and the forces of integration in

the EU have made these dynamics stronger, they reach beyond the

EU to other exporting democracies as well. A brief look at the politics

of arms transfers in Israel, South Africa, and Brazil—democracies

that have been late to develop their defense industrial bases but are

now medium-size exporters—helps to demonstrate this point.

*ISRAEL: CONCERN FOR INTERNATIONAL REPUTATION?*

The Middle East and Asia are the only two regions without their own

arms transfer control regimes. As a result, Israel—unlike European

suppliers—has not been subject to an additional layer of regulatory

and socializing pressures to adopt new arms export policies. Indeed,

as both an importer and an exporter of conventional arms, Israel has

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resisted external controls. As an importer, it is intensely concerned

about its ability to acquire arms because of its heightened military

insecurity (Naaz 2000; Rodman 2007). As an exporter, it takes a

market-based approach to arms transfers, often selling arms where

other exporters will not (D. Clarke 1995). With hostile neighbors and

potentially unreliable suppliers, it perceives an acute need to support

the economic viability of its domestic arms industry through exports

as a matter of national security (D. Clarke 1995; Naaz 2000).

Moreover, a distinct lack of arms trade transparency and NGO

activity has prevented any sustained attention to the issue in

domestic politics. The government—to an even greater degree than

most democracies—is free of reputational concerns attached to the

perception of “irresponsible” arms export policy and practice at

home.

However, Israel has not been free of reputational concerns in

international politics. Despite its resistance to shared export controls

and domestic disinterest in the issue, it has wanted to avoid being

grouped with the “lowest common denominators” out of concern for

its international reputation. In this way, Israel has used the United

States as a reference point for its own policies. Its choice has not

followed from a perceived need to coordinate and curry favor with

the United States. Instead, Israel’s instructions to its diplomats for its

2006 ATT vote “were to do one better than the US” (interview

48207002). After 2001, it was clear that the United States would set

the low bar for multilateral policy, a position that came with

international condemnation and reputational costs. So when the

United States voted against initiating the ATT process in 2006, Israel

abstained.

In its 2007 ATT statement to the UN secretary-general, the Israeli

government asserted that its abstention should be understood “as a

call for prudence … rather than an objection to the application of a

robust and responsible control of the sale and transfer of arms” (UN

General Assembly 2007:16). It also stated that Israel “has, for many

years, exercised strict control over arms exports through a

comprehensive export control mechanism” (15). Like the other cases

in the book, the government emphasizes that its policies are in tune

with international standards—although many experts would disagree

with such a characterization of Israeli arms trade policy and practice.

Once the United States changed its vote to a “yes” in late 2009,

Israel too joined the ranks of supporter states. It voted in favor of the

final ATT in 2013 but has so far not signed it.

In short, Israel has chosen its policy in order to avoid sharing in

the international criticism attracted by U.S. opposition. Although

Israel is close to the United States and depends on it for substantial

advanced weaponry (D. Clarke 1995; Rodman 2007), it nevertheless

recognized the broader social costs of aligning with it on the issue.

Israel may not have opted for reputation building through policy

support, but it was strategic in evading the reputational damage

associated with opposing the initiative. As such, the Israeli case

highlights two important factors: first, international policy pressures

at work in the absence of existing regional norms or policies and in

the presence of strong military insecurities and, second, the extent to

which the United States sets the standard of policies to avoid and

detracts attention from those “less irresponsible” but still not

“responsible” policies followed by nonsupportive states.

*SOUTH AFRICA: CONCERN FOR DOMESTIC REPUTATION?*

International reputational pressures have also likely helped South

Africa transform from an early opponent of shared export controls

during UNPOA negotiations to a firm ATT supporter as it seeks to

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legitimate its role in world politics. What South Africa contributes to

the analysis more significantly, however, are its vivid domestic

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debates about arms trade practice. In the opening of the book, I

described the angry protests that erupted in 2008 in response to the

government’s decision (later reversed) to allow the transit of Chinese

arms through South Africa to Zimbabwe. Despite an active network

of NGOs, the incident demonstrated the government’s initial lack of

sensitivity to arms scandals absent arms export transparency. It also

showed the public’s intolerance of transfers—once revealed—that

are perceived as “irresponsible” and contrary to South African

values.

On the import side, the government has also faced ongoing

scandal over allegations of widespread bribery connected to its 1999

Strategic Defence Procurement—known as “the arms deal”—with

numerous European firms. Arms deal corruption charges against

Jacob Zuma were dropped just prior to his election to the presidency

in 2009. In 2011, Zuma suspended broader investigations into the

matter but reversed his decision later that year after an activist

brought suit against the government, “forcing it to revive the

investigation on the grounds that it had failed to meet its

constitutional obligation to fight corruption” (M. Cohen 2011). Media

attention has sparked public interest and outrage regarding

government accountability, leading to investigations into fresh

revelations of corruption and political meddling in 2012 and 2013.

The domestic politics of arms transfers in South Africa

complement those of Germany, with historical experience prompting

general public and organized civil society concern about the human

rights implications of arms exports. Unlike Germany, however, South

Africa lacks the transparency to consistently advertise “irresponsible”

deals. SAS (2007) counts South Africa among the least transparent

small arms exporters. What information has been released in recent

years has come too late to affect decision making and has been

largely ignored by the media as “only of historical interest” (Lamb

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2007). In turn, according to Laurie Nathan, “South Africa’s export of

conventional armaments has been its foreign activity least consistent

with stated policy,” which lays out a commitment to human rights on

paper but has often turned a blind eye to them in practice

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(2005:371).

South Africa has numerous organizations dedicated in part or in

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full to arms trade issues as well as religious and labor groups willing

to monitor arms trade activity as they are able and a public willing to

mobilize when opportunities arise. But because there are no regular

sources of arms trade information, the government can more easily

hide less palatable trading partners from critical eyes and

reputational damage. Yet its ability to maintain arms trade secrecy

may be crumbling as it is forced to address ghosts of arms deals

past. And as it seeks a regional leadership role, attempts to cope

with gun violence within its own borders and reputational costs of

this policy–practice gap and legacy of corruption may grow.

*BRAZIL: SEPARATION OF DOMESTIC POLITICS AND*

*INTERNATIONAL POLICY*

Brazil developed its defense industrial base in the 1970s and 1980s.

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Although it is not a large exporter of MCW, it has become a key

exporter of SALW in the past decade (SAS 2006). The Brazilian case

is particularly instructive as a counterpoint to the United States. It

shows that public support for civilian gun possession in domestic

politics need not spill over into opposition to arms export controls in

international politics. As in the United States, public debates in Brazil

over questions of domestic arms control have been intense. Unlike in

the United States, however, these debates have not been deployed

in foreign-policy debates on conventional arms control. In fact, Brazil

has been a strong supporter of “responsible” arms export policies in

both regional and international fora.

Gun violence in Brazilian society is notorious (see SAS 2007). In

response, Brazil proposed to outlaw commercial arms sales to

civilians in 2005. One month prior to the referendum, polls suggested

73 percent favored the proposition, largely because of support from

the federal government, the Catholic Church, and a major media

conglomerate (Morton 2006). Yet although only a small fraction of

the civilian population is thought to own guns, the proposition

ultimately failed by a nearly two-to-one margin, primarily because of

the intense campaign run by pro-gun groups in the three weeks prior

to the election that caught pro-control groups off-guard (interviews

65209140, 66209140; Morton 2006). Clifford Bob (2012) describes a

domestic election battle with international participants on both sides

and pro-gun groups desperately seeking American resources (albeit

without success). In the end, pro-gun groups won by mimicking NRA

campaigns, designed to remind voters of their historic fight to

overcome dictatorship and to stoke public anxiety about trust in

government, human rights, and personal security.

The resounding failure of Brazil’s 2005 proposition was lauded as

a global triumph by the NRA and used as a global call to arms

against UN initiatives (Bob 2012:180). Even so, pro-gun groups in

Brazil have not connected the debate about civilian possession to

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export policies. And although the government has not sought a

leadership role on the ATT or on other UN initiatives (interview

66209140), its support for multilateral export controls has not been

contested. Brazil sees its foreign policy as grounded in cooperation

and compromise, soft power, and international law, connected to its

identity as an intermediate power and mediator in regional and

international politics (interview 65209140; Lafer 2000; Soares de

Lima and Hirst 2006). Brazil may also not have the luxury of

shrugging off concern for its international reputation in the way the

United States as a superpower can. Conforming to international

expectations rather than publicly flouting them, Brazil voted in favor

of successive ATT resolutions and signed the day it opened for

signature in 2013.

THEORETICAL IMPLICATIONS

The spread of “responsible” arms transfer standards presents IR

theory with a difficult task. The gap between states’ policy and their

practice casts doubt on explanations expecting commitment and

compliance to go hand in hand. Ripe with potential costs to

economic profits and military power and largely ignored by the

public, “responsible” arms export controls are also unlikely to win

domestic political gains or future profitable agreements. Weak

implementation of new controls suggests that policy changes have

not come about because of a deep internalization of new

humanitarian standards, either. Even so, states’ eagerness to

endorse such policies despite the material costs of doing so

indicates changing policy expectations in a new normative

environment. Explanations must therefore accommodate both states’

widespread commitment to popular new policies as well as their

relatively consistent noncompliant arms trade practices. By

understanding reputation as a social incentive, this book bridges

rationalist and constructivist approaches to IR and provides

additional theoretical insights for reputation and government

accountability, norm diffusion and socialization, and regime

formation.

*REPUTATION IN INTERNATIONAL AND DOMESTIC POLITICS*

This book’s core argument is that states’ concern for social

reputation in international fora explains their commitment to

otherwise costly “responsible” arms transfer policies. In this case,

reputation serves as a social incentive for states to choose policies

that conform to international norms in public—even norms they have

not internalized in private. In particular, where diplomats meet

regularly to discuss specific issues, expectations for appropriate

policies can be communicated and states’ policy choices easily

observed. States may therefore choose their policies strategically as

a means to preserve, enhance, or repair their reputations in the

social context of international institutions. A good reputation can

itself be a goal in international politics, bringing positive feedback on

a state’s identity, or be sought out for other social benefits it can

confer, such as legitimacy. Reputation as a social concept can

extend beyond the arms trade to other issues, such as states’

commitment to climate change initiatives, human rights treaties,

development, and humanitarian intervention. In turn, these social

incentives can help explain the diffusion of new norms beyond their

initial norm entrepreneurs.

In this context, the five case studies examined in this book

highlight the importance of political leadership and ministries of

foreign affairs in driving states’ social reputational concerns in

international politics. In many states, arms export policy and its

implementation are the responsibility of multiple government

ministries (e.g., foreign affairs, commerce, defense, and perhaps

others). Although ministries of finance and economics might be more

invested in protecting states’ material interests with more liberal

arms export policies, ministries of foreign affairs or high-level leaders

typically take the lead when it comes to shaping and promoting

states’ policies abroad. These actors interact frequently with

diplomats and leaders from other states. Ministries of foreign affairs

may also be charged explicitly with shaping the state’s image abroad

through public diplomacy and related programs. As the state’s

representatives in multilateral fora, these actors are often more in

tune with changing international norms, more subject to international

pressures for social conformity, and more deeply invested in

maintaining a state’s reputation. They may therefore be more

sensitive to appeals to “good international citizenship” to commit to

such regimes as the ATT and to the reputational costs of opposing

them.

The book also argues that domestic reputation can play a role in

policy implementation and government accountability. The

compliance literature typically looks to international politics to provide

states with the incentives—whether material or nonmaterial, formal

or informal—to comply with their policy commitments. Yet in some

cases domestic politics may also motivate compliance, even when

the international community lacks the tools and authority to monitor

and enforce state practice. Although hard treaty law can broaden

and formalize the domestic mechanisms available to facilitate

compliance (Simmons 2009), the prospects of public backlash can

also generate some compliance. Scandals impose domestic

reputational costs by spotlighting severely “irresponsible” export

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deals and capturing intensely critical public attention. Scandal

sensitivity, I argue, requires both information about a government’s

arms export activity and an active civil society willing to call attention

to “bad” export deals in domestic politics. Where governments

perceive a high threat of scandal, they may exercise (comparatively)

more restraint in their export practices. Even so, this dynamic may

be rare and slow to develop.

Acknowledging reputation as a social concept opens the door to

consider states’ acceptance of new norms without the internalization

of those norms. States can be concerned with the public appearance

of social conformity, but the private acceptance and “taken-for-

granted” status of norms may take more time to emerge, if they do at

all. As a result, when states’ policies are highly visible but their

practices are not, commitment can more easily come without

compliance. In this way, states may strategically respond to changes

in the international normative environment out of concern for the

social consequences of reputation in the present, despite the

potential material costs of doing so in the future. Yet if their

compliance remains limited, further questions arise for the processes

of socialization and regime formation.

*NORM DIFFUSION AND SOCIALIZATION*

Although arms trade accountability has been left in the hands of civil

society, international institutions have two integral roles in the

diffusion of “responsible” arms trade norms. First, they provide

formal settings in which states face social pressures to commit to

new policies as diplomats interact and behavioral expectations

evolve over time. In the case of arms transfers, domestic political

pressures in most states cannot do the same. Unlike the landmine

campaign, which benefited from popular and interest-group support,

“responsible” arms transfers have faced an inattentive public and an

initially hostile or reluctant defense industry. Rather, it has been in

the context of international institutions that commitment pressures

have increased and caused states to rethink their policies. Second,

states’ support for multilateral initiatives can make rhetorical

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entrapment a viable means to promote government accountability.

Support for agreements makes explicit states’ commitment to certain

values and norms. In doing so, agreements—whether they are

legally binding or not—make incidents of hypocrisy easier for

domestic NGOs and the media to spot and spotlight. Both the policy

commitment itself and the publicity of that commitment in

international institutions enable accountability and concern for

reputation to begin to emerge in domestic politics.

So far, however, international institutions have not generated a

significant sense of social obligation among states to *comply* with the

norms these institutions articulate. State practice has proven difficult

to change, suggesting that norm internalization will be a slow and

uncertain process. Defense industry interests, a multitude of

bureaucratic interests involved in arms export decision making, and

a general lack of public attention reduce material and social

incentives to institute broad changes in practice. At times, these

factors may even work against deeper socialization. Norm diffusion

has been rapid and widespread. But although norm emergence has

been highly successful in the short term, scholars, policy makers,

and activists must all take a long-term view of how “responsible”

arms trade norms will evolve and take hold over time. Norm

internalization is not inevitable; it will take concerted effort and

attention from governments and civil society alike.

Nevertheless, social obligation does win out over material interests

as states weigh whether to *commit* to popular policies. Indeed, it lays

the foundation for states’ reputational concerns linked to their

legitimacy and standing in international politics. In contrast, where

shared social obligations to commit to policies are absent, reputation

fades as a motivation for policy support. This is possible where a

state is less dependent on international institutions and “good

international citizenship” to define its role in the international

community. As the U.S. case illustrates, a hard-power-oriented

hegemon may see itself as above or exempt from international social

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obligations. Yet it may also face greater public scrutiny of its

willingness and ability to meet its obligations. The resulting gap

between a hegemon’s material power and the social foundations of

its ability to exercise that power can generate a deep crisis of

legitimacy and authority (Reus-Smit 2007). Research finds that U.S.

reputation—and with that reputation, its standing, credibility, and

legitimacy—took a hit from its widespread opposition to multilateral

initiatives throughout much of the 2000s (American Political Science

Association 2009; Goldsmith and Horiuchi 2009). In response, the

United States attempted to engage in reputation repair and reshape

its international leadership role, with potential consequences for the

structure and content of global governance for years to come.

*REGIME FORMATION*

U.S. treatment of international law also has consequences for

regime formation and norm diffusion. International regimes may form

more readily under the leadership of a hegemon able to coax (or

coerce) others to join and continue to cooperate over time (Keohane

1984). When the hegemon is uninterested in or actively opposes

cooperation, the prospects for regime formation are uncertain. Some

scholars cast grave doubt on regime creation without a willing

hegemon acting in its own material interest to facilitate interstate

cooperation (Krasner 1983). Others counter that the landmine treaty

formed in the hands of middle-power leadership and succeeded

without bending to U.S. preferences. In the case of “responsible”

arms export controls, U.S. opposition until late 2009 both helped and

hindered regime formation and norm diffusion.

Certainly, the absence of one of the most powerful players in the

creation of an international regime might cast doubt on that regime’s

legitimacy (Franck 1990), and opposition from any state will stall

cooperation when institutional rules require consensus. Lead states

and NGOs have made a particular effort to accommodate U.S. “red

lines,” hoping to create a treaty that covers a significant portion of

the global arms trade by including the United States. In doing so,

they simultaneously increase the final product’s legitimacy but

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weaken its contents. Yet despite initial U.S. opposition and in part

*because* of U.S. opposition, lead states were able to initiate the

process to form a legally binding regime. In fact, when the

hegemon’s reputation is damaged, its opposition may not be wholly

detrimental to regime formation. The opportunity to “look better” than

(or not as bad as) the United States has helped garner support for

(and lessen opposition to) shared arms transfer controls. The

negative perception of a hegemon by a majority of states for

eschewing its social obligations may therefore provide an opportunity

for others to advance their social standing by behaving “better” than

the most prominent objector.

Although the ATT process was pushed forward by U.S. opposition,

it nevertheless entered a holding pattern without U.S. support—or at

least had to decide how to move forward without U.S. support. This

suggests that the conditions under which regime formation may

occur and the outcome itself may still be circumscribed in the face of

hegemonic opposition. Leaders reduced the scope of the ATT—by

excluding regulations on transfers to nonstate actors, ammunition,

and civilian possession—simply to keep the U.S. engaged in the

process and in hopes of its eventually coming on board. And even as

U.S. support in late 2009 catalyzed formal negotiations, behind the

scenes the United States sought to maintain the more limited treaty

scope and create some wiggle room in the language of treaty

obligations.

The strength of changed expectations for “responsible” policy

choices may affect lead states’ ability to rally a critical mass of

supporters in addition to the hegemon’s reputation. When consensus

over norms becomes more widely diffused through regional

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initiatives and UN discussions, these conditions can work together

to the regime leaders’ advantage: the hegemon’s reputation will

visibly suffer as a result of its opposition, and other states will

perceive greater social obligations and reputational consequences

linked to their own policy choices. The social pressures to cooperate

therefore may be strong even when the hegemon does not

contribute to them. If the spread of new norms becomes truncated,

however, lead states may have difficulty inspiring cooperation in the

absence of hegemonic support.

POLICY IMPLICATIONS

In October 2009, the United States announced its support for the

ATT initiative as long as the process remained ruled by inclusion and

consensus. This announcement was game changing. Rather than

indefinite working groups to keep the process alive as leaders

considered how best to move forward without the support of the

world’s largest arms exporter, formal treaty negotiations were

scheduled for 2012. In 2013, with U.S. support, the UN voted by

wide margins to approve the final ATT, which will go into effect after

the fiftieth state deposits its instrument of ratification on December

24, 2014. As lead states and NGOs now consider how to move from

negotiation to implementation, the empirical and theoretical findings

of this research carry important implications for legalizing

“responsible” arms export controls and similar policy initiatives in the

future.

First, how will the ATT achieve substantive behavioral change

among major exporters? This question looms large and ultimately

affects the treaty’s ability to reduce the lives lost and human

insecurity generated by “irresponsible” arms proliferation. As I have

shown, arms trade practice is slow to change, and the ATT

secretariat will have no enforcement authority. Article 14, the treaty’s

sole formal enforcement provision states, “Each State Party shall

take appropriate measures to enforce national laws and regulations

that implement the provisions of this Treaty.” Much as before,

enforcement must therefore fall to domestic politics. Indeed, the

ATT’s preamble explicitly recognizes “the voluntary and active role

that civil society … can play in raising awareness of the object and

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purpose of this Treaty, and in supporting its implementation.”

Yet compliance that relies on electoral accountability will be limited

even in established democracies. Because the ATT is a legally

binding document, domestic courts may formally enforce its

provisions and provide additional incentives for compliance

(Simmons 2009). This method of enforcement may nevertheless rely

on the spread of NGOs as agents of government accountability and

arms trade transparency if it is to become an effective path to

compliance. It may require financial support from the international

community as well as training in ATT provisions, export reporting,

and export policy. Lead states and NGOs may also need to nurture

domestic NGOs elsewhere so that they are able to engage with

government decision makers and national judicial systems on the

issue. But even where these conditions are present, consistent and

sustained compliance will likely still be difficult and will require both

domestic efforts to raise awareness and international efforts to

consolidate the interpretation of new standards over time.

Second, initiative leaders must continue to consider how to bring

skeptical states on board—especially major arms exporters, such as

Russia and China. Understanding the nature of their interests and

their perceptions of their roles in the international community may

help in doing so. For Russia, reputational pressures may be

insufficient. Widespread international criticism over its arms transfers

to the Assad regime have been ignored and perhaps may even have

strengthened its resolve. Arms exports are seen as vital to its

struggling economy. Emphasizing an ability to engage in technology

sharing and coproduction—and with them, access to more profitable

arms markets—as a benefit of common export controls may be more

effective in Russia’s case. Conversely, China may respond better to

reputational arguments as it seeks social standing, validation, and

integration into the international community (Johnston 2008; M.

Miller 2013). Indeed, its role in the final ATT negotiations was said to

be more constructive than expected, thanks largely to its increasing

engagement with supportive African governments.

Finally, continued U.S. participation seems uncertain at best. Its

domestic political climate all but ensures that Senate ATT ratification

will be impossible for the foreseeable future. Divisive partisan politics

and NRA influence in Congress suggest that arguments

emphasizing that the ATT will not impose any additional restrictions

beyond current U.S. policy will be largely ineffective. Regardless, the

eventual inclusion of all top exporters will be necessary to create a

regime able to restrict arms flows to problematic areas. If this does

not occur through formal treaty signature and ratification, perhaps

eventual informal adherence to ATT provisions, as the United States

has largely done with the Ottawa Treaty, will lead to changes in the

absence of formal legal obligations. For this scenario to be plausible,

however, arms trade norms will have to be greatly strengthened.

Work by civil society groups can attempt to increase public

awareness and interest to enhance accountability, but this work can

be difficult and unreliable, especially given other pressing domestic

concerns and the complexity of the issue itself. Clarifying

international expectations and boosting material and nonmaterial

international pressures may also be essential in the long run.

Ambitious policies are an important start, but without the means to

expose and punish noncompliance, they do little more than enhance

states’ reputations without improving human rights and conflict

conditions on the ground in recipient states, as ostensibly intended.

Adherence to “responsible” arms export norms has so far been

weak, even within longer-established regimes such as the EU Code

of Conduct. This weak adherence raises serious questions for the

ATT and beyond. How can international institutions, state policy

makers, and civil society effectively persuade, inspire, coerce, or

cajole states to meet their human security obligations in world

politics? The evidence here suggests that the ATT faces a hard road

ahead and that reliance on domestic accountability may not be

sufficient. The norm life cycle does not guarantee that new norms

will reach the widespread internalization phase. Keeping compliance

in the public eye and ensuring that the social and material costs of

noncompliance are clear and certain will require hard work from both

the international community and domestic actors.

The “last area of freedom” in arms control is no longer as free as it

once was. Rules and norms of small and major conventional arms

transfer controls are proliferating. Joining prohibitions on the

production and use of “inhumane” and nuclear weapons,

conventional arms regulations complete a spectrum of weapons

regimes ranging from the protection of individuals’ human security to

the protection of states’ military security. Certainly, compliance on the

conventional arms front leaves much to be desired. But the success

of new initiatives to set global legally binding standards based on

humanitarian principles to govern the conduct of the conventional

arms trade is unprecedented in both its reach and its achievements

to date.

The role of conventional arms transfers in world politics has clearly

shifted in line with changing foreign- and security-policy priorities and

practices in the post–Cold War era. This trend may not be

irreversible, however. Countermovements associated with the war on

terror and new austerity measures indicate that states may be

adopting a renewed security and economic mentality with respect to

arms transfers. Without further developments to improve government

accountability, the policy–practice gap on the arms trade could widen

even as major exporters express their support for more “responsible”

policies. Reputation can help to explain states’ seemingly

contradictory behavior, but it can go only so far in reconciling those

contradictions in practice.

States’ concern for reputation links normative shifts in the

international community to strategic policy choices intended to serve

state interests—in the case of arms trade, interests that are defined

not only by material goals but also by social goals in international

politics. Acknowledging reputation as a strategic *and* social concern

may also provide insights into states’ behavior elsewhere. For

example, reputation may help to explain how donor states choose to

dedicate and disperse international aid. States may also perceive

reputational incentives to support popular multilateral initiatives, such

as climate change or human rights, despite potential material costs.

Clearly, some states do internalize the rules and norms they publicly

endorse. Many others, however, adopt the accepted line in public but

not in private, especially where monitoring is poor. Reputation

attached to states’ international legitimacy and standing helps

explain such discrepancies and states’ desire to keep up with

expectations for “good” or “responsible” policies, even if their private

preferences remain otherwise unchanged.

At the intersection of states’ material interests and social

obligations, conventional arms export controls present policy makers

with an especially complex and sensitive task. Small and major

conventional arms are the basic building blocks of states’ security. At

the same time, many see small arms as the “real weapons of mass

destruction,” killing millions of people each year. On paper,

conventional arms transfers have become a tool by which exporters

can promote international humanitarian and human rights norms. Yet

the gap between states’ policy commitments and their less-restrictive

practices has gone largely unaddressed in international discussions.

Instead, domestic political actors in some cases have sought to

constrain states’ arms transfers. As ATT signatories prepare for

implementation, however, tough questions about monitoring and

enforcement remain. Answering these questions will depend on the

signatories’ ability to strike a balance between states’ continued

notions of sovereignty and security attached to their arms trade and

their evolving ideas of what it means to be “responsible” citizens in

the international community. This task will not be easy, but its

outcome will have profound consequences for security and human

rights around the world.

*Appendix A*

MULTILATERAL CONVENTIONAL ARMS CONTROL IN THE

TWENTIETH AND TWENTY-FIRST CENTURIES

*Year Key talks and agreements Purpose*

1919 St. Germain Convention for the Prevent “problem actors” in areas

Control of the Trade in Arms of colonial influence from

and Ammunition acquiring arms

1925 Geneva Arms Traffic Convention Publicize arms exports

1932–1935 League of Nations Disarmament Establish production and trade

Conference regulations

1949–1994 COCOM for Multilateral Export Establish conventional and dual-

Controls use export controls from west

to east

1950 Tripartite Declaration Regulate arms transfers to the

Middle East from the United

States, the United Kingdom,

and France

1974 Declaration of Ayacucho Establish Latin American import

controls

1977–1978 US–USSR Conventional Arms Limit weapons transfers to

Transfer talks regions of conflict

1980 Convention on Certain Ban use of conventional weapons

Conventional Weapons (CCW), that cause “superfluous injury

Protocols I–III and suffering”

1987 Missile Technology Control Develop informal, voluntary

Regime coordination of national export

licensing to prevent the

proliferation of unmanned

delivery systems of weapons of

mass destruction

1990 Treaty on Conventional Armed Set troop ceilings and mandated

Forces in Europe destruction of excess

weaponry in eastern and

western Europe

1991–1992 P5 Talks on conventional arms Attempt to limit arms transfers to

control the Middle East

1991 UN Register of Conventional Provide transparency, confidence

Arms building

1992 Treaty on Open Skies Establish openness and

transparency in military

activities

1993 NGO landmine conference Consult on possible campaign to

ban landmines

1993 Organization for Security and Guide states in conducting arms

Cooperation in Europe (OSCE) transfers

Principles Governing

Conventional Arms Transfers

1995 UN General Assembly Resolution Create UN Group of

50/70B Governmental Experts

(UNGGE) on Small Arms

1995 CCW, Protocol IV Ban use of blinding laser

weapons

1996 Organization of American States Declare goal to eliminate APL in

(OAS) Landmine Resolution Western Hemisphere, ask

states to declare moratoria on

the production, use, and

transfer of landmines

1996 Amended Protocol II of CCW Restrict use of APL, antivehicle

mines, and booby traps

1996 Ottawa Conference Towards a Call for international community

Global Ban on APL to eliminate APL

1996 UN General Assembly landmine Call for international agreement

resolution to ban the use, production,

stockpile, and transfer of APL

1996 Wassenaar Arrangement Establish transparency

1996 UN Disarmament Commission Develop voluntary guidelines for

guidelines conventional arms transfers to

conflict zones and unstable

areas

1996–1997 UN Panel of Governmental Report on the use of SALW in

Experts on SALW conflicts, their excessive

accumulation, illicit production

and trade, and means to

reduce their destabilizing

accumulation

1997 UN General Assembly Resolution Request views of member states

54/54V and second UNGGE on

convening a SALW conference

1997 Ottawa Mine Ban Treaty Ban the import, export,

production of APL

1997 OAS Inter-American Convention Develop cooperation and

Against the Illicit Manufacturing information exchange to

and Trafficking of Firearms prevent illicit manufacturing

and trafficking of firearms,

ammunition, and explosives

1997 EU Programme for Preventing Establish nonbinding

and Combating Illicit Trafficking commitments to prevent and

in Conventional Arms combat illicit trafficking from the

EU and to assist areas

adversely affected by trafficking

1998 EU Code of Conduct on Arms Provide politically binding

Exports common export standards,

transparency, and consultation

1998 EU Joint Action on SALW Combat the destabilizing spread

of SALW and help solve

problems caused by such

accumulation (renewed in

2002)

1998 ECOWAS Moratorium on Ban import and production of

Production and Trade of SALW SALW (extended in 2001 and

2004)

1998 Small Arms Working Group, Develop policies on SALW

Southern African Development

Community

1999 UNGGE on convening a small Report on the scope, agenda,

arms conference dates, objectives, and venue

for a SALW conference

1999 OAS Inter-American Convention Establish transparency in

on Transparency in reporting of exports and

Conventional Weapons imports and in weapons

Acquisitions acquisitions

1999 OSCE Istanbul Summit Initiate discussions on SALW

proliferation

2000 OSCE Document on Small Arms Provide details on export control

and Light Weapons criteria, marking and tracing,

and identifying surpluses

(politically binding)

2000 Nairobi Declaration on Illicit Combat problems caused by illicit

SALW SALW

2000 Bamako Declaration on Illicit Recommend national action on

Proliferation, Circulation, and SALW issues, create bilateral

Brokering of SALW agreements, and destroy

(Organization of African Unity) surplus weapons

2000 Brasilia Declaration of Latin Develop common position for

American and Caribbean 2001 UN SALW Conference

States

2000–2001 Preparatory Committee meetings Negotiate procedures and draft

on SALW conference programs of action (three total)

for 2001 UN conference

2001 Protocol on the Control of Establish regional and

Firearms, Ammunition, and international initiatives to

Other Related Materials combat illicit production and

(Southern African Development destabilizing accumulation of

Community) firearms

2001 UN Programme of Action on Establish politically binding

Small Arms and Light Weapons national, regional, and global

measures to combat illicit trade

of SALW

2002 Wassenaar Arrangement Best Establish guidelines for members

Practice Guide for exports of regarding SALW transfers

SALW

2003 CCW, Protocol V on Explosive Establish responsibility for states

Remnants of War to clear weapons left behind

and to warn populations of

presence of weapons before

clearance

2005 UN Firearms Protocol Adopt crime-control measures,

strengthen national licensing

procedures, adopt legislation to

criminalize the illicit production

and trade of firearms, and

create firearms marking and

tracing

2005 EU Strategy to combat illicit Provide a common response to

accumulation and trafficking of problems and threats posed by

SALW and ammunition illicit SALW trafficking; reinforce

the need for consistency

between security and

development policies

2005 UN International Instrument to Enable identification and tracing

Enable States to Identify and of SALW, promote international

Trace, in a Timely and Reliable cooperation in marking and

Manner, Illicit Small Arms and tracing

Light Weapons

2006 ECOWAS Convention Transform moratorium into a

legally binding convention

2006 UNPOA Review Conference Follow up to the 2001 conference

on UNPOA implementation

2006 UN General Assembly Resolution Establish formal process to begin

A/61/394 towards an ATT negotiations on a legally

binding ATT

2006–2007 UNGGE on illicit arms brokering Establish recommendations for

UN steps to control

international arms brokering

2007 Oslo Declaration Commit signatories to concluding

cluster munition treaty by 2009

2008 UNGGE on an ATT Take second formal step to

establish scope of treaty in

view of future negotiations

2008 UNGGE on ammunition stockpile Make recommendations for UN

controls

2008 Convention on Cluster Munitions Ban use, stockpiling, production,

and transfer of cluster

munitions

2008 EU Common Position Make Code of Conduct legally

2008/944/CFSP binding

2013 UN General Assembly passes the Provides legally binding

ATT humanitarian arms export

criteria

2014 UN Arms Trade Treaty Entry into force

*Appendix B*

DATA SOURCES AND CODING

This appendix briefly describes the selection and coding of the

dependent and independent variables in the Arms Trade Data Set as

well as the interview sources and citations. There are two dependent

variables: MCW transfers and SALW transfers. The independent

variable of interest is importer states’ human rights records. The

control variables have been chosen to reflect factors that might have

a confounding effect on the relationship of interest (arms transfers

and human rights) based on the existing theoretical and empirical

literature. The Arms Trade Data Set is significantly broader than

previous statistical research in terms of the number of supplier states

it covers and its consideration of both small and major conventional

arms. It therefore seeks to be as comprehensive as possible despite

data problems inherent in this field, which has long had to deal with

difficulties of measurement and state secrecy that has only recently

begun to fade.

COUNTRIES

The data set contains exporter–importer dyad-years from 1981 to

2010 for 22 top SALW- and MCW-exporting countries and 189

potential importing countries. The exporters include Austria,

Australia, Belgium, Bulgaria, Canada, China, the Czech Republic

(Czechoslovakia), France, Germany (West Germany), the

Netherlands, Norway, Israel, Italy, Russia (Soviet Union), South

Africa, South Korea, Spain, Sweden, Switzerland, Turkey, the United

Kingdom, and the United States.

The subset of ATT supporter states includes all exporter states

that voted in favor of the ATT when it passed the UN General

Assembly on April 2, 2013. It excludes Russia and China, which

1

formally abstained from voting.

DEPENDENT VARIABLES

Because the political attention to, use of, and data for SALW and

MCW transfers are dissimilar, the data set contains separate

dependent variables for each. Most analyses cover only trade in

MCW—where more historical data are available, transparency is

more established, and the weapons themselves are easier to track.

However, the most work to build multilateral standards and controls

in the past decade has taken place with SALW. The ATT process has

expanded international discussions on SALW export controls to

include MCW. As I describe later in this appendix, differences

between data sources also necessitate coding separate variables for

2

methodological reasons.

*Major Conventional Weapons*

MCW data are significantly better developed than SALW data. In

particular, SIPRI compiles and updates worldwide annual data based

on publicly available sources going back to 1950. SIPRI defines

MCW as large weapons with a military purpose, covering the

following nine categories: aircraft, armored vehicles, artillery,

sensors, air defense systems, missiles, ships, engines, or an “other”

fulfilling certain qualifications (SIPRI 2007:428–29). Although limited

to MCW, SIPRI “provides the most painstakingly researched

database” available (Brzoska and Pearson 1994:20) and is an

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established source in the arms trade literature. Since the 1990s,

SIPRI data collection has benefited from voluntary state-created

transparency initiatives such as the UN Register and the Wassenaar

Arrangement.

The dependent variable for MCW transfers (mctransfer) uses

4

SIPRI trendindicator values (TIV), which are aggregate dollar

figures measuring the core price and value as military resources of

actual weapons deliveries within an exporter–importer dyad in a

5

given year (SIPRI 2007:429). TIVs are based on an assessment of

“the technical parameters of weapons” transferred in a dyad-year.

The value represents quantity and quality assigned from “an index

that reflects its value as a military resource in relation to other

weapons.” (SIPRI 2007:429). Although TIVs consider core weapon

6

prices where that information is available, they are not a record of

7

payments made. Because transfers can include gifts or aid, in

addition to sales, by way of a multitude of financing methods—

including barter, discounts, credit, and cash—the standardized TIV

measure is substantially more useful in comparing transfers from

year to year and country to country (Brzoska 2004; SIPRI 2007).

Moreover, it can better factor in transfers of secondhand equipment,

to which it is otherwise difficult to assign a monetary value (Durch

2000:8). Finally, TIVs are a uniform measures across countries over

time and are updated as new information becomes available,

including as past reports are declassified. Thus, although TIV data

cannot be combined with other sources, they are an extremely useful

tool for research.

SIPRI consults a wide range of public sources in collecting its

data: newspapers, books and reference works, official national and

international documents, and periodicals and journals. Some records

may require an informed estimate by the researcher and tend to err

on the side of being conservative (SIPRI 2007:430). It is important to

acknowledge that with respect to public sources, an absence of a

recorded transfer in a dyad-year can indicate either “no transfer” or a

“so far undetected transfer.” However, SIPRI provides the most

thorough information available for the global MCW trade.

*Small Arms and Light Weapons*

The variable for small arms transfers (satransfer) is based on raw

records compiled by the Norwegian Initiative on Small Arms

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Transfers (NISAT; see NISAT 2006). NISAT uses the UN definition

of SALW, labeling as small arms “those weapons designed for

personal use” and as light weapons “those designed for use by

several persons serving as a crew” (UN 1997:11). These categories

include, for example, revolvers, machine guns, rifles, and

ammunition and explosives (UN 1997:11–12). NISAT collects UN

9

Comtrade data as well as available national and regional reports

and press research but suffers from the lack of a universal system of

reporting and methodology (Marsh 2005:2). As a result, data are not

streamlined into uniform definitions and measures of quantity or

quality. Moreover, multiple reports of a single transfer may exist but

cannot be identified as repeat submissions with any certainty, as I

explain later in more detail.

Despite the coding difficulties that arise when states *do* report

small arms data, simply tracking the small arms trade is inherently

more problematic without their support. As Ian Anthony states, “The

rapid and unbroken increase in the movement of standard-size

closed containers through ports in countries with a domestic small-

arms industry underlines that monitoring of the legal trade can only

be done with the consent and cooperation of governments and

industry” (1994:34), which have recently become more common

(Holtom 2008). In its first yearbook, SAS called small arms transfers

“a unique kind of terra incognita” that “remain statistically primitive

and underdeveloped” (2001:61). Since then, however, numerous

national, regional, and international sources have appeared, helping

generate a broad sketch of the small arms trade.

Because of the rough nature of SALW data, *satransfer* is

dichotomous: the number 1 indicates the presence of a transfer in a

dyad-year, and zero indicates no record of a transfer in a dyad-year.

Three significant data problems necessitate a dichotomous SALW

variable. First, the absence of a transfer record does not mean with

certainty that no transfer took place—only that one was not listed in

the numerous sources used to compile the database. Without

completely open government records for all years, it is simply

impossible to distinguish a missing variable from a “no transfer”

record. This is especially problematic with regard to data from the

Cold War, which Nicholas Marsh refers to as the “heyday of gray

market arms transfers” (2002:221). The superpowers delivered arms

to conflicts worldwide in an attempt “to subvert the global influence of

the other by clandestinely arming the enemies of their enemies”

(221). Rather, it can only be assumed that the figures are generally

underestimates, especially during the Cold War.

Second, one record in a dyad-year may list price and not volume,

but another may list volume and not price. The specific number of

weapons is also often missing. This disparity makes it difficult to

create a variable based on either price or quantity because only

partial information is usually available. As SAS points out, “Many

governments report only the value or tonnage given in their customs

receipts, leaving the actual number of weapons to guesswork”

(2003:99). At the same time, the values of transfers—if given—are

not necessarily accurate or useful because states may acquire arms

through bartering, credit, or gifts as well as cash, which a raw price

report does not capture (Brzoska 2004:113; Levine et al. 1997).

Finally, a single dyad-year may list more than one record of a

single transfer. As a rule, NISAT utilizes multiple sources (“mirror

statistics”) in compiling its database and lists every record found for

a dyad-year. For example, there may be at least two sources of data

on a transfer, one taken from exporting-country reports and the other

from importing-country reports (Marsh 2005). This approach helps to

broaden the picture of the SALW trade, particularly for exporters or

importers who do not regularly submit reports. However, it is

impossible to determine whether the records reflect multiple sources

on a single transfer or are indeed multiple transfers. Exporters and

importers may provide either different types of information (e.g.,

price or quantity) or even slightly (or grossly) different values for the

same type of information about the same transfer. Data aggregation

is therefore unwise, and NISAT explicitly advises against it because

of the nonstandardized nature of the raw data.

As a consequence, although it is possible to identify whether a

small arms transfer has taken place, it is impossible to provide

accurate information about the price paid or the amount transferred.

Without improved records, *satransfer* is therefore most responsibly

coded dichotomously. At the same time, it remains a crucial

component of this analysis. Given the dearth of political and

scholarly attention to small arms until recently, there is limited

knowledge of states’ patterns of exports in this area. This gap

widens when it comes to quantitative analyses and suggests that

using available data with an eye informed as to its shortcomings is

well worth the effort. The value-added of including *satransfer* is high,

not only for the research at hand—small arms have been at the

center of policy discussions and the conduit for promoting

“responsible” export controls—but also for arms control research

more broadly, which lacks a fundamental understanding of states’

small arms export practices.

INDEPENDENT VARIABLES

The statistical model explores the relationship between arms

transfers and recipients’ human rights records over time and

contains four additional control variables: GDP per capita as a

measure of development, democracy, internal conflict, and oil

production. Table B.1 summarizes the independent variables. Each

of the control variables is included because it may not only have an

effect on arms transfers *but also* have an effect on human rights

conditions in recipient states. As a result, variables such as alliance

—which do tend to have a large significant effect on arms transfers

but are not theoretically or empirically linked to recipient human

rights—are excluded from the model.

According to empirical research, the presence of both internal

10 11

conflict and oil production worsens a state’s human rights.

12 13

Democracy and more advanced economic development, in

contrast, are associated with better human rights. Omitting one of

these variables therefore has the potential to skew the results. For

example, because GDP per capita is affiliated with both positive

human rights and arms transfers, its exclusion from the model risks

results that overestimate the relationship between good human

rights and arms transfers.

*Human Rights*

Arms importer human rights records are the independent variable of

interest. Human rights are at the heart of evolving humanitarian

standards of arms export controls, set out in codes of conduct and

other statements of “responsible” arms transfer controls. Yet *whether*

recipients’ human rights matter in arms transfer decision making

and, if so, *how* they matter are open questions. Researchers have

debated the definition, measurement, and quality of human rights

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data. Most data sources focus on physical integrity rights based on

annual reports published by the U.S. DOS and Amnesty

International. I use the Political Terror Scale (PTS), which ranks

states annually based on these reports and provides a score from 1

to 5 for each country and each year in the data set beginning with

1980 (Gibney and Dalton 1996).

TABLE B.1. INDEPENDENT VARIABLES

*Independent*

*variable Source Coding Justification*

Human rights PTS 1 (rare or extremely Included in new arms

exceptional human export criteria but

rights violations) to 5 violations may increase

(frequent and severe demand for weapons

violations extended to

whole population)

GDP per capita UN Estimated from the May affect recipients’

national account human rights records;

aggregates and logged greater wealth expands

resources to purchase

arms

Democracy Polity IV −10 (autocracy) to +10 May affect arms exports

(democracy) from democratic

exporters; may also

affect recipients’ human

rights.

Oil production Centripetalism Millions of barrels of oil Provides producers with

produced per day per resources with which to

capita purchase arms and

favored arms export

treatment from arms

suppliers

Internal conflict Uppsala/PRIO 0 (no conflict) to 2 (full Increases demand for

war) based on number weapons, affects

of battle-related deaths recipients’ human rights

PTS coding rules are detailed in Gibney and Dalton (1996),

starting with level 1 for countries “under a secure rule of law” where

political murder is “extraordinarily rare,” torture is “rare or

exceptional,” and “people are not imprisoned for their views” (73). At

the other end of the scale, level 5 is for countries in which leaders

“place no limits on the means or thoroughness with which they

pursue personal or ideological goals” and “murders, disappearances,

and torture are a common part of life” for the whole population (74). I

create dummy variables for each level of the PTS scale, ranging

from “very good” to “very bad.” Because the PTS is ordinal rather

than continuous, this treatment of the data is more accurate and

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technically correct: there is no reason to assume that the

difference between level 1 and level 2 is the same as the difference

between level 2 and level 3, and so on (Wooldridge 2000:221–24).

The level of human rights score with no violations (1 or “very good”)

is removed from the statistical analysis as the reference category for

the four remaining dummy variables. Because this category is

dominated by wealthy democracies—which, as typically “very good”

human rights performers, are less interesting to the study here—this

choice does not detract from the analysis.

Like any human rights data, PTS data are “inherently subjective,”

yet, as the Human Security Centre notes, “[it] sheds much-needed

light on a murky corner of human insecurity” (2005:79). PTS also is

the most comprehensive scale in terms of years and countries and

includes separate variables for U.S. DOS and Amnesty reports (Poe,

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Carey, and Vazquez 2001). Given the focus of the analysis on

government arms export decision making, I use primarily the DOS-

coded data, which cover more countries than the Amnesty data and

provide some insight into government perceptions of human rights

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performance. Of course, with both of these sources, political bias

may be present. Joe Foweraker and Roman Krznaric (2000) find that

DOS reports may be biased against left-wing governments and

Amnesty reports in favor of them. Steven Poe, Sabine Carey, and

Tanya Vazquez similarly observe that in the early years of such

reporting in particular, “the US … tended to be somewhat less harsh

than Amnesty in evaluating the human rights practices of other

18

governments” (2001:661). Yet they also point out that only a low

proportion of variance between the sources is explained by these

biases, concluding that “we have absolutely no reason to believe that

the vast majority of the differences between the reports are

systematic” (670).

*Gross Domestic Product per Capita*

This variable, which is logged in the analysis, comes from the

National Accounts Main Aggregates Database maintained by the

United Nations Statistics Division (2006). GDP per capita provides a

broader measure of a recipient country’s wealth and is an indicator

of potential resources available for arms procurement. A profit-

oriented producer would presumably have a greater interest in

trading with a wealthier country. More advanced economic

development is also associated with better human rights.

*Democracy*

Democracy is an important component of the analysis: democratic

importers may be more likely to adhere to international rules and

19

norms, including greater respect for human rights. Moreover, it is

also thought that democracies share a closer relationship with each

other in the international community, suggesting that arms trade

between democracies would be higher. The variable *polity2,* taken

from the Polity IV data set (Marshall and Jaggers 2005a, 2005b),

indicates the level of democracy in the recipient state. Its scale of

government types ranges from strongly autocratic (−10) to strongly

democratic (+10) based on weighted assessments of criteria

including competitiveness of political participation and executive

recruitment, openness of executive recruitment, and constraints on

the chief executive. Although there is a long-standing debate about

20

how democracy is best defined and measured, Polity provides the

most widely accepted and most comprehensive data available on

democracy (Munck and Verkuilen 2002).

*Oil Production*

Oil production is included in the analysis as a single variable taken

from John Gerring, Strom Thacker, and Carola Moreno’s (2005)

Centripetalism data set, which provides data on millions of barrels of

21

oil produced per day per capita. Existing research suggests that

major oil producers are privileged recipients on the arms market.

This was particularly the case during the oil crisis of the 1970s,

which increased the resources available to oil-producing states to

22

buy arms and the desire of arms supplier states to sell them. This

relationship has endured beyond the Cold War as an influential

factor in the foreign policies of major powers in the Middle East for

three key reasons (Chapman and Khanna 2006; Prados 2002:9).

First, oil is a lucrative resource. It can raise the income of producing

states and thus increase their ability to purchase arms (Brzoska and

Ohlson 1987; Pearson 1994). Second, due to insecurity and border-

control issues, oil-producing states in the Persian Gulf in particular

may exhibit a high demand for arms (Chapman and Khanna 2006).

Finally, oil is thought to be a significant reason that major powers

have sought favorable relations in the Middle East—often, it is

alleged, at the expense of human rights, democratic values, and

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regional stability. Arms transfers have long been an important

means of cultivating good relationships with interested countries.

*Internal Conflict*

Since the end of the Cold War, the vast majority of conflicts have

taken place within states and not between them. An internal conflict

is defined as a conflict between a state’s government and internal

opposition groups, without external intervention (Gleditsch et al.

2002). Conflict increases the demand for arms. Small arms in

particular are seen as a primary tool of internal conflict, although

states have also supplied MCW to government and rebel allies to

help tip the scale in a conflict. States engaged in internal conflicts

are also likely to experience higher levels of human rights violations.

The widely used Uppsala/PRIO (Peace Research Institute Oslo)

Armed Conflict Dataset (Gleditsch et al. 2002) includes both high-

and low-intensity conflict at annual death thresholds lower than

24

Correlates of War data (Human Security Centre 2005:18–20). The

value assigned to conflict intensity is based on the number of battle-

related deaths each year: 0 (no conflict); 1 (minor; at least twenty-

five military or civilian battle-related deaths in a year); and 2 (war; a

25

minimum of one thousand battle-related deaths per year). For the

same methodological reasons just described with the human rights

data, I use dummy variables for high- and low-level internal conflict

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in the analysis, with “no conflict” as the reference category.

INTERVIEWS

The interview citations are designed to maintain the interview

subjects’ anonymity. Due to the sensitive political nature of the topics

under discussion, all but a few subjects agreed that their general

affiliation but not their name or specific agency could be used as a

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public reference. Because the arms trade community is small and

relatively tight-knit, I have refrained from listing any specific

government agencies, defense companies or associations, or civil

society groups, even where respondents permitted it, because doing

so could make others more easily identifiable. Each interview subject

is therefore coded by a number comprising the interview number; the

subject’s general affiliation (1 for government official; 2 for NGO; 3

for industry; 4 for other, such as expert); the interview year; and the

Correlates of War country code for the subject’s national

expertise/affiliation. For example, an interview number might be

60108220 (60 = interview number, 1 = affiliation, 08 = 2008, 220 =

country code).

TABLE B.2. CASE STUDY INTERVIEWS

*Country Correlates of war code Number of participants*

Belgium 211 18

Brazil 140 2

France 220 6

Germany 255 15

Switzerland 225 9

United Kingdom 200 12

United States 002 5

*Note: Participants in Switzerland were members of the international NGO and research*

*community based in Geneva.*

*Appendix C*

FULL STATISTICAL RESULTS

The statistical model used in chapter 3 focuses on the relationship

between arms exports and importers’ human rights records. As such,

rather than including a long list of independent variables that might

have an effect on arms exports, it limits the control variables in the

model to those that might have a confounding effect on *both* arms

exports *and* human rights. Recent work in political methodology

cautions against building “garbage can” or “kitchen sink” models that

include a wide array of variables that may or may not influence the

1

outcome of interest.

Instead, control variables should be carefully selected based on

the theoretical relationship between the independent variable of

interest and the dependent variable *as well as* between the

independent variables themselves. Christopher Achen argues that

without a deliberately limited set of independent control variables,

the effects of variables of interest on the dependent variable will be

obscured and distorted by collinearity, nonlinearities, and other

problems (2002:443; see also Achen 2005). Results from models

featuring unnecessary variables are often highly contingent on

precise specifications and make it more difficult to explore nuances

of the relationship between variables of interest and the outcome

(Achen 2005; Berk 2004). To determine which control variables to

include, James Lee Ray (2003) and Kelly Kadera and Sara Mitchell

(2005) suggest limiting models to only those control variables that

threaten to have a confounding effect on the independent variable of

interest. In other words, models should contain only potentially

confounding variables but not include intervening or competing

variables.

Appendix B describes the variable coding and selection, including

the theoretical and empirical justifications for the chosen control

variables. Each independent variable is lagged one year in the

regression analyses to allow for information about conditions in

recipient states to reach decision makers in exporting states (Blanton

2000, 2005; Meernik, Krueger, and Poe 1998). Decision makers

need time to receive government, news, and NGO reports about

conditions on the ground and the opportunity to adjust arms export

practices accordingly. In addition, because the data are annual,

relevant changes midyear might appear only minimally in the data

set, if at all.

Because the variable for MCW transfers is continuous, I use

ordinary least squares regression models for all regressions with

MCW as the dependent variable. The variable for SALW transfers, in

contrast, is binary (dichotomous) and therefore requires logit

regression models where used as the dependent variable. Because

the data in both cases are cross-sectional dyadic annual data, panel-

corrected standard errors must be used to avoid an understatement

of the errors due to the high number of error parameters involved in

panel data, including panel heteroscedasticity and temporal

dependence (Beck 2001; Beck and Katz 1995).

Tables C.1 to C.4 contain the full results for the regression

analyses, including the regression coefficients and standard errors

(SE) for each model and time period.

TABLE C.1. INFLUENCE OF HUMAN RIGHTS ON MCW TRANSFERS (ALL SUPPLIER

STATES)

1981–1991 1992–1997 1998–2010

*(SE) (SE) (SE)*

GDP per capita 5.201\*\* 3.820\*\* 3.142\*\*

(.655) (.434) (.289)

Democracy −.077 −.018 −.132

(.138) (.081) (.075)

Low internal conflict 7.101\*\* 3.871\* 2.840

(2.455) (1.700) (1.593)

High internal conflict 5.394 8.416\*\* 7.750

(3.619) (3.061) (4.014)

Oil production 1.008 7.955 −3.281

(4.394) (4.606) (2.719)

Good human rights 4.512\*\* 3.629\*\* 2.674\*\*

(1.358) (1.326) (.859)

Average human rights 10.005\*\* 4.789\*\* 2.094\*\*

(1.701) (1.487) (.798)

Bad human rights 16.818\*\* 6.908\*\* 11.125\*\*

(3.267) (1.556) (1.969)

Very bad human rights 20.615\*\* 2.711 −.044

(4.793) (1.83) (1.605)

Constant −31.198\*\* −25.584\*\* −23.541\*\*

(4.877) (3.506) (2.698)

Observations 28236 19248 37134

Dyads 2905 3521 3477

2 256.67 114.69 232.04

Wald Chi

2 0.000 0.000 0.000

Prob > Chi

\*Significant *at the 0.05 level.*

\*\*Significant *at the 0.01 level.*

*Note: Coefficients for year dummies excluded from all tables to save space.*

TABLE C.2. INFLUENCE OF HUMAN RIGHTS ON MCW TRANSFERS (ATT

SUPPORTERS)

1981–1991 1992–1997 1998–2010

*(SE) (SE) (SE)*

GDP per capita 4.148\*\* 4.258\*\* 2.935\*\*

(.404) (.464) (.243)

Democracy .174\*\* −.026 −.028

(.060) (.079) (.033)

Low internal conflict 5.816\*\* 3.686\* 2.988\*\*

(1.541) (1.784) (.966)

High internal conflict 2.879\*\* 8.255\*\* 3.175\*\*

(1.041) (3.143) (.902)

Oil production 4.680 6.903 −.080

(3.487) (4.948) (2.360)

Good human rights 4.090\*\* 4.167\*\* 2.364\*

(1.299) (1.415) (.922)

Average human rights 5.710\*\* 4.248\*\* 1.298

(1.307) (1.546) (.825)

Bad human rights 3.381\*\* 6.120\*\* 3.502\*\*

(1.248) (1.590) (.859)

Very bad human rights 2.024 2.531 .568

(1.404) (1.857) (.891)

Constant −26.936\*\* −29.387\*\* −22.470\*\*

(3.091) (.404) (2.433)

Observations 25670 17486 33766

Dyads 2641 3213 3161

2 226.79 119.08 250.37

Wald Chi

2 0.000 0.000 0.000

Prob > Chi

\*Significant *at the 0.05 level.*

\*\*Significant *at the 0.01 level.*

TABLE C.3. INFLUENCE OF HUMAN RIGHTS ON SALW TRANSFERS (ALL SUPPLIER

STATES)

1981–1991 1992–1997 1998–2010

*(SE) (SE) (SE)*

GDP per capita 1.410\*\* 1.562\*\* 1.362\*\*

(.057) (.056) (.041)

Democracy .084\*\* .076\*\* .066\*\*

(.008) (.010) (.008)

Low internal conflict .366\*\* .336\* .312\*\*

(.123) (.127) (.091)

High internal conflict −.077 .429\* .605\*\*

(.161) (.197) (.143)

Oil production −1.467\*\* −1.417\*\* −2.014\*\*

(.409) (.383) (.356)

Good human rights −.443\*\* .230 −.023

(.125) (.118) (.085)

Average human rights −.343\*\* .657\*\* −.193

(.124) (.141) (.100)

Bad human rights −.394\* .555\*\* −.310\*

(.157) (.168) (.121)

Very bad human rights −.610\*\* −.118 −.620\*\*

(.193) (.201) (.169)

Constant −12.593\*\* −12.874\*\* −10.936\*\*

(.452) (.454) (.364)

Observations 28236 19248 37134

Dyads 2905 3521 3477

2 1223.88 1513.94 1984.55

Wald Chi

2 0.000 0.000 0.000

Prob > Chi

\*Significant *at the 0.05 level.*

\*\*Significant *at the 0.01 level.*

TABLE C.4. INFLUENCE OF HUMAN RIGHTS ON SALW TRANSFERS (ATT

SUPPORTERS)

1981–1991 1992–1997 1998–2010

(SE) (SE) (SE)

GDP per capita 1.417\*\* 1.580\*\* 1.421\*\*

(.059) (.059) (.044)

Democracy .083\*\* .076\*\* .065\*\*

(.008) (.011) (.008)

Low internal conflict .417\*\* .317\* .364\*\*

(.129) (.133) (.096)

High internal conflict −.103 .513\* .593\*\*

(.166) (.206) (.153)

Oil production −1.409\*\* −1.416\*\* −1.967\*\*

(.425) (.405) (.380)

Good human rights −.377\*\* .246\* −.047

(.110) (.125) (.091)

Average human rights −.276\* .665\*\* −.211\*

(.129) (.149) (.106)

Bad human rights −.314 .526\*\* −.348\*\*

(.163) (.177) (.129)

Very bad human rights −.531\*\* −.080 −.712\*\*

(.199) (.211) (.181)

Constant −12.468\*\* −12.919\*\* −11.378\*\*

(.469) (.476) (.388)

Observations 25670 17486 33766

Dyads 2641 3213 3161

2 1128.53 1391.09 1867.95

Wald Chi

2 0.000 0.000 0.000

Prob > Chi

\*Significant *at the 0.05 level.*

\*\*Significant *at the 0.01 level.*

NOTES

1. INTRODUCTION AND OVERVIEW

1. For news reports, see Associated Press 2008; Baldauf and Ford 2008; Dugger 2008;

Dugger and Barboza 2008; Dugger, Barboza, and Cowell 2008; Reuters 2008.

2. See chapter 3 for formal definitions of *small arms and light weapons* (such as machine

guns) and *major conventional arms* (such as tanks and military aircraft). I refer to “small

arms and light weapons” interchangeably by either the internationally recognized acronym

SALW or the shorthand “small arms.”

3. Dating back to the mid-1990s, there are simply too many newspaper stories, journal

articles, and NGO reports using this terminology to begin to cite them or trace its origins.

4. The three opposed were Iran, North Korea, and Syria. There were twenty-three

abstentions.

5. Article 223 of the 1957 Treaty of Rome protects members’ right to produce and sell

arms in the interest of their national security.

6. On this relationship, see G. Adams 1981; Cooling 1981; Dunne 1995; Eisenhower

1961; Hartung 1996; Keller 1995; Kolodziej 1979; Kurth 1971; Markusen et al. 1991; and

Silverstein 2000.

7. SIPRI (2012) estimates that five countries—the United States, Russia, Germany,

France, and the United Kingdom—dominate the global market in MCW, accounting for 75

percent of global sales between 2007 and 2011. Seventy-four of the top one hundred arms

companies in 2010 were from the United States and western Europe.

8. On these effects, see Boutwell and Klare 1999; Boutwell, Klare, and Reed 1995; Craft

1999; Craft and Smaldone 2002; Eavis 1999; Harkavy and Neuman 2001; Hartung 2001a;

Karp 1993, 1994; Klare 1994–1995; Klare and Rotberg 1999; Musah 2002; Renner 1997;

SAS 2001, 2002, 2003, 2006, 2007, 2009; Sislin and Pearson 2001; Stohl and Grillot 2009.

9. On this connection between arms and poor human rights, see, for example, Blanton

1999, 2001; Craft 1999; Craft and Smaldone 2002; Neuman 1986.

10. For the full text of the ATT, see

http://www.un.org/disarmament/ATT/docs/ATT\_text\_(As\_adopted\_by\_the\_GA)-E.pdf.

11. A multimethod approach “aims to improve the quality of conceptualization and

measurement, analysis of rival explanations, and overall confidence in the central findings

of the study” (Lieberman 2005:435).

12. Chapter 3 discusses the statistical findings; appendix B provides coding details; and

appendix C provides full statistical results tables.

13. Gerardo Munck suggests “matching cases on independent variables,” which “serve

the same purpose as statistical control” (2004:104).

14. Audie Klotz and Cecelia Lynch recommend research on both levels of analysis in

order to trace more thoroughly “the spread of norms across state boundaries and into

societies” (2007:95).

2. “RESPONSIBLE” ARMS TRANSFER POLICY AND THE POLITICS OF SOCIAL

REPUTATION

1. Some scholars acknowledge a social dimension to international reputation (e.g., J.

Busby 2008; Johnston 2008; Keohane 1984; O’Neill 2006; Paul 2009; Sharman 2006).

However, the concept remains theoretically underdeveloped, and its consequences are

either discounted or underexplored.

2. See Bromley 1993 for an overview of common usages of the term.

3. Many scholars conclude that reputation can lead to more frequent participation in

conflicts but debate the rationality of going to war to “save face.” See, for example,

Crescenzi, Kathman, and Long 2007; Hugh-Jones and Zultan 2012; Lebow 1981; Mercer

1996; Press 2005; Schelling 1966; Tang 2005; Walter 2009; Wolford 2007.

4. That is, “while adversaries can get reputations for having resolve, they rarely get

reputations for lacking resolve; and while allies can get reputations for lacking resolve, they

rarely get reputations for having resolve” (Mercer 1996:10; see also Huth 1988).

5. This use of reputation to inform states’ choices to cooperate with other states

corresponds with game theoretical approaches to reputation, which observe that the

“information conditions” of repeated games create the very “possibility of reputation” and

can motivate compliance to acquire material gain even in the absence of formal institutions

(Alt, Calvert, and Human 1988:449; Greif 2006; Milgrom, North, and Weingast 1990).

6. J. C. Sharman (2006) engages this question only in passing. Michael Tomz (2007)

does find that in the case of debtor–creditor cooperation, investors’ willingness to make

loans—and the terms of those loans—are connected to borrowers’ payment histories.

Interesting parallels can be drawn between these approaches to reputation and those of

corporate management. Reputation matters in business because of its impact on an

undetermined number of “future trading opportunities” and the profits attached (Kreps

1990). It is a strategic approach to spread positive information about a company and its

products in order to increase its profits (Davies et al. 2003; Fombrun 1996). In fact,

corporate strategies of branding and marketing linked to reputation are spreading to

countries by explicit national branding efforts (Aronczyk 2013; Jones and Subotic 2011; van

Ham 2008).

7. Other authors share a similar perspective: see Finnemore and Sikkink 1998; Hurd

2007; Johnston 2008; and Schimmelfennig 2001. Nicolas Jabko (2006) refers to a related

approach as “strategic constructivism,” in which strategic actors exploit norms and ideas in

pursuit of political goals.

8. As Alastair Iain Johnston (2008) points out in the case of China, social pressures can

also encourage nondemocracies engaged in international institutions to adopt policies in

line with international expectations. Patterns of states ratifying human rights treaties but not

complying with them lend support to this argument (Hafner-Burton and Tsutsui 2005;

Hathaway 2002).

9. Legislatures are largely uninvolved in arms export decision making. Many European

parliaments have called for arms export oversight, but their input is usually post hoc at best.

Only in the United States, where oversight on deals over a certain dollar figure is allowed

but rarely exercised, and in Sweden, where oversight committees have regular input, do

legislatures have *any* regular role.

10. This concern relates primarily to elites’ perceptions but can extend to that of foreign

publics as well (Goldsmith and Horiuchi 2009).

11. Assigning human qualities to states—interests, identities, beliefs, the capacity to act,

and so on—is standard practice in IR (Jackson 2004; Ringmar 1996; Wendt 1999, 2004;

Wolfers 1962). Alexander Wendt (2004) argues that this view of “states as people” enables

states to possess a collective intentionality that cannot be reduced to its individual citizens

and that has associated needs and interests (see also Searle 1990; Wendt 1999). I take the

common view that states can be ascribed personlike traits accounting for their collective

behavior, which allows reputation to be carried by a state as an entity, but also by its leaders

and diplomats.

12. A public commitment to humanitarian arms control in general, human rights treaties,

nonproliferation policies, climate-change initiatives, and opposition to whaling are all

additional examples of issue areas that states, international organizations, NGOs, and other

international actors have associated to varying degrees with good international citizenship.

The concept itself was introduced by Australian foreign minister Gareth Evans in the 1980s

and is often associated with the English School in IR theory (Wheeler and Dunne 1998).

13. International reputation here serves primarily as a motivating factor for states’

*commitment* to international norms and rules. On the influence of reputation on *compliance*

with international law, see Chayes and Chayes 1995; Downs and Jones 2002; R. Fisher

1981; Franck 1988; Goldsmith and Posner 2005; Guzman 2002; Henkin 1968; Norman and

Trachtman 2005. The discussion of arms trade transparency (or lack thereof) later in this

chapter addresses why reputation provides less of a “compliance pull,” as Thomas Franck

(1990) puts it.

14. Noel Kaplowitz states, “The aspects of national self-imagery which influence foreign

policy behavior include how a people sees itself, what it likes and dislikes about itself, the

ways in which it may want to change, how it views its history, the ‘lessons’ it has learned,

and its conceptions of national purpose and interest” (1984:376).

15. Governments are not the only source of states’ external images. Nonstate actors,

such as NGOs, hoping to persuade governments to adopt certain policies or practices, may

engage in their own impression-management strategies to make states look good or bad (J.

Busby 2007, 2008). Domestic events outside a government’s control can also influence a

state’s international reputation. Consider, for example, the Swiss government’s

embarrassment over the results of the 2009 referendum to ban minarets, a referendum that

it worried would harm Switzerland’s image as a country of tolerance, refuge, and respect for

international law.

16. Robert Jervis defines a decision maker’s image of another actor as “those of his

beliefs about the other that affect his predictions of how the other will behave under various

circumstances” (1970:5). Like the credibility approaches to reputation, image is important in

“determining whether and how easily the state can reach its goals” (6). Unlike those

approaches, however, Jervis argues that a state’s image is not “completely dependent on

the major actions it took” (8), making it “possible for a state to consciously influence others’

images of it without paying the price of altering its basic behavior and sacrificing other

goals” (10). In line with my point here, he emphasizes the psychological and subjective

nature of states’ images and states’ ability to shape, with varied success, their desired

images through “minor and relatively cheap” changes in their policy or behavior (11).

17. Christian Reus-Smit refers to this recognition as an actor’s legitimacy, which

describes “not just the capacity to act, but the right or entitlement to act” (2007:158). Wendt

notes that “persons,” especially moral and legal persons, are externally constituted by social

recognition, which conveys “all the rights and privileges of that status” (2004:293, 294).

18. The American Political Science Association Task Force on U.S. Standing defines

standing as “a particular kind of reputation” with “a more relative connotation in that it refers

to position within a particular setting—in this case the society of states or ‘international

community’” (American Political Science Association 2009:4, 6). Joshua Busby (2008), in

turn, defines prestige as standing. Prestige and honor are also often used interchangeably

in IR as related to esteem, standing, or glory (e.g., Donelan 2007; Kagan 1998; Lebow

2008; Tsygankov and Tarver-Wahlquist 2009). Barry O’Neill, however, argues that prestige,

unlike honor, depends on a group’s recognition of it: “A person might possess personal

honor while others do not know about that quality”; prestige, in contrast, stems from a group

member’s being “generally admired” and gaining influence in the group because of a good

reputation (1999:193; see also O’Neill 2006).

19. Cecilia Ridgeway and Henry Walker summarize theories of social hierarchy formation

and call social hierarchies “an enduring feature of human interaction and a fundamental

aspect of the organization of social behavior” (1995:281).

20. Robert Gilpin, for example, notes the existence of a “hierarchy of prestige among

states” linked to but distinct from material power and resting on the perceptions of other

states (1981:30–31). However, soft power can also enhance reputation. For more on hard

power, soft power, and standing, see American Political Science Association 2009.

21. According to Aaron Wildavsky, “Reactions [from others] are also indispensable in that

the only way the self knows what it is is by feedback from others (1994:139–40). Christine

Ingebritsen, for instance, argues that the increasing international scrutiny to which

Scandinavia has become subjected “helps redefine its own understanding of self”

(2006:107). Kristen Monroe observes that “maintaining self-esteem seems to play a key role

in maintaining identity,” which requires a general consistency between perceived self-image

and behavior (2001:498). For more on the concept of identity as a social category and its

measurement, see Abdelal et al. 2009.

22. D. B. Bromley states, “Although reputations are simplified and distorted

representations of persons, they describe people’s social identities. They provide an

external standard or criterion against which, through social ‘feedback,’ we try to assess our

social identities. Reconciling personal identity and social identity is a continuing problem of

adjustment” (1993:11).

23. Scholars note the importance of regular interaction by diplomats in international

institutions for international socialization (Adler and Barnett 1998; Checkel 2001; Johnston

2008). See also the *International Organization* special issue “International institutions and

Socialization in Europe” (2005).

24. The need for dense and frequent interactions within a network to assign reputations

to actors is also noted by anthropology (Bailey 1971; Colson 1974); sociology (Raub and

Weesie 1990); and corporate management (Fombrun 1996). For larger groups, regimes

and institutions can help to spread the information necessary for reputation to function as an

enforcement mechanism, although this does not take into account the social pressure

generated by interactions within a group (Ahn, Esarey, and Scholz 2009; Milgrom, North,

and Weingast 1990).

25. Johnston argues that small or consensus-driven groups are more likely to lead to

states’ internalization of new norms but concedes that norm adoption without internalization

can be a powerful social incentive in large groups where rules are majoritarian and put

members’ policy support on record (2008:31–32). Although majoritarian decision rules make

it easier for NGOs and other actors not in the room to criticize a state’s policy positions, they

are not necessary to establish its reputation among the diplomats debating a policy

themselves. This key audience for international reputation knows who dissents from a

popular policy initiative. In fact, dissent under consensus rules may be even more

controversial and subject to reputational fallout because it can single-handedly prohibit an

initiative from passing (or weaken it), unlike dissent under majoritarian rules.

26. The UN Institute for Disarmament Research assembles and publishes information on

states’ contributions to goals set out in the 2001 UNPOA.

27. See, for example, Abdelal et al. 2009; Chayes and Chayes 1995; Johnston 2008;

Keohane 1984; Simmons 2009; Wheeler 2000; Young 1992; and Zarakol 2011.

28. This dichotomy of interests and expectations can also lead to cognitive dissonance

between instrumentally beneficial policies and socially beneficial policies. Leaders will try to

resolve this tension within their community’s existing normative framework, to the extent

that a norm is defined broadly enough to make this possible (Shannon 2000).

29. Image management is common in corporate branding. Consider, for example,

attempts by U.S. banks to use public-relations campaigns, personnel changes, new

policies, and repayment of government loans to distance themselves from their “fat cat”

reputations following the 2008 financial crisis.

30. And of consistency between policy and action to the extent that others can observe

action. Without transparency, criticism of discrepancies between state policy and action can

only be limited. As Nicholas Wheeler points out, “Changing norms provide actors with new

public legitimating reasons to justify actions, but they do not determine that an action will

take place” (2000:9). I discuss this point further in the context of states’ domestic

reputations and scandal sensitivity.

31. See Brooks and Wohlforth 2008; Downs and Jones 2002; R. Fisher 1981; Norman

and Trachtman 2005.

32. Whether a reputation can carry across issue areas is a matter of some debate.

Jonathan Mercer argues that “a general reputation has an enduring character trait that

reappears in different types of situations,” whereas “a specific attribution applies not across

types of situations but within specific types of situations” (1996:37; see aso R. Fisher 1981).

Similarly, James Lebovic and Erik Voeten posit that a good reputation in one area can help

states establish good reputations in other areas (2006:868). Michael Tomz and Mark Wright

(2010) find evidence of “reputational spillover” from states’ default on sovereign debt to their

expropriations of foreign direct investment. However, these issues may still be considered

closely related within economic relations and cannot address the broader question of

spillover from economic to security affairs, which Stephen Brooks and William Wohlforth

contend lacks empirical support (2008:163). “Similar situations” may be defined very

narrowly, suggesting that reputation is considerably more complex than other definitions

might imply (e.g., Downs and Jones 2002; Norman and Trachtman 2005).

33. This perspective tends to be associated with realist views of international law

(Hathaway 2002), although some liberal scholars also argue that without incorporating

costly material punishments, treaty commitments may still essentially be cheap talk (Hafner-

Burton 2005). In addition, once formalized into binding agreements, cheap talk can lead to

expected and unexpected compliance costs (Clark 2013; Goodliffe and Hawkins 2006;

Greenhill 2010; Schimmelfennig 2001; Simmons 2009).

34. This would be the general expectation of constructivism.

35. Many scholars observe similar gaps between the expectations and realities of states’

follow-through on their international humanitarian commitments (e.g., Hafner-Burton 2005;

Hathaway 2002; Simmons 2009; Smith-Cannoy 2012; Wheeler 2000).

36. I focus on the government as a whole and its top leaders. This focus is justified for

two reasons. First, the media and public are less able to differentiate between (and take an

interest in) bureaucratic versus executive responsibility. Second, governments decide

whether to adopt a particular arms export policy. Top officials are often also responsible for

deciding whether to approve the most controversial/political arms export applications.

37. More specifically, John Thompson labels scandals as actions, events, or

circumstances in which there is (1) “the transgression of certain values, norms or moral

codes”; (2) “an element of secrecy or concealment”; (3) a disapproval of the events or

actions by some nonparticipants; (4) the public denunciation of the events or actions by

some nonparticipants; and (5) “the disclosure and condemnation of the actions or events

[that] may damage the reputation of the individuals responsible for them” (2000:13–14). See

also A. King 1984; Mancuso 1998.

38. Scandal cannot simply be defined by equating it with corruption; more corruption

does not predict more scandals. Instead, levels of corruption tend to remain relatively

constant, whereas scandal levels and type change over time (Lowi 2004:70–71).

39. On this variation in what makes a scandal, see Dobratz and Whitfield 1992; Garment

1992; A. King 1984; Williams 1998.

40. Belgium, with its delicate governing arrangements, is a noteworthy exception. The

British Arms to Iraq scandal also contributed to Labour positioning itself as a more

transparent and accountable alternative in the 1997 election.

41. See Bowler and Karp 2004; Funk 1996; Meinke and Anderson 2001; Williams 1998.

42. See A. King 1984; Meinke and Anderson 2001; J. Thompson 2000; Williams 1998.

43. See Hirshberg 1993; Monroe 2001; Shannon 2000.

44. Such partnerships are often referred to as “the new diplomacy” or “new

multilateralism.” See Axworthy 1998; Malone 2002; McRae 2001; Petrova 2007.

45. For example, Amnesty International has sought to maintain neutrality from

governments in order to preserve the credibility of its message and mission (Clark 2001;

Dezalay and Garth 2006).

46. This suggestion goes beyond the contention that norm violators can be shamed for

not keeping international commitments (J. Busby 2008:83) or because they violate norms of

international society (Lebovic and Voeten 2006:869).

47. Archon Fung, Mary Graham, and David Weil (2007) pinpoint the 1980s as the start of

U.S. moves toward increasing transparency in corporate governance and financial markets.

Others connect the global spread of transparency to trends of democratization,

globalization, and financial crisis in the 1990s (Best 2005; Florini 1998; Relly and Sabharwal

2009).

48. See Broz 2002; Chayes and Chayes 1995; Florini 1998; R. Mitchell 1998; Relly and

Sabharwal 2009.

49. See Apodaca 2007; Broz 2002; Fearon 1994; Fung, Graham, and Weil 2007.

50. Jeannine Relly and Meghna Sabharwal note that authoritarian regimes have also

adopted some fiscal transparency to attract international investment and aid (2009:151).

However, whether transparency initiatives generally make good economic sense has been

debated: see Alt and Lassen 2006; Broz 2002; Dranove et al. 2003; Florini 1998; Fung et al.

2004; Fung, Graham, and Weil 2007.

51. See J. Thompson 2000 on the rise of the “mediated scandal.”

52. These commitments can be both national and multilateral. Certainly, the public has to

care about arms trade practice in order for the transparency–accountability dynamic to

function. Given the high volume of information available to the average media consumer

and the general disinterest in arms trade policy, it is only where there is a clear disregard of

fundamental national values, I argue in chapter 5, that concentrated public attention over

conventional arms exports will arise.

53. Domestic defense production is important to national security: “The capacity to

restock supplies or modify equipment from domestic sources is often cited as an important

wartime asset. Domestic production can reduce vulnerability to boycotts or blockades.

Moreover, domestic arms production and arms transfers are widely viewed as important

sources of national prestige and diplomatic leverage” (Moravcsik 1991:200).

54. Joseph Grieco (1993) argues that state interests are based on their power position in

the international system. States are wary of cooperative arrangements, particularly because

relative gains might favor their partners.

55. This failure does not mean that realists predict an unregulated arms trade. According

to Joanne Gowa (1994), states are acutely aware of the security externalities connected to

improved material power capabilities brought on by foreign trade. As a consequence, they

will seek to control the flow of defense goods and technologies to ensure that only their

allies receive the strategic benefits. Allies are often given preferred treatment in national

export legislation, with faster decision-making processes and less intense scrutiny of

applications. Such favorable terms are codified, for example, in Germany for its NATO allies

as well as between the United States and Canada.

56. From 1989 to 2005, the United States was the most frequent intervener, with thirty-

eight incidents of international military intervention, followed by France (thirty-three

incidents) and the United Kingdom (thirteen) (Kisangani and Pickering 2007).

57. Legally binding arms embargoes may be the one exception in which international

commitments effectively limit arms export practices (Erickson 2013c).

58. Although the influence of industry may to a degree wax and wane over time, the

general observation from this perspective is that it remains a steady fixture of importance in

security and defense-related policy making.

59. On the defense industry’s influence, see G. Adams 1981; Eisenhower 1961; Kurth

1971; Markusen et al. 1991.

60. On the constructivist position, see Finnemore 1996a, 1996b; Katzenstein 1996; Klotz

1995.

61. See, for example, Hafner-Burton 2005; Hafner-Burton and Tsutsui 2005; Lebovic and

Voeten 2006; Ron, Ramos, and Rodgers 2005; K. Smith 2001; Smith, Pagnucco, and Lopez

1998.

62. The determinacy with which norms influence state behavior is unclear. Constructivists

suggest that “norms enable new or different behaviors; they do not ensure such behaviors”

(Finnemore 1996a:158). Nevertheless, they firmly assert that “norms create patterns of

behavior in accordance with their prescriptions” (Finnemore 1996b:23) and make certain

behaviors more likely than others (Wendt 1999). Determining conditions for when and

where norms are influential is therefore an important question for IR research (Legro 1997).

63. See Blanton 1999; Bueno de Mesquita et al. 2005; Davenport 1995; Howard and

Donnelly 1986; Mitchell and McCormick 1988; Poe and Tate 1994; Rummel 1995.

64. Martha Finnemore and Kathryn Sikkink (1998) argue that instrumentalist motivations

may dominate early in norm life cycles but become more deeply embedded over time.

65. On analytical eclecticism, see Abbott and Snidal 2002; Jupille, Caporaso, and

Checkel 2003; Katzenstein, Keohane, and Krasner 1998; Katzenstein and Sil 2004; Sil

2000; Wildavsky 1994; Zürn and Checkel 2005.

66. Jay Goodliffe and Darren Hawkins (2006), for example, find a significant role for

norms in explaining compliance with the Convention Against Torture. However, they

conclude that their quantitative analysis cannot parse out whether their findings are due to

rationalist mechanisms (reputational costs) or constructivist mechanisms (state identity and

socialization). Because of states’ poor compliance with new arms export policies, the

qualitative and quantitative evidence presented here lends itself well both to combining and

to separating these mechanisms: states are socialized into policy expectations, to which

they respond instrumentally out of concern for their reputation; however, they have not

internalized new norms.

3. HISTORY AND CONTEMPORARY TRENDS IN CONVENTIONAL ARMS EXPORT

CONTROLS

1. During the Cold War, only West Germany and the European neutrals sought explicitly

to limit arms transfers to areas of instability and conflict. The United States under President

Carter also had a policy (followed loosely at best) to prohibit exports to human rights

violators.

2. On this optimism, see Anderson 1992; Cornish 1995; Goldring 1994–1995; Jones and

Rees 1994; Kemp 1991; Klare 1991; Neuman 1993; Nolan 1991; Pierre 1997; Spear 1994.

3. UN General Assembly Resolution A/61/394 passed by a vote of 153 to 1 (the United

States) on December 6, 2006. There were 24 abstentions, including Russia and China.

After an unprecedented ninety-eight responses to the secretary-general’s call for states’

views on an ATT in 2007 (instead of the usual ten to fifteen responses for similar exercises),

a Group of Governmental Experts met in 2008 to recommend a draft treaty for negotiation. I

discuss the ATT process in detail in chapter 4.

4. For most governments, public reporting began only in the 1990s. The United States

and a handful of states made reporting improvements during the late 1970s and 1980s.

Austria, for example, began issuing reports in 1977, and Sweden followed suit in 1984

(Haug et al. 2002).

5. These problems are magnified substantially with the Eastern Bloc, which had a

separate and extremely secretive system of trade (Brzoska and Ohlson 1987; Brzoska and

Pearson 1994; Catrina 1988; Keller 1995; Pierre 1982).

6. In particular, China, Israel, Russia, South Africa, and Turkey.

7. SAS anticipates that Comtrade—although an extremely valuable source and the

primary source for Cold War export data—generally underestimates the quantity and value

of small arms transferred (2009:7).

8. On the properties and use of time-series dyadic data, see Beck and Katz 2001; Green,

Kim, and Yoon 2001; G. King 2001.

9. Because the Arms Trade Data Set is intended to assess governments’ arms export

decision making, it does not include black-market sales (i.e., sales not authorized by the

government). Although illicit arms commonly originate in the legal market, the absence of a

measure of illicit sales does not affect the data or analysis here.

10. To accommodate inconsistencies in information reported (price paid/value/amount

purchased), SALW transfers are coded as a dichotomous variable, taken from raw

Norwegian Initiative on Small Arms Transfers data. See appendix B for a more detailed

discussion.

11. MCW data are taken from SIPRI, which uses a dollar-based standardized “trend

indicator value” to measure the quality and quantity of weapons transferred. See appendix

B for details.

12. The absence of data makes it impossible to assess arms export practice during

earlier attempts at multilateral export controls.

13. Knowledge about Soviet arms transfer policy and practice is limited. Research finds

that the Soviet Union viewed arms exports as an instrument of foreign policy in the struggle

between socialism and imperialism in the Cold War superpower competition (Brzoska and

Ohlson 1987:40–44; Catrina 1988:87–88).

14. The 1890 General Act for the Repression of the African Slave Trade (the Brussels

Act) also contained arms clauses prohibiting arms transfers within a defined zone in Africa

in order to disarm local resistance and restrict competing colonial powers’ activity. Its effects

in practice were mixed. See Beachey 1962; Bromley, Cooper, and Holtom 2012. For an

overview of pre-twentieth-century regulations (primarily national level), see Krause and

MacDonald 1993.

15. David Stone points out that the major powers, although supportive in principle, still

had security and economic concerns. The United Kingdom, for example, won exemptions

related to supplying armed forces needed to maintain its empire (2000:222).

16. The Nye Committee was formally the U.S. Senate Special Committee on

Investigation of the Munitions Industry. For U.S. diplomatic discussions about the proposal,

see *Foreign Relations of the United States Diplomatic Papers 1934* (“General, British

Commonwealth” volume). At home, President Franklin Roosevelt billed it to Congress,

when introducing the Nye Committee, as saving both the international community from war

and strife “due in no small measure to the uncontrolled activities of the manufacturers and

merchants of engines of destruction” and “the peoples of many countries” from “being taxed

to the point of poverty and starvation in order to enable governments to engage in a mad

race in armaments” (Roosevelt 1934:9095).

17. See Brzoska and Ohlson 1987; Keller and Nolan 1997; Klare 1984; Neuman 1986;

Stanley and Pearton 1972

18. U.S. and Soviet arms transfers were also thought to have economic benefits, but

their primary motivation was nevertheless political (Brzoska and Ohlson 1987:43; Pierre

1982).

19. COCOM lost its purpose with the end of the Cold War. In 1996, it was replaced by the

Wassenaar Arrangement, which primarily promotes arms export transparency.

20. The United States sometimes struggled to make its allies adopt economic

containment; West European states preferred to maintain trade links with their Eastern

neighbors (Mastanduno 1992).

21. Arms sales also captured international attention with the UN’s 1963 voluntary arms

embargo against South Africa, made mandatory in 1977. The embargo was intended to

isolate the Pretoria regime, denounce apartheid, and change the government’s policy.

However, it was neither strictly implemented nor enforced (Catrina 1988:142–44). In one

example among many, the United States was accused of exporting spare parts for military

use and turning a blind eye to some cases of technology acquisition and defense trade to

enable monitoring of Soviet activity in the region (Klare 1981; Phythian 2000a). The

embargo was one of the few mandatory UN sanctions during the Cold War and was lifted in

May 1994.

22. Although policy makers introduced human rights into the discussion, public concern

was for the destabilizing effect of “too many” arms exports to the developing world, not “to

whom” the arms were specifically being sent.

23. On PD-13, see Ball and Leitenberg 1979; Brzoska and Ohlson 1987; Durch 2000;

Hartung 1993; Hoffmann 1977–1978; Pierre 1982; Spear 1995.

24. The studies cited examine military aid rather than arms transfers as a whole (which

also include the purchase of defense goods and may not include some parts of military aid).

Unlike U.S. law on arms transfers more broadly, U.S. law on military aid has mandated

since 1974 that a country’s human rights violations should adversely affect its receipt of

military aid. Although these results therefore cannot directly substitute for an analysis of

arms transfer practices, they nevertheless shed some much needed light onto the role of

human rights in one major exporters’ military aid–giving practice during an important period

of the Cold War.

25. Although David Cingranelli and Thomas Pasquarello (1985) do find that human rights

modestly affect military aid to Latin America in fiscal year 1982, these findings have been

contested based on their operationalization of human rights and selection of cases included

in the analysis (Carleton and Stohl 1987; Mitchell and McCormick 1988).

26. Full results are reported in appendix C. The statistical analyses use ordinary least

squares regressions (for the continuous MCW variable) and logit regressions (for the

dichotomous SALW variable). In addition, panel-corrected standard errors must be used

with the annual dyadic data to avoid an understatement of the errors due to the high

number of error parameters involved in panel data, including panel heteroscedasticity and

temporal dependence (Beck 2001; Beck and Katz 1995). I select control variables based on

the theoretical relationship between the independent variable of interest (human rights) and

the dependent variable (MCW/SALW). Results from models featuring unnecessary

variables are often highly contingent on precise specifications and make it more difficult to

explore nuances of the relationship between variables of interest and the outcome (Achen

2005; Berk 2004). Appendix B covers variable coding and justification for inclusion in

statistical models.

27. See the sources cited in note 2 for this chapter.

28. Although still bound by bloc politics, European and other smaller producers, such as

Brazil and Israel, sought to export arms to support their national arms industries, boost their

balance of payments and employment, and reduce production costs (Catrina 1988; Pierre

1982; Stanley and Pearton 1972; Taylor 1994; Wentz 1987–1988). This is not to suggest

that arms sales did not have economic benefits for the superpowers. In fact, arms were a

significant part of Soviet foreign trade, though the Soviet Union supposedly did not

intentionally seek out financial advantages from its arms exports (Brzoska and Ohlson

1987:43).

29. On this debate, see Chalmers et al. 2002; Hartley and Martin 2003; Hartung 1996;

Ingram and Isbister 2004; Levine et al. 1997; S. Martin 1999; Mayhew 2005; Mintz and

Huang 1991; Pierre 1982; Wentz 1987–1988.

30. See Anthony 1997; Brzoksa 2004; Durch 2000; Gold 1999; Harkavy 1994; Kapstein

1997; Keller and Nolan 1997

31. See Cornish 1995; Gold 1999; Kapstein 1997; Neuman 1993; Wulf 1993.

32. See Anthony 1997; Kapstein 1997; Neuman 1993; Wulf 1993.

33. Canada and Japan also proposed a Group of 7 (G7) working group to monitor arms

transfers, but France objected to the G7 as the institutional platform. The G7 met in July

1991 and discussed, in part, the United Kingdom’s arms register proposal, which was

subsequently pursued under UN auspices. Mikhail Gorbachev was invited to the 1991 G7

summit, and although China was not present, it was briefed in advance on the arms control

initiatives to be discussed (Phythian 2000b).

34. Human rights did return to U.S. national arms export policy in 1995 with Clinton’s

Presidential Decision Directive 34, which includes human rights (and other political and

economic considerations) in its arms export criteria. Janne Nolan (1997) notes, however,

that U.S. practices at this time did not change much from those of the Reagan and Bush

administrations.

35. Countries were invited to include SALW starting in 2003.

36. Consensus rules for the 2001 UN small arms meeting made it possible for the United

States to block a legally binding document that included multilateral transfer controls. I

explore its position in detail in chapter 4.

37. Chapter 4 explores these major multilateral policy initiatives in detail.

38. The first sixty-seven signatory states to the ATT include Albania, Antigua and

Barbuda, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Benin, Brazil, Burkina

Faso, Burundi, Chile, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Denmark,

Djibouti, Dominican Republic, Estonia, Finland, France, Germany, Greece, Grenada,

Guyana, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania,

Luxembourg, Mali, Malta, Mauritania, Mexico, Montenegro, Mozambique, Netherlands, New

Zealand, Norway, Palau, Panama, Portugal, South Korea, Romania, Saint Lucia, Saint

Vincent and the Grenadines, Senegal, Seychelles, Slovenia, Spain, Suriname, Sweden,

Switzerland, Tanzania, Togo, Trinidad and Tobago, Tuvalu, United Kingdom, and Uruguay.

The United States signed on September 25, 2013. The ATT goes into effect after fifty states

deposit their instruments of ratification on December 24, 2014.

39. It can also be argued that foreign policy has always been an expression and tool of a

state’s values and ethics and that all that is new here is the explicit articulation and labeling

by some states of their foreign policy as “ethical.” This debate was most prominent under

the British Labour government between 1997 and 2010.

40. The inclusion of small arms on the international agenda in connection with states’

broader acceptance of international humanitarian norms was not an intentional “grafting”

effort at the start, as in the landmines case (Price 1998), although the Control Arms

Campaign would later do so in making its case for the ATT.

41. On these conflicts and arms control, see Eavis 1999; Goose and Smyth 1994;

Hartung 2001a; HRW 2003a; Human Security Centre 2005; International Committee of the

Red Cross 1999; Karp 1994; Klare 1994–1995; Misol 2004; Sislin and Pearson 2001;

Wezeman 2003. See also chapter 1.

42. For a selection of contributions to this debate, see Brzoska 2001; Durch 2000;

Erickson 2013c; Fruchart et al. 2007; Haass 1997; Hufbauer, Schott, and Elliot 1990;

Kaempfer and Lowenberg 1995; Naylor 1999; Pape 1997; Phythian 2000a; Sislin and

Pearson 2001.

43. See, for example, Blanton 1999, 2001; Boutwell and Klare 1999; Boutwell, Klare, and

Reed 1995; Control Arms 2003; Craft and Smaldone 2002; Dhanapala et al. 1999; Goose

and Smyth 1994; Harkavy and Neuman 2001; HRW 1999, 2003a; Human Security Centre

2005; International Committee of the Red Cross 1999; Karp 1993, 1994; Keppler 2001;

Klare 1984, 1994–1995; Klare and Rotberg 1999; Maniruzzaman 1992; Misol 2004;

Muggah and Berman 2001; SAS 2001, 2002, 2003, 2006, 2007, 2009; Sislin and Pearson

2001; Smith and Tasiran 2005.

44. Afghanistan and Mali were also key “affected” states. Denise Garcia (2006) provides

a historic overview.

45. APL are a discrete category of weapon with limited economic or military importance.

They are also inherently indiscriminate and can therefore be banned on the basis of

international humanitarian law. In contrast, small and major conventional arms are broad

categories of weapons with a legally recognized place in the provision of state security.

Moreover, they have a significant worldwide economic base. Finally, unlike for landmines,

there are both groups that advocate for and groups that oppose more restrictive controls of

conventional weapons, which are not inherently indiscriminate weapons. See Brem and

Rutherford 2001; D. Garcia 2006; O’Dwyer 2006.

46. See chapter 2. For materialist perspectives on compliance, see Downs, Rocke, and

Barsoom 1996; Goldsmith and Posner 2005; Keohane 1984; Morrow 2007. From the

normative or constructivist perspective, see Chayes and Chayes 1993; Checkel 2001;

Finnemore and Toope 2001.

47. The following institutes in particular: SIPRI, the U.S. Arms Control and Disarmament

Agency, and the International Institute for Strategic Studies in the United Kingdom.

48. Small arms transfers are tracked by the Norwegian Initiative on Small Arms

Transfers, established in 1997.

49. The press and many NGOs do call states on questionable export deals, but these

publicity incidents are typically isolated and more attention grabbing than a systematic

investigation of practices over time (see chapter 5).

50. Blanton’s findings are potentially important—especially given the lack of research

otherwise—but, as a superpower, the United States may be an exceptional case. Its policies

have often gone against the grain of world politics, whether in support of or in opposition to

shared arms export restrictions. The problematic design of Blanton’s Heckman models also

calls her findings into question. Heckman models are subject to specific restrictions (see

Achen 1986; Sartori 2003), which Blanton does not meet. Blanton 2000 uses the full model

for both equations, instead of dropping at least one variable in stage 2. Blanton 2005

reverses model specification requirements by including all independent variables in the

stage 2 and excluding a pair of variables (Saudi Arabia and GDP) from stage 1. She

provides no explanation for her decision to reverse the model. Moreover, the dummy

variable for Saudi Arabia, as Blanton’s model itself acknowledges, is of little value for the

selection stage and should therefore be excluded from the model entirely (all variables in

stage 2 *must* be included in stage 1). Finally, GDP is a highly influential variable that can

significantly change the results of an equation depending on whether it is included or not.

Excluding GDP leads to a poorly specified model and misleading results.

51. Reestimated models of five-year blocks or “windows” are used for each dependent

variable. The models start with 1982, the first year for the lagged independent variables,

and add an additional year to each regression until a five-year window has been reached.

To illustrate, the first five-year window is 1982–1986, the next is 1983–1987, and so on.

There are twenty-nine consecutive five-year windows in total, ending in 2010. For recent

applications of models of windows in political science, see Adolph 2004; Kayser 2007;

Kwon and Pontusson 2005.

52. This result is consistent with different iterations of exporters included in the model,

such as democratic exporters only and EU exporters only (subject to the EU Code since

1998).

53. Although there was a drop with “very bad” human rights in 2010, the coefficient is

insignificant, and a single point is insufficient to establish whether this drop is the start of (or

return to) a trend.

54. See, for example, Capie 2004; Cloud 2007; V. Garcia 2003; HRW 2002; Myerscough

2006; Waldermeirin 2007; Wright 2007.

55. Control Arms (2003), for example, argues that the United Kingdom expanded arms

availability to Indonesia and relaxed arms export controls more generally in response to

U.S. arms export policy in the war on terror. Although the results for MCW transfers do not

show a similar uptick for bad human rights performers, MCW export practice has generally

shown less variation over time and may be slower to adapt.

56. However, recent findings suggest that legally binding export restrictions in the form of

arms embargoes *do* significantly reduce SALW and MCW transfers (Erickson 2013c).

4. EXPLAINING COMMITMENT: INTERNATIONAL REPUTATION AND “RESPONSIBLE”

ARMS TRANSFER POLICY

1. The United States opposed a broader mandate for the meeting, along with China,

Israel, Russia, Cuba, India, and Pakistan. The latter three countries are not major exporters.

By the ATT vote in 2006, only the United States was still outright opposed to shared arms

transfer controls.

2. For this view, see Anders 2007; Efrat 2010; Karp 2002; Krause 2002; Miller et al.

2003; O’Dwyer 2006; Stohl and Hogendoorn 2010; Wyatt 2002.

3. All of the cases reviewed are full democracies and among the top-five small arms

and/or MCW exporters. See chapter 1 for more on case selection.

4. Studies connecting arms export policy to the MIC and defense industry preferences

include G. Adams 1981; Cooling 1981; Dunne 1995; Efrat 2010; Eisenhower 1961; Hartung

1996; Keller 1995; Kolodziej 1979; Kurth 1971; Markusen et al. 1991; Moravcsik 1991,

1992, 1993; Silverstein 2000.

5. Although born in the United States (Eisenhower 1961), this concept travels in Europe

and elsewhere in the world (Cooling 1981; Kiss 1997; Stanley and Pearton 1972).

6. For example, the defense industry in the former Eastern Bloc enjoyed an equal—if not

greater—status in domestic politics. Better conditions for defense industry employees

during the Cold War “created a deep attachment to defence industrial activity,” which has

carried over into the difficult post–Cold War years (Kiss 1997:137).

7. See Beier and Crosby 1998; International Committee of the Red Cross 1996; Petrova

2007; Price 1998; Rutherford 2000.

8. On the French MIC, see Boyer 1996; Chatillon 1983; Graves 2000; interview

63308220; Labbé 1994; Moravcsik 1992; Stanley and Pearton 1972.

9. On the French view of the arms trade, see Chatillon 1983; J. Clarke 1981; *Défense et*

*sécurité nationale* 2008:279, 283; Graves 2000; Guay 1998:108; interview 63308220;

Kolodziej 1987; Sarkozy 2008; Scaringella 1998.

10. After Labour governments nationalized “large swaths of the British defense industry,”

Thatcher reprivatized companies during the 1980s (Graves 2000:60). Labour renounced its

call for common ownership in 1995.

11. On the British MIC, see Bishop and Megicks 1996; Higham 1981; Jones and Rees

1994; Phythian 2000b.

12. Ian Davis (2002) provides a detailed history and description of both. See also Cooper

1997; Guay 1998; Jones and Rees 1994; Mayhew 2005; Phythian 2000b; Spear 1990.

13. On party support of the defense industry, see Cook, Foss, and Scott 2004; Jones and

Rees 1994; Norton-Taylor, Lloyd, and Cook 1996.

14. The *Financial Times* called the second Al Yamamah deal “staggering both by its

sheer size and by its strategic importance, not only for defence relations but also for

investment and trade links between the two countries” (White and Mauthner 1988; see also

“Arms and the Arabs” 1988). An investigation into the deals was suppressed in 1992, but

the Serious Fraud Office opened another in 2004 to look into British Aerospace (BAE) and

UK Ministry of Defense side payments. Although the deals were made during Thatcher’s

tenure in office, Blair stopped the inquiry in 2006, arguing that it would lead to the loss of

British jobs and “a vital strategic partnership” (“Saudi Prince” 2007). In a distinct change of

tone, the press responded that the defense industry is worth preserving, but “not at any

price” (“The Bigger Bang” 2007). BAE paid £286 million in criminal fines in 2010 to settle

investigations in the United Kingdom and the United States without admitting to bribery or

corruption (“BAE Handed” 2010).

15. Interviews 32107200, 35207200, 34207200, 36307200, 39307200.

16. Interviews 35207200, 37207200, 39307200.

17. Both the Allies and the German public were largely convinced of the MIC’s guilt, and

the largest companies were broken apart in the early postwar yeas as a result (Homze

1981:76–77). The dismantling stopped by the late 1940s in response to the Soviet threat

(Homze 1981:77), and a resurgence began by the 1950s (Homze 1981:79; see also Davis

2002, Pearson 1986).

18. Interview 44307255. See also Davis 2002; Freedman and Navias 1997; Moravcsik

1992; Stanley and Pearton 1972.

19. It is worth noting that much discretion surrounds the interpretation of German legal

export restraints as well as a preference for coproduction arrangements with countries such

as France that are subject to less-restrictive export guidelines and for selling production

licenses instead of finished weapons (Brzoska 1986, 1989; Cowen 1986; Davis 2002;

Graves 2000; Guay 1998; Pearson 1986; Wulf 1996).

20. The three geographic regions in Belgium—Wallonia, Flanders, and Brussels—now

hold arms export–licensing competence. The Brussels share of Belgian business is

extremely tiny and therefore not discussed here. Regionalization has created difficulties at

the regional level—licensing and reporting mechanisms had to be developed from scratch—

and problems for representation in multilateral fora at the international level. See Flemish

Peace Institute 2007b.

21. Hassink 2000; interviews 20307211, 21407211, 22407211, 23407211, 31307211.

22. Over time, dual-use technology, such as visualization screens and military imaging

and electronic equipment, has been the most valuable Flemish defense good (Duquet 2008;

Duquet, Castryck, and Depauw 2007).

23. Interviews 21407211, 22407211, 23407211, 31307211.

24. See Guay 1998; Hartung 1996; Silverstein 2000; Wolpin 1991.

25. Arms exports were briefly emphasized as a political issue in the United States in the

mid-1990s to draw out production lines and protect jobs (Hartung 1996; Nolan 1997). Yet,

according to Terrence Guay, “many of the [U.S.] companies that have chosen to remain in

the defense business now find themselves in a monopoly or near-monopoly position. Most

contractors are generating strong cash flows, and many cost-cutting defense firms have

seen their stocks rise. While defense companies’ revenues have fallen sharply in the 1990s,

profitability has risen” (1998:90).

26. For more on the jobs–defense industry connection, see G. Adams 1981; Hartung

1996; Markusen et al. 1991; Stanley and Pearton 1972; Wolpin 1991.

27. One NGO representative commented that some defense firms had even privately

expressed an interest in establishing an international code of conduct, but the American

political climate was unfavorable to make investing the resources into it worthwhile

(interview 48207002).

28. Johnston attributes states’ responses to new expectations to “social influence,” which

he claims can include “backpatting, opprobrium or shaming, social liking, status

maximization, and so on” (2008:20). Social influence allows for “public conformity without

private acceptance,” unlike persuasion, which requires both public conformity and private

acceptance (25), a dynamic strongly suggested by the gap between states’ arms transfer

policies and practices.

29. These institutions are the most relevant for the major arms exporters. Others include

ECOWAS, the Organization of American States, and the South African Development

Community.

30. I do not mean to imply here that a reputation for good international citizenship—and

the enhanced social status that might accompany it—cannot also indirectly contribute to

material benefits.

31. Operating under the same consensus rules, the EU agreed to the legally binding

Common Position to succeed its politically binding Code of Conduct in 2008. The UN,

however, had to use majoritarian voting in the General Assembly between 2006 and 2013 to

pass the ATT.

32. It is worth noting that in such cases less-powerful dissenting states can often hide

behind the opposition of a superpower such as the United States. Supporting states and

NGOs focus their opprobrium on the superpower’s opposition when it is present rather than

on that of “less-significant” players.

33. Although states’ obligations are essentially the same under both documents, the

Common Position does make some formal additions. See M. Bromley 2012.

34. Unanimity is not always required. Some issues (although not foreign and security

policy) fall under Qualified Majority Voting (majority voting weighed by member population)

as designated by EU treaty law. Nevertheless, between 75 and 80 percent of decisions in

the 1990s were taken unanimously, even where majoritarian rules could have been applied

(Mattila and Lane 2001:40).

35. Appeasing France so that any document could pass was a central concern of the UK

presidency, which worked with France in order to minimize its opposition. As a result, the

1998 Code of Conduct was not legally binding and mandated only that members report

exports annually to the EU, but not that reports be made public. In fact, France strongly

opposed any references to public accountability proposed by the British Labour

government, which was fresh off a national election in which transparency and

accountability were key issues (SIPRI 1999:439–41).

36. On the EU debate over lifting the arms embargo to China, see Erickson 2013b.

37. The EU has facilitated further policy convergence by establishing a common list of

military equipment; increasing the amount of information exchanged between member

states; and creating a user’s guide to clarify criteria application (M. Bromley 2008:9).

38. European Parliament 2008; French Ministry of Foreign Affairs 2008; interviews

27207211, 37207200, 43107200, 61208220, 64208220.

39. Consensus rules are widely cited as the reason for the small arms conferences’ lack

of success (SIPRI 2007:432). As one government official said, there were just “so many

damn countries” (interview 16107255), making consensus perhaps an impossibly high bar

to clear.

40. News sources and informal conversations with participants suggest that China, Cuba,

Egypt, India, Iran, Israel, Pakistan, and Russia also opposed a more rigorous UNPOA

(Anders 2007; SIPRI 2007:432).

41. See chapter 3 for a historical overview of the emergence of the international small

arms agenda as well as SAS 2001, 2002 and UN Department of Disarmament Affairs 2002

for discussions of the origins of the 2001 conference.

42. See UN Department of Disarmament Affairs 2002:79 n. 17 for a full list of invited

NGOs.

43. The United States has had a reputation in the UN General Assembly both for

commonly flouting the majority (Smouts 2000:48) and for being an obstructionist force on

the small arms processes in particular.

44. Covering illicit small arms transfers in “all their aspects,” the UNPOA is a

comprehensive document acknowledging the deep complexity of the problem but also

making consensus a next-to-impossible feat.

45. This group primarily included China, Cuba, Egypt, India, Iran, North Korea, Pakistan,

Russia, Syria, Venezuela, and Zimbabwe. In the final ATT vote, however, only Iran, North

Korea, and Syria voted in opposition.

46. Defense cooperation agreements are exempt from the treaty, for example, because

of Indian lobbying. However, a ban on arms transfers to nonstate actors is not mentioned

because of unresolvable disagreements between the United States (opposed) and India,

Nicaragua, Russia, and others (in favor) that would have otherwise prevented treaty

progress.

47. The ATT was adopted by majoritarian vote in the UN General Assembly after being

blocked from consensus adoption in the final negotiation by Iran, North Korea, and Syria,

which also voted against the treaty in the General Assembly. Some importing states

abstained because they felt the ATT favored exporters over importers (e.g., Indonesia),

whereas others abstained because they felt their substantive concerns had not been

addressed (e.g., India on nonstate actors). Argentina, an ATT lead state, was the first to

sign on June 3, 2013. Iceland was the first state to ratify the ATT, depositing its instrument

of ratification on July 2, 2013.

48. To preserve the anonymity of the large majority of interviewees who requested it, I do

not name any participants.

49. A similar point might be made about “rogue” states, whether by choice or not.

50. In particular, the United Kingdom’s announcement to renew its push for an ATT in

September 2006 following the 2006 UN small arms conference was met with immediate and

widespread support. According to Foreign Office minister Kim Howells, “There were

ambassadors literally queuing up to express their support for the proposals we announced

this morning and they ranged from very small countries like Mauritius to very large countries

like Canada” (Associated Press 2006).

51. Interviews 39307200, 34207200, 37207200, 58107255.

52. For more about British leadership on this issue, see Erickson 2013a.

53. For example, see Blair 1997; R. Cook 1997a, 1997b, 2002; Cooper 2000; Dunne and

Wheeler 2001; Wheeler and Dunne 1998.

54. Interviews 37207200, 35207200, 40107200, 41107200 43107200.

55. Interviews 37207200, 32107200, 35207200, 39307200, 43107200.

56. One NGO representative noted that although the idea of an ATT came from NGOs,

he acknowledged that the scope and form of the current ATT was “invented” by Straw and

continued by his successors (interview 33207200).

57. NGOs report that in the United Kingdom they engage in “behind-the-scenes

advocacy, policy recommendations, and policy-based research” and “identify points of

leverage” on the issue of arms exports (interview 37207200). It is not clear whether they

remain behind the scenes by choice or if doing so has been forced by lead governments

seeking credit.

58. Interviews 16107255, 19407255, 45207255, 58107255.

59. One German arms trade expert reports that Germany was “disappointed with the

ammunition thing and was hopeful that this would be the German thing” (interview

19407255). Promoting the ATT during Germany’s 2007 EU presidency seemed like a

promising opportunity for leadership, though the United Kingdom had already claimed

leadership a few years earlier. Germany has been, according to many, a more passive

supporter in practice and has “missed some good opportunities to seize the field to play a

prominent role” (interview 58107255).

60. Interviews 14107255, 16107255, 15107255, 58107255.

61. Interviews 10407255, 14107255, 16107255, 19407255, 58107255.

62. This comment suggests the use of “rhetorical entrapment” as an NGO strategy and

perhaps an unintended consequence of states’ support for “responsible” arms transfer

policies and related multilateral initiatives (Schimmelfennig 2001).

63. Whether Germany’s civilian power will or can persist is a matter of debate (Harnisch

and Maull 2001; Hockenos 2007).

64. Or, according to some critics, French foreign policy is “long on symbolism but

woefully short on substance” (Gordon 1993:134).

65. The idea that France is “destined to play leading global and European roles” has

been a foundation of French foreign policy since De Gaulle (Gordon 1993:17).

66. Among French elites, consensus over France’s support of and role in the EU is

accepted and explained as “Mitterrand’s European legacy” (Wood 1997:131). A similar

argument can be made that France promotes the UN’s “prestige and capabilities,”

strengthening its “own status and influence” in the process (Gregory 2000:170; see also

Utley 2000).

67. The head of state prevails on major diplomatic questions and keeps a “direct

relationship” with the minister of foreign affairs, “which enhances coordinated action”

(Enjalran and Husson 1999:66).

68. France’s arms trade NGO culture—or lack thereof—is detailed in chapter 5.

69. Belgian federalism provides a separation of competences but no hierarchy between

the federal and regional governments, “designed to save rather than destroy national unity”

(Fitzmaurice 1996:145).

70. The problems for Belgian foreign-policy making were initially more practical. Federal

and regional officials were unclear how Belgium would be represented in international

institutions and whether regional officials, who now implement arms export policies, would

acquire equal representation alongside federal officials, who retain foreign-policy-making

competences.

71. The Ministry of Foreign Affairs values its role in the EU and UN. Marc Houben

attributes this attitude to Belgium’s “self-image of vulnerability,” which is “deeply rooted in

society and widely shared by the different political parties” (2005:31). Arms export decision

making aside, foreign policy and European integration are considered matters of consensus

in Belgian politics (Fitzmaurice 1996).

72. The Belgian federal government signs in the name of all governments and is “very

pro [arms control]” but has not put the issue to the regions for input in practice. The regions,

however, reportedly “don’t see a reason not to follow” (interview 21407211). External

relations, including with the EU, are typically delegated to the competence of the federal

government (Fitzmaurice 1996:148, 245–50).

73. Interviews 20307211, 52207211, 53207211, 56107211, 57207211.

74. This satisfaction with Belgian policy does not necessarily extend to the regions. In

particular, NGOs hope that Wallonia will improve transparency measures. See also

Amnesty International 2007 for broad policy objectives.

75. On this reputation, see Adam 1989; Inter Press Service 1987; Lowther 1991; Vranckx

2005.

76. Please note that conversations with U.S. government officials inform the analysis but

are not for attribution.

77. This theme was certainly clear in interviews outside of the United States.

78. See the discussion of Israeli policy in chapter 6.

79. Stohl, it should be noted, was nominated by Senator Diane Feinstein (D–CA) for a

spot on the 2006 U.S. delegation as the choice of the pro-control NGO community. She was

turned down in favor of three NRA members, as also happened with the 2001 delegation.

80. Despite attempts over several years, I was unable to interview any representatives

from the NRA or the World Forum on the Future of Sport Shooting Activity, which represents

the NRA at the UN.

81. Some NRA advocates suggest that the right to bear arms is a universal human right

(Schmidt 2007). Other experts, however, have contested this claim in a comparative

context, finding that some states have explicitly rejected Second Amendment–like rights in

their own national laws, while international law protects states’ right to self-defense, not

individuals’ right to self-defense or to bear arms (Frey 2006; Miller et al. 2003).

82. Of course, the NRA membership—or the “pro-gun” constituency more broadly—is not

homogeneous. Some members believe it should stay out of issues such as the arms trade

and focus on firearm safety and hunting. Moreover, as Kristin Goss (2006) points out, its

membership base is small compared to the majority of Americans who consistently support

gun control.

83. A Gallup poll from early October 2009 found that although the Obama administration

has not pursued a domestic gun control agenda, 55 percent of gun owners and 60 percent

of Republican-leaning respondents indicated that they believed Obama would attempt to

ban gun sales in his time as president (Newport 2009).

84. Following the first small arms meeting in 2001, World Forum on the Future of Sport

Shooting Activity representative Thomas Mason, however, warned that some states would

“seek to resurrect the issue of civilian possession of firearms” (2002:205). Since then, the

UN has consistently reaffirmed civilian possession as a domestic issue outside of the scope

of discussions. Yet for the NRA, there may be more to the story. As Aaron Karp observes,

“[The NRA’s] exclusive concern was protecting the rights of U.S. civilian gun owners to buy

and sell firearms as they pleased.… As it learned that domestic disarmament was not part

of the [UN] agenda, it grew more comfortable” (2002:190). He suggests instead that NRA

leaders have used “the UN process as a whipping-boy” to feed into the distaste of “extreme

supporters” to “anything connected to the UN” (190). Wayne LaPierre also notes that the

NRA used the issue in the 2000 election to rally support to its cause and preferred

candidates as well as to solicit additional funds from its members (2006:53; see also

Feldman 2007).

85. ATT preamble, available at

http://www.un.org/disarmament/ATT/docs/ATT\_text\_(As\_adopted\_by\_the\_GA)-E.pdf.

86. For recent discussions about the origins and consequences of U.S. exceptionalism,

see Chayes 2008; Fuchs and Klingemann 2008; Ignatieff 2005; Koh 2003; Kohut and

Stokes 2006; Lipset 1996; Madsen 1998; Sperling 2007.

87. Both Carter and Clinton relied heavily on case-by-case exemptions despite policies

that may have appeared more in line with current calls for “responsible” arms export

controls.

88. Polling suggests that Obama’s handling of foreign policy within the first year of his

presidency quadrupled his predecessor’s approval ratings among key European allies

(“Transatlantic Trends” 2009).

89. A domestic backlash against the decline of U.S. world standing was palpable

throughout the 2008 election process, leading the candidates to declare the need to

improve U.S. reputation (Koh 2003; Kohut and Stokes 2006; “Only in America” 2008; Walt

2005). However, the ATT was unlikely to win points at home except perhaps indirectly by

gaining points abroad (see chapter 5).

90. Michael Ignatieff notes that the stability of U.S. politics and institutions has led in part

to its “legal isolationism” and reluctance to look to international law and foreign precedents

in U.S. law (2005:8–9) as well as to a sense of self-sufficiency and lower incentive “to

stabilize its own institutions with foreign treaties,” in contrast to the European powers (17).

5. EXPLAINING COMPLIANCE: DOMESTIC REPUTATION AND ARMS TRADE SCANDAL

1. In 1995, Ecuador was involved in a border war with Peru. Argentina was charged as a

neutral guarantor of a 1942 peace treaty between the two parties. A UN embargo prohibited

arms sales to Croatia from 1991 to 1996.

2. The Argentine Senate must lift Menem’s immunity before he can serve his seven-year

sentence.

3. Yet 42 percent of the Argentine public were opposed to giving the UN the power to

regulate the international arms trade, and only 36 percent were in favor (Chicago Council on

Global Affairs and WorldPublicOpinion.org 2007).

4. With a permissive public attitude toward the arms trade and the high level of secrecy

surrounding it, scandals were rare during the Cold War. The U.S. Iran– Contra Affair and the

Swedish Bofors Affair are two exceptions.

5. Only Sweden and the United States allow for advance legislative scrutiny of arms

export deals (those worth more than $50 million in the United States).

6. On this decline, see Baum 2002; Melanson 2000; Small 1996.

7. On the public and foreign policy, see Almond [1950] 1965; Baum 2002; Holsti 2004;

Risse-Kappen 1991; Rosenau 1961; Sobel 2001; Wittkopf 1990.

8. See O’Dwyer 2006; Petrova 2007; Price 1998; Rutherford 2000.

9. Funding needs may also contribute to this difficulty. NGOs work on many issues

related to SALW to keep donors interested, but this multitasking makes creating a clear,

coherent, and simple message for campaigning difficult (interview 2206225).

10. For further information about the interviews, see chapter 4 and appendix B.

11. Interviews 19407255, 11407255, 17207255, 46307255.

12. As I show later in this chapter, it is typically through NGO press releases and

prompting that the media pick up news stories about arms export decisions.

13. Interviews 20307211, 21407211–23407211, 26207211, 29207211, 31307211.

14. Interviews 37207200, 33207200, 36307200, 39307200, 43107200.

15. The 1970s were an unusual interlude to this trend. In his presidential campaign,

Jimmy Carter responded to the U.S. public’s apparent concern regarding an overabundance

of arms transfers (see chapter 3). The 1970s also saw among an attentive European public

a generally negative attitude toward arms transfers, but no corresponding policy changes.

16. Chicago Council on Foreign Relations 2004; Chicago Council on Global Affairs 2008;

Chicago Council on Global Affairs and WorldPublicOpinion.org 2007.

17. Interviews 59108220, 60108220, 63308220, 64208220. In 2006, 77 percent of

French people supported giving the UN the power to regulate the international arms trade

(Chicago Council on Global Affairs and WorldPublicOpinion.org 2007). Interview

participants, however, seemed unaware of such figures. One NGO representative observed

that no one was really sure where the public stood on the issue and that a study would be

needed to find out (interview 61208220).

18. Domestic structure comprises “the nature of the political institutions (the ‘state’), basic

features of the society, and the institutional and organizational arrangements linking state

and society and channeling societal demands into the political system” (Risse-Kappen

1991:484).

19. I identify arms trade scandals by widespread media, NGO, and government use of

the label *scandal.* See chapter 2 for a theoretical overview of the concept, literature, and the

effects of scandal on democratic politics.

20. Low-level transparency exists where governments do not make publicly available

their arms export reports. Although news of “irresponsible” exports can break due to

investigative journalism or NGO fieldwork, it is extremely rare. See chapter 2 for a

conceptual discussion of transparency.

21. Because the size, resources, and structure of national NGO communities vary by

case, I define an “active pro-control NGO community” as the presence of groups engaged in

sustained lobbying and public mobilization with the goal of regulating the national arms

trade. They may be home-grown groups or national affiliates of international NGOs such as

Amnesty International.

22. On uneven execution of information sharing, see Abramson 2008; M. Bromley 2012;

Holtom 2008; Laurance, Wagenmakers, and Wulf 2005; Lebovic 2006.

23. Transparency has also increased within the arms industry in response to pressure

from company stakeholders, shareholders, NGOs, and governments. Small arms

companies that are not listed on the stock market tend to be less transparent (Weidacher

2005).

24. See Phythian 2000b; Ponting 1990; Tomkins 1998; Vincent 1998.

25. The Gesetz über die Kontrolle von Kriegswaffen (known widely as the KWKG)

regulates the export of “weapons of war” as defined by German law. The

Aussenwirtschaftsgesetz (known as the AWG) regulates military-related technology and

armaments, including dual-use technology. See Davis 2002 for a summary.

26. Richard Moose and Daniel Spiegel attribute this concern to “the end of the Vietnam

war, the personal style of a Secretary of State [Kissinger], the oil price hike of 1973, and the

recession” (1979:228).

27. For more on sleaze and the 1997 election, see Lee 1999; Vincent 1998; Worcester

and Mortimore 1999.

28. See Aaronovitch 1996; “The Scott Report” 1996; and Stephens 1996, among many

(indeed most) others.

29. On Labour’s promises, see Blair 1997; Cook 1997a, 1997b; Labour Party 1997.

30. In the United Kingdom, the Campaign Against the Arms Trade had long advocated an

arms trade ban. However, it has taken a back seat in the current debate as a result of other

groups’ willingness to compromise (regulate, not ban). Anna Stavrianakis argues that the

main NGOs in the current debate are “reformist” rather than “transformist,” upholding “the

close relationship between arms capital and the state” and seeking to “[regulate] away [the

arms trade’s] worst excesses within the existing system” rather than to overhaul it radically

(2010:9).

31. Interviews 32107200, 37207200, 40107200, 41107200, 42107200, 43107200.

32. Broek 1997, Control Arms 2004, Oxfam 1998, 2002, and Saferworld 2007 are

examples of NGO reports seeking to improve arms export practices, which have also picked

up a following in the press.

33. See also UK House of Commons 1999, debate on November 3, and 2000, debate on

May 4, among others.

34. See the All-Party Parliamentary Group on International Corporate Responsibility

website at http://appg-icr.org/.

35. Interviews 35207200, 37207200, 38207200, 39307200.

36. The exception has been support for more liberal East–West trade as a part of

*Ostpolitik* (Davis 2002:159).

37. The 1982 guidelines (Cowen 1986:269) held until new guidelines reflecting the 1998

EU Code of Conduct were adopted in Germany in January 2000. Current criteria include

provisions to disqualify applicants who are located in areas of tension, are engaged in an

armed conflict, or show “reasonable grounds to suspect serious human rights violations.”

For the full text of the new guidelines, see

http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht.html.

38. The domestic economy is typically the point of greatest concern for Germans (Klein

and Kuhlmann 2000). In periods of economic trouble and high unemployment, this concern

can translate into tolerance for more arms transfers (Brzoska 1989; Davis 2002). Even then,

however, governments have sought to avoid criticism by maintaining “the public image of a

restrictive arms transfer policy” (Brzoska 1989:171).

39. Of course, this aspect of German identity can easily clash with its identity as an

export-oriented economic powerhouse with respect to the arms trade (Davis 2002).

40. Alternative sources of information included reports in the foreign press from other

intelligence sources, data collection and publication from open sources by organizations

such as SIPRI, and individual groups’ efforts in Germany to monitor port activity. The BUKO

Kampagne: Stoppt den Rüstungsexport (Campaign to Stop Arms Exports), which sought to

ban the arms trade completely, especially engaged in data collection and dissemination

strategies.

41. Of course, common standards of export control today are meant in part to keep

suppliers from following this coproduction strategy. Germany nevertheless supports these

policies, recognizing their importance for its international reputation (see chapter 4).

42. Chemical weapons and dual-use technologies present a useful comparison. In the

early 1990s, scandal emerged with knowledge that Germany had supplied Iraq with

chemical weapons and infrastructure in the 1980s (Phythian 1997). The government

immediately responded with legal reform to place stricter controls on dual-use technology

(Davis 2002; Müller et al. 1994). Scandal accelerated the reform process by authorities

“[a]nxious to repair the tainted reputation of Germany” (Müller et al. 1994:4).

43. Activist Andrea Kolling notes that the German government got around the “areas of

tension” criterion by declaring in 1984 that there was no Indonesian war against East Timor

(1997:58).

44. “Support for NATO” means support both for Turkey as a NATO ally and for the United

States, whose policy supported Ankara and labeled the Kurdish Workers’ Party a terrorist

organization.

45. In the 1992 Schleswig-Holstein election, this candidate—CDU leader Ottfried Hennig

—did not take the majority from the SPD. Yet both parties lost ground to right-wing extremist

parties (May 1992).

46. On Stoltenberg, see Casdorff 1992; M. Fisher 1992; Kinzer 1992; “Unter dem Druck”

1992. Stoltenberg had also been implicated in covert transfers of supplies of former East

German arms to Israel—an area of tension in the Middle East—in 1991, a factor that

certainly increased public distaste for his continued role as head of the Defense Ministry (M.

Fisher 1992; “Kritik an Stoltenberg” 1992).

47. Interviews 14107255, 17207255, 19407255, 44307255, 45207255.

48. For a sample of overview pieces on German civilian power, see Harnisch and Maull

2001 as well as Hockenos 2007.

49. See Gaetner 1987 and Pontaut 1987 for the articles that (re)broke the would-be

scandal.

50. All interviewees pointed out the lack of an active arms trade NGO community in

France. Its absence is considered symptomatic of an absence of an established French

NGO lobbying culture more broadly. Although foreign development and aid groups are

prominent, the proliferation of NGO activity in domestic politics on foreign-policy issues is

more recent and a point of contention in French politics (S. Cohen 2004).

51. On French arms supplies to Rwanda, see Alusala 2004; Austin 1995; Braeckman

1994; Callamard 1999; Dorn, Matloff, and Matthews 1999; HRW 1994; Melvern 2000, 2004.

52. See Patrick De Saint-Exupéry’s (1998a, 1998b, 1998c, 1998d) four-part series in *Le*

*Figaro* in January 1998 and Rousselin 1998. The reports accused France of complicity in

the genocide and openly criticized the content and conduct of France’s Africa policy. See

also *Le Figaro* in general from March 30 to April 3, 1998.

53. For the Quilès Commission report, see http://www.assemblee-nationale.fr/dos-

siers/rwanda/r1271.asp.

54. The Rwandan government has been dissatisfied with French responses to the

scandal and has since made allegations that France played an active role in the 1994

genocide (“Report Done” 2007; “Rwanda Accuses France” 2008).

55. Note later in the chapter similar public sentiments in the United States during the

Iran–Contra Affair.

56. The Rwanda Affair did, however, expose major flaws in France’s Africa policy and

helped to instigate reform (Utley 2002). And although the arms trade angle remained

untouched, it later spurred French activism to control illicit small arms flows in Africa

(interview 60108220; Utley 2002).

57. Primarily Amnesty, Agir-Ici–Oxfam, Comité Catholique contre la faim et pour le

développement, l’Observatoire des transfers d’armements, and Secours Catholique—

Caritas France.

58. Boland I prohibited the use of funds “for the purpose of overthrowing the Government

of Nicaragua or provoking military exchange between Nicaragua and Honduras” (qtd. in

Draper 1991:18). Boland II “prohibited any military or paramilitary support for the

Nicaraguan contras for the period of October 3, 1984 to December 19, 1985” (Draper

1991:23–24) and remained in effect into 1986.

59. The plan was to focus questions on “North’s diversion scheme and [shy] away from

the larger issues of administration policy toward Iran and the Contras” (Kornbluh and Byrne

1993:310). Attorney General Edwin Meese testified in 1989, “I was concerned that the two

major policy issues within the Administration at the time would be merged together and that

this would—could complicate the ability of the President in both of the issues” and might

constitute an impeachable offense if revealed by a source outside the administration (qtd. in

Draper 1991:521).

60. On these possible repercussions of Iran–Contra, see, for example, Barnes 1987; R.

Busby 1999; Cohen and Mitchell 1988; Draper 1991; Kornbluh and Byrne 1993; Thelen

1996; Trager 1988; Walsh 1997; Wroe 1991.

61. For the full reports, see

http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB365/index.htm.

62. Note the ongoing covert arms transfers (primarily dual-use technologies for biological

and chemical warfare) to Iraq during this time, also against U.S. law and policy. However, it

was a matter of debate “just how much of a scandal Iraqgate was,” and the lack of any

newfound accountability following Iran–Contra was clear (Jentleson 1994:9; see also

Kornbluh and Byrne 1993).

63. To the extent that some NRA leaders are interested, they argue that governments

should supply *more* arms to areas of conflict and genocide (LaPierre 2006).

64. The U.S. NGO community focused on domestic gun control has not worked on export

policy. NGOs advocating arms export controls (among other issues) include Amnesty U.S.,

the Federation of American Scientists, HRW, the Quakers, and a few think tanks, such as

the former Center for Defense Information.

65. On the “supergun,” see Lowther 1991; Naylor 1999; Toolis 1990.

66. Bull sent U.S.- and Canadian-made shell casings to PRB because Canadian law did

not require end-user certificates for “inert” shells to going European countries. The

manufacturer “in turn could arm the shells and sell them to anywhere that [the much less

restrictive] Belgian law would allow” (Lowther 1991:107).

67. Cools’s death initially appeared connected to the supergun. However, investigations

concluded in 1995 that “the personal secretary to the senior minister of the Wallonian

regional government had been using his office as a cover for a gang stealing securities,

credit cards and paintings.” Cools had pushed for an investigation, and in response the

official hired an assassin (Naylor 1999:308–9, 311).

68. Past restrictions in arms trade to recipients engaged in conflict or internal repression

were policy, not law (Inter Press Service 1987).

69. See also Adam 1989; Inter Press Service 1987; Vranckx 2005.

70. Reports indicated that the Flemish Volksunie Party refused to authorize Belgian arms

sales to Saudi Arabia (Agence France Presse 1991a), which caused a split between

Flemish- and French-speaking ministers in the coalition and dissolved Parliament (Agence

France Press 1991b).

71. Prominent and active NGOs include Amnesty Flanders and Wallonia, International

Peace Information Service, Network Vlaanderen, Oxfam–Solidarity Belgium, and research

groups such as the Groupe de recherche et d’information sur la paix et la sécurité

(Research and Information Group on Peace and Security) and the Flemish Peace Institute.

72. The Code states, “Before any Member State grants a license which has been denied

by another Member State or States for an essentially identical transaction within the last

three years, it will first consult the Member State or States which issued the denial(s). If

following consultations, the Member State nevertheless decides to grant a license, it will

notify the Member State or States issuing the denial(s), giving a detailed explanation of its

reasoning” (Operative Provision no. 3). For the full text of the Code, see

http://www.consilium.europa.eu/uedocs/cmsUpload/08675r2en8.pdf.

73. Flemish Green Party (Groen) health minister Magda Aelvoet resigned.

74. The section heading refers to the 2003 regionalization of export controls (Otte and

Verschelden 2006).

75. See also interviews 21407211, 24107211, 27207211, 52207211, 55107211.

76. Interviews 29207211, 21407211, 27207211; Mampaey 2002:13.

77. Export denials noted in the Flemish press following regionalization include exports to

Chile, Ethiopia, Saudi Arabia, Suriname, Tanzania, Turkey, and Venezuela (Brinckman

2005; Verschelden 2006a, 2006b).

78. In the case of Liberia, the Belgian government noted that Belgium had been granted

an exemption by the UN in order to supply local police under UN auspices (Brinckman

2005).

79. This is not to say that NGOs have *no* access to the Walloon government. One official

notes that the government sometimes has contact with NGOs in addition to meetings with

companies (interview 55107211).

6. CONCLUSIONS AND IMPLICATIONS

1. See, for example, Amnesty International 2010; Blanton 1999, 2001; Boutwell, Klare,

and Reed 1995; Craft and Smaldone 2002; Eavis 1999; Goose and Smyth 1994; Harkavy

and Neuman 2001; Hartung 2001a; Karp 1993, 1994; Klare and Rotberg 1999; Musah

2002; Neuman 1986; Sislin and Pearson 2001; Verwimp 2006.

2. Attention to arms exporters in the post–Cold War scholarly literature is limited, perhaps

because of sparse media attention or a widely shared mindset that not much has changed

over time or both.

3. The United States was the sole vote against the ATT process until late 2009, a move

that contributed to its obstructionist international reputation. I attribute U.S. opposition

primarily to its long-term reluctance to concede to external export constraints and

exceptionalist attitude toward international institutions. See chapter 4.

4. Israel was ranked seventh among recipients and tenth among MCW exporters from

2002 to 2006 (SIPRI 2007:418, 422). SAS lists Israel in the lower end of the top-thirty small

arms exporters (2006:71).

5. On postapartheid South Africa’s search for international legitimacy, see Becker 2010.

6. South Africa developed its defense industrial base during the apartheid era. It is now a

midsize MCW exporter, ranked twentieth from 2002 to 2006 (SIPRI 2007). It is also in the

lower end of the top-thirty SALW exporters (SAS 2006).

7. South Africa released annual arms trade reports from 1995 to 2002, which were

subject to civil society criticism on specific cases (e.g., sales to Rwanda and Pakistan).

Legislative reform in 2002 required annual export reports, but none was presented from

2003 to 2006. In response, NGOs “expressed concerns that South Africa may be returning

to apartheid era secrecy.” Reports for 2003–2006 were released in 2007 but were viewed

as too late to allow any real critique or action (Lamb 2007).

8. Known South African arms exports to human rights violators from 2000 to 2004

include those to China, Colombia, Indonesia, Nigeria, Pakistan, Saudi Arabia, Uganda, and

Zimbabwe (Nathan 2005:371; SAS 2007:98–107).

9. International Action Network on Small Arms (IANSA) affiliates include Amnesty

International, Centre for Conflict Resolution, Coalition for Peace in Africa– Action Support

Centre, Congolese Association for Peace and Development, Gun Free South Africa,

Institute for Security Studies, the Peace and Security Program at the University of

Witwatersrand, and SaferAfrica.

10. Brazil ranked thirty-third in MCW exports from 2002 to 2006 (SIPRI 2007:418).

11. Pro-gun groups do not dominate Brazilian politics on this issue as the NRA does in

the United States. IANSA lists a number of active, established pro-control affiliates:

Movimento Paz Espirito Santo, Desarme.org, Viva Rio, Children and Youth in Organised

Armed Violence, and Instituto Sou da Paz. Many pro-control groups are more focused on

domestic than international issues. Viva Rio and Sou da Paz are involved in both.

12. Matthew Baum sees a similar trend of broadening public attention to political issues

through soft news, which can frame them as “compelling human dramas” and capture the

imagination of a public that would ordinarily not be tuned into or interested in such events

(2002:91).

13. See Schimmelfennig 2001; Wheeler 2000.

14. Edward Kwakwa (2003) observes that separating the interests of the United States

and the interests of the international community requires the exclusion of U.S. *social*

interests, which affect its reputation and social standing.

15. This is a primary reason ICBL leaders chose to pursue the landmine treaty outside of

the UN. Similarly, the EU consented to the politically binding Code of Conduct for Arms

Exports in 1998 because of French opposition to a legally binding document (France

withdrew its opposition to legalization in 2008).

16. Research generally finds that norms will diffuse more easily when there is a cultural

match between international and domestic norms (Checkel 1999). Leaders’ choice of

framing, the use of naming and shaming, and the wielding of social and material incentives

to adopt norms can also affect norm diffusion (Finnemore and Sikkink 1998; Nadelmann

1990; Price 1998), as can norm-taking states’ domestic structures (Checkel 1999). Norm

adoption by “critical states” can also speed and spread the process (Finnemore and Sikkink

1998; Florini 1996; Nadelmann 1990), as happened with British support for “responsible”

arms export controls.

17. See http://www.un.org/disarmament/ATT/docs/ATT\_text\_(As\_adopted\_by\_the\_GA)-

E.pdf.

APPENDIX B. DATA SOURCES AND CODING

1. Although thirteen states were absent for the UN General Assembly vote on Document

A/67/L.58, all exporter states in the data set were present. Of the twenty-three formal

abstentions, only China and Russia abstained among the exporters included in the data set.

Only three states formally voted against the ATT (Iran, North Korea, and Syria), none of

which are major exporters and are therefore included in the data set only as importer states.

2. No database provides a comprehensive combined figure for annual SALW and MCW

transfers disaggregated by recipient outside of U.S. commercial arms sales.

3. SIPRI is the only public source for annual conventional arms trade disaggregated

export–import data for non-U.S. exporters. Although there is little quantitative work on the

conventional arms trade, researchers often use SIPRI data to illustrate trends in the trade.

Post–Cold War examples include Durch 2000; Erickson 2013b, 2013c; Golde and Tishler

2004; Harkavy 1994; Khanna 1992; Kinsella 1994; Sanjian 1998; Wulf 1993.

4. I thank Mark Bromley at SIPRI for providing me with the initial data from the SIPRI

Arms Transfer Database in 2006 (see SIPRI 2006). The current version of this database is

now available at http://www.sipri.org.

5. Re-exports authorized by the original recipient state should appear with its transfer

data.

6. For a complete description of SIPRI’s TIV calculation methodology, see SIPRI

2007:429–30.

7. SIPRI argues that identifying an accurate and reliable price figure for weapons is

impossible for three reasons: “First, in many cases no reliable data on the value of a

transfer are available. Second, even if the value of a transfer is known, in almost every case

it is the total value of a deal, which may include not only the weapons themselves but also

other items related to these weapons … as well as support systems … and items related to

the integration of the weapon in the arms forces. Third, even if the value of a transfer is

known, important details about the financial arrangements of the transfer (e.g., credit or loan

conditions and discounts) are often unavailable” (2007:429).

8. I accessed NISAT in spring 2006, fall 2011, and summer 2013 from

http://nisat.prio.org. See NISAT n.d.

9. SAS calls UN Comtrade “the most comprehensive source of comparable data on the

international trade in small arms” (2003:99). However, Comtrade relies on voluntary

submissions by governments and tends to be incomplete in the area of SALW, a particularly

sensitive export. SAS concludes that Comtrade data “[appear] to be the strongest on the

exports and imports of western countries, principally North America and western Europe”

(99).

10. See, for example, Forsythe 2006; Krain 1997; Lopez 1986:90; Poe and Tate 1994.

11. The presence of oil may cause a government to repress its citizens to protect its

access to the resource (HRW 2003b; Ross 2004); fund repressive regimes, thus allowing

them to stay in power (Chen 2007; HRW 2003b); attract companies that may violate human

rights (Forsythe 2006; UN Economic and Social Council 2006); and cause other states to

turn a blind eye to a government’s repressive practices in order to retain access to an

important resource (Chen 2007; Forsythe 2006).

12. See, for example, Blanton 1999; Bueno de Mesquita et al. 2005; Davenport 1995;

Howard and Donnelly 1986; Mitchell and McCormick 1988; Poe and Tate 1994; Rummel

1995.

13. See, for example, Davenport 1995; Davenport and Armstrong 2004; Mitchell and

McCormick 1988; Poe and Tate 1994; Wolpin 1986.

14. See, for example, Banks 1986; Carleton and Stohl 1987; Cingranelli and Richards

1999a, 1999b; Goldstein 1986; Hafner-Burton and Ron 2009; Human Security Centre 2005;

Poe, Carey, and Vazquez 2001; and Stohl et al. 1986.

15. Sabine Carey (2007) also uses this approach.

16. The primary advantage of the Cingranelli–Richards data is that they allow

researchers to disaggregate types of physical integrity violations. However, this level of

detail is too fine-grained for a study of arms export practice. See Hafner-Burton and Ron

2009 for comparisons between the Cingranelli–Richards data and PTS data.

17. The correlation between variables from the two sources is nevertheless high (0.808).

18. To illustrate, 54 percent of Amnesty-coded dyad-years fall from 3 to 5 on the PTS in

contrast to 45 percent of DOS-coded dyad-years.

19. Nevertheless, Emilie Hafner-Burton and James Ron note that although democracies

“are better protectors of human rights,” measures of human rights are not highly correlated

with measures of democracy, suggesting that countries can be both democratic and abusive

(2009:379, 365).

20. See, for example, Bollen and Paxton 2000; Collier and Levitsky 1997; Collier and

Mahon 1993; Diamond 2002; Foweraker and Krznaric 2000; Munck and Verkuilen 2002;

Schaffer 1998; Schmitter and Karl 1991.

21. Gerring, Thacker, and Moreno (2005) take their measure from Macartan Humphreys

(2005). Because their data end in 2000, the years 2001–2010 are calculated based on the

sources used by Humphreys to generate the original variable.

22. See, for example, Ball and Leitenberg 1979; Brzoska and Ohlson 1987; Cahn et al.

1977; Catrina 1988; Chan 1980; Chatillon 1983; Klare 1984; Kolodziej 1987.

23. See Cahn et al. 1977; Chatillon 1983; Klare 1984; Phythian 1997.

24. For a discussion of the difficulties of coding conflict data and the merits and

drawbacks of various data sets, see Hegre and Sambanis 2006; Human Security Centre

2005; and Sambanis 2004.

25. Correlates of War data traditionally include only this high-level intensity of conflict

(one thousand battle-related deaths per year).

26. Only 12.89 percent of dyad-years in the data set are engaged in low- or highlevel

internal conflict.

27. With the exception of U.S. government contacts, who require that conversations be

for background purposes only and therefore cannot be cited here.

APPENDIX C. FULL STATISTICAL RESULTS

1. See, for example, Achen 2002, 2005; Kadera and Mitchell 2005; Ray 2003, 2005. For

a more general discussion, see Berk 2004.

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