

## Norm Diffusion: Understanding Risks in Relation to Identity Formation in the Arms Trade Treaty Negotiations

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**KEYWORDS** Arms control, Constructivism, corruption, development, gender, export, human rights, import, liberal institutionalism. mapping indexes, trade

**DATE** 2015

**ABSTRACT** Great achievements have been made within the United Nations (UN) with regard to social mechanisms that shape the practices of its member states. While imperfect, what came to be the Arms Trade Treaty (ATT) was a major stepping-stone in achieving cooperation and standards on states' wider international human rights responsibilities. Constructivists, however, have struggled to understand the wider social mechanisms that shape the preferences of states, and the implications this has for understanding how norms came to exist within the international system. Thus, in the context of the arms control negotiations, how do we understand the socio-economic, political and institutional factors that influenced states' preferences?<sup>1</sup> How does a state's human rights record or socio-economic resilience affect its ability to acquire weapons, and how does this make it respond to emerging norms materializing within the UN? By cross-referencing mapping indexes that provide visualizations of risks relating to human rights, socio-economic resilience, sexual violence in conflict, and corruption, in tandem with theoretical and hypothetical arguments relating to norm construction, my argument is that states were conforming norms because of their self-esteem, need for domestic legitimacy, network pressures, and as a process of identity reformation. Focusing on states with high or extreme risks in Sub-Saharan Africa that voted yes to the Treaty, the study argues that the 'cultural-institutional context' produces and reproduces identities in international politics, and argues about the importance of using indexes in this way to focus on the macro-level aspect of identity politics.

### CONTEXT

While countries with notable security threats offer large markets for arms manufacturers, international law forbids

states to transfer weapons where there is a clear risk that they may be used for serious human rights abuses. However, while some states have arguably "gold standard" domestic arms export controls in place that limit the chances of arms being used in the wrong way, profits and security are usually prioritized above consequences. The ATT, agreed in 2013 through the UN, was the international community's first attempt to find a common solution to the issue of irresponsible arms transfers on a global scale.<sup>2</sup> Among other elements, the Treaty included parameters for which a state should deny licensing arms if there is an overriding risk that the weapon in question may be used for human rights abuses, crimes against humanity, involve corrupt practices, draw money away from development, and used for gender-based violence, among others. A total of 156 states, consisting of states with extreme levels of human rights risks, voted yes to the Treaty. Concerning the latter: why were states with bad human rights records supportive of a treaty that might inhibit their ability to acquire weapons under such parameters?

This question is particularly important because there have been steady increases in transfers to Africa, the Middle East and North Africa, and South Asia.<sup>3</sup> A number of countries in these regions are rated medium to extreme in, for example, Maplecroft's Human Rights Risk Index 2014.<sup>4</sup> Negotiations around applying risk assessments to transfers of conventional weapons received skepticism by a number of states, of who argued that it was too politicized, subjective and exploitable.<sup>5</sup>

While constructivists and liberal institutionalists are concerned in the role norms play in shaping behavior and diffusing democratic values, questions such as these have not been explicitly addressed through theoretical methodologies and hypothetical testing. Scholarship has tended to focus solely on case-study investigation into one country, or one region, but macro-level analysis in constructivist research has been sidelined due to the complexity of differences between states, and the time consumption devoted to understanding individual state motives.<sup>6</sup> Quantifying and correlating risks provide methodological solutions to this issue and add further clarity and dispute to existing hypotheses.

Reflecting on notions of constructivism, liberal institutionalism and realism in international studies, it is important to try to understand what Sub-Saharan states had to gain by supporting highly politicized norms that would affect their utility function. Were they pressured through networks of states, or through the UN institution itself? Or were they simply ideologically

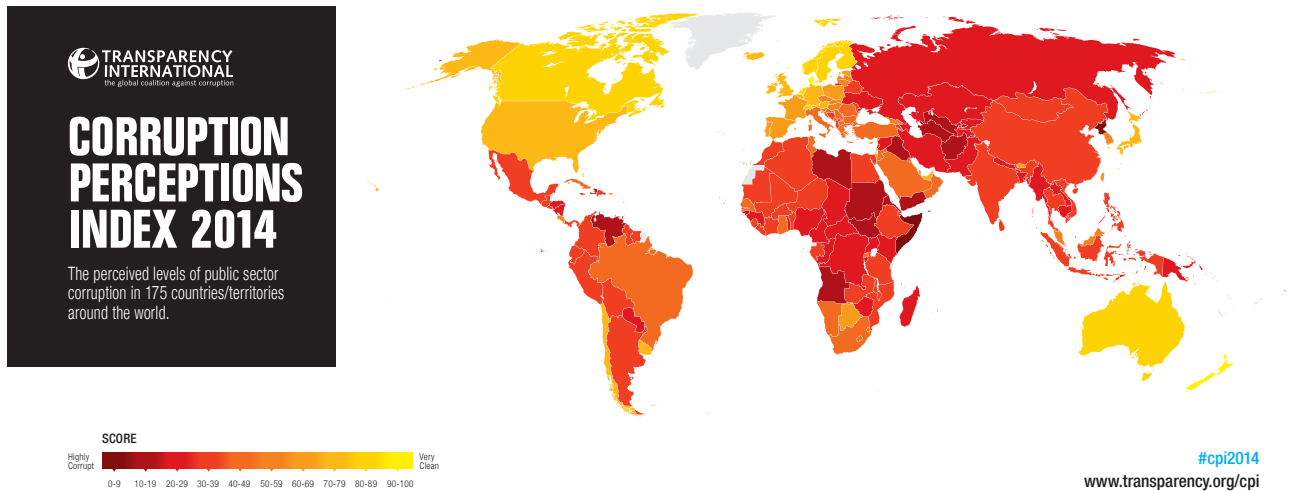


FIGURE 1: Example of color-coded mapping index indicating perceived public sector corruption risk by Transparency International. For this study, 9 mapping indexes were cross-referenced.

driven? Did they believe that they ought to follow these obligations? Finnemore and Sikkink (1998) argue in this context that norms hold a quality of “oughtness” where interests and threats, for example, provoke political action.

#### APPLICATION OF THEORY

Finnemore and Sikkink and others have argued that states conform to norms for reasons that relate to their sense of belonging to a group of states, their self-esteem, need for domestic legitimacy, and outside factors, such as emerging conflicts.<sup>7</sup> Finnemore and Sikkink’s work is useful because it considers the rational (realist) and moral (normative) factors influencing state decisions to equal effect. Mapping indexes provided by Maplecroft,<sup>8</sup> The Arms Trade Treaty Mapping Database,<sup>9</sup> and Transparency International<sup>10</sup> that measure risk in relation to adherence or violation of international law is deeply connected to Finnemore and Sikkink’s arguments. Keeping in mind the index producers’ “positionality,”<sup>11</sup> this methodology assumes that high-risk states that support norms that may prohibit their ability to acquire weapons under treaty parameters indicates that they were supportive because they were pressured by networks,<sup>12</sup> and were conscious about their status through the eyes of the world and their citizens.<sup>13</sup> It also argues that norms that have already been institutionalized within the international system, such as anti-corruption provisions and development goals, influence states to support similar emerging norms.<sup>14</sup>

Why do states need to feel that they “belong” to networks of states? Some already have membership,

and are obliged under the rules of membership to support or promote certain values, in return for economic or security benefits.<sup>15</sup> Examples include the European Union, where treaty rules are underpinned by values consistent with human rights, equality, transparency, and democracy.<sup>16</sup> If a state dissents against these common values for self-gains then other members might view them as outsiders. This is particularly troublesome if states are negotiating, like in the ATT negotiations, under consensus rules where voting majorities are important to having preferred textual elements adopted.<sup>17</sup> Additionally, if their domestic populations are questioning the legitimacy of their governments, particularly where human rights abuses are rife, their government might therefore take action to reduce it.

#### COLLATING THE INFORMATION (RESULTS)

Sub-Saharan countries were chosen because they were more likely than any region to support and promote strong treaty provisions despite their risks. Many listed Sub-Saharan states were crucial to the outcome of strong treaty provisions, commendable above many for their moral advocacy. Listed states that had more than two “high” to “extreme” risk categories in the sample that supported, and/or voted yes to the Treaty were shortlisted. The color variants in Figure 2 (see next page) were adapted to for ease of interpretation. The indexes were cross-referenced with voting records, arms trade statistics,<sup>18</sup> and lists of embargoed states.<sup>19</sup>

COUNTRY	HUMAN RIGHTS RISK CATEGORY AND PREFERENCE TO HUMAN RIGHTS CRITERIA		SOCIO-ECONOMIC RESILIENCE RISK CATEGORY AND PREFERENCE TO SUSTAINABLE DEVELOPMENT CRITERIA		SEXUAL VIOLENCE IN CONFLICT RISK AND PREFERENCE TO GENDER- BASED VIOLENCE CRITERIA		CORRUPTION PERCENTION'S RANK 2014 (175 BEING THE MOST SEVERE) AND PREFERENCE TO ANTI- CORRUPTION CRITERIA		CURRENTLY UNDER MULTILATERAL ARMS EMBARGO?
Mail*	■	●	■	●	■	●	■ 115	●	■ No
Chad*	■	●	■	●	■	●	■ 163	□	■ No
Ivory Coast *	■	●	■	●	■	●	■ 115	●	■ Yes
Nigeria*	■	●	■	●	■	●	■ 136	●	■ No (lifted 1999)
South Sudan	■	●	■	●	■	□	■ 173	□	■ Yes
Ethiopia	■	●	■	●	■	●	■ 111	□	■ No (lifted 2001)
Eritrea	■	●	■	●	■	●	■ 160	□	■ Yes
DR Congo+	■	●	■	●	■	●	■ 154	□	■ Yes
Central African Republic+	■	●	■	●	■	●	■ 144	□	■ Yes (fr. December 2013)
Liberia*	■	●	■	●	■	●	■ 94	●	■ Yes
Rwanda	■	●	■	●	■	●	■ 49	□	■ Yes
Guinea*	■	●	■	●	■	●	■ 145	●	■ Yes (EU, lifted 2014)
Togo*	■	●	■	●	■	●	■ 126	●	■ No (lifted 2005)
Sierra Leone*	■	●	■	●	■	●	■ 119	●	■ No (lifted 2010)
Niger*	■	●	■	●	■	●	■ 103	●	■ No
Benin*	■	●	■	●	■	●	■ 80	●	■ No
Burkina Faso*	■	●	■	●	■	●	■ 85	●	■ No
Senegal*	■	●	■	●	■	●	■ 69	●	■ No
Somalia	■	●	■	■	■	■	■ 175	□	■ Yes
Angola+	■	●	■	●	■	●	■ 153	□	■ No (lifted 2002)
Madagascar	■	●	■	●	■	●	■ 127	□	■ No
Uganda	■	●	■	●	■	●	■ 140	□	■ No

\* Economic Community of  
West African States

+ Economic Community of  
Central African States

Key	■ Extreme	● Strongly supported equivalent criteria
	■ High	■ Opposed equivalent criteria
	■ Medium	□ Made no public statement about equivalent criteria
	■ Low	

FIGURE 2: Configurations of  
risks against the preferences of  
states, and whether they are under  
a multilateral arms embargo  
(i.e., sanctioned).

### THEORETICAL APPLICATION

What do the indexes tell us when correlated with arms trade statistics and theory? There are many countries listed that do not rely substantially on imports of weapons and have relatively small defense budgets. Nevertheless, because threats are sometimes unforeseen, their conformity to rules that conflict with their risk still appears anomalous. There are four main factors that may indicate their reasons for support such norms.

The first is not relating to the treaty criteria itself, but other elements that contribute to its prominence. Since many of the listed states suffer as a consequence of illicit transfers of weapons into their country, and lack of adequate resources to deal with corruption or police violence for example, the treaty may help, financially or otherwise, to counteract these issues. This may also relate to their risk in relation to socio-economic resilience, considering that such factors may scare investment away and lead to precious money being wasted on security and not, say, healthcare and education.

The second is relating to whether they are embargoed, or under considerable threat of being embargoed, because of the risk of violations in their country. Listed countries may support the criteria because they want to be seen—by the world and by their citizens—to be taking action to reduce the risks, thus increasing their legitimacy. Indeed, lifting of the sanction would be far less feasible in the near future if they oppose these criteria. This again can be connected to their socio-economic resilience; if sanctions are affecting their ability to attract investment, then supporting the Treaty will increase investor confidence. Legal compliance, while not necessarily compliant in practice, looks better than complete disinterest.

The third is related to network pressures. Many listed states met frequently to form regional common positions on treaty elements. Since the Treaty was negotiated under consensus rule, the importance of having large blocs of states with common positions increased the likelihood of an element being accepted by the Chair.<sup>20</sup> Common positions were drafted among Central African states, the Economic Community of West African States (ECOWAS), and the African Union.<sup>21</sup> Mentioned earlier, there are certain rules countries must follow in order to be considered a member of a group, and indeed there are sub-component rules to which members must adhere. For example, the ECOWAS Convention on Small Arms and Light Weapons and their Ammunition, and other related materials and the best practice guidelines for the Implementation of the Nairobi Protocol on Small Arms and Light Weapons, take developmental and human rights

considerations seriously.<sup>24</sup> Additionally, looking at the wider picture, states conform to norms embedded within the UN, such international humanitarian law and UN Millennium Development Goals, and thus negotiating within the UN fora means that they feel they ought to support these norms. In terms of trade-offs, many Sub-Saharan African states, for example, made no public statements about their positions on criteria relating to anti-corruption or gender-based violence, but still went on to vote yes.

The fourth, and perhaps most sobering, is that many listed states did not feel the treaty would hinder their ability to import weapons because of other laws under the UN Charter, such as their right to self-defense. Despite their varying risks, exporters that do not adhere to the ATT with laxer risk assessments will still be available to provide arms. Indeed, it has been widely argued that the criteria are so subjective that the Treaty would not stop weapons being used by human rights violators. Additionally, sanctions against countries that export weapons to violators are almost nil. For example, ATT compliers are consistently exporting weapons to Indonesia which, according to the indexes, score high or above risk in all analyzed parameters. This not only disrupts our way of looking at the effectiveness of international law, but how we understand what “conformance” to law really means.

### SIGNIFICANCE OF THE METHODOLOGY

Correlating mapping indexes provide an alternative way to understand, using other data sources and theory, the motivations of states that support norms that conflict with their perceived risks. Helping to challenge or verify hypotheses, the research can, of course, expand beyond one region, analyzing why states with “low” risks, for example, might oppose norms. It provides alternatives to understanding the macro-level of socialization processes, without the need to undertake case-study investigation devoted to one country or one region. Because risks might reflect violations of non-state actors within those countries, causal arguments therefore need to be backed up by further evidence. The macro-level analysis also bypasses many factors that are important in identity politics that come from the micro-level. How are individuals influential in forming state preferences? This is one of the criticisms of constructivist research and its failure “to focus on the individual as a unit of study.”<sup>26</sup> The macro-level analysis also dismisses other forces that exploit the self-esteem of states, for example, the influence of humanitarian Non-governmental organizations (NGOs) and UN agencies.

Nevertheless, correlated indexes tell us, first, that states and regional organizations must be conscious about their

images as violators of international law, but that still does not mean that they are all, rightly or wrongly, sanctioned for it. Under the threat of sanctions, or in post-sanction situations, states may conform to norms so that they are seen as legally, though not necessarily practically, compliant.<sup>27</sup> When cross-referenced with qualitative and quantitative data, indexes indicate that network pressures, particularly in regions with common purposes and obligations, are influential in shaping states' preferences in the ATT negotiations. This is important in theoretical and hypothetical scholarship about how the cultural-institutional context can shape the behaviors of states, and how norms make a difference in world politics.<sup>28</sup>

### CONCLUSIONS

The UN has been widely criticized for its inability to influence states to agree and take action on global challenges. Nevertheless, the ATT encourages states to consider their existing obligations before licensing weapons to countries where risks are overriding. The study has put into context the reasons why states may conform to norms. It is not only because they think it is right to do so, but they think they "ought" to do so due to network and domestic pressures and economic opportunities. Institutions such as the UN provide the opportunity for states to exercise a sense of belonging to community of states. Network pressures and threat of sanctions influence states to support norms that hinder their capability but improve their domestic and international reputation. Self-esteem and domestic legitimacy are therefore important in norm construction, particularly under the consensus rules. How effective norms are on state behavior, however, is a different question. Just because a state complies with international law does not mean its behavior changes. There is little evidence to suggest, at least from the indexes, that post-embargoed states have improved their human rights records. Behavior may change as a consequence of sanctions, and conformance might emerge because of the threat of sanctions. More profoundly, if the ATT criteria are applied strongly enough by arms exporters, then this may influence states reliant on imports to change their behavior, both legally and practically.

### BIOGRAPHY

Tegg Westbrook's interests lie in arms control, institutional theory and constructivism, with particular focus on risks associated with conventional weapons and assessments in existing arms control regimes. Having completed his degree in Human Geography (BSc) (Manchester Metropolitan University, UK) and Master of Arts in International Relations (Nottingham Trent University, UK), his skills lie in merging contemporary and traditional approaches in human geography to understand macro-level events in international relations. He is currently a PhD candidate in Global Studies (thesis submitted) at Nottingham Trent University, and volunteer research assistant at Omega Research Foundation, Manchester, UK.



## NOTES

**1** This study is based on a much-expanded version of my PhD research entitled ‘What were the socio-economic, political and institutional factors influencing the construction of the Arms Trade Treaty?’

**2** See United Nations, “Final United Nations Conference on the Arms Trade Treaty,” [www.un.org/disarmament/.../ATT\\_text\\_\(As\\_adopted\\_by\\_the\\_GA\)-E.pdf](http://www.un.org/disarmament/.../ATT_text_(As_adopted_by_the_GA)-E.pdf) (All internet addresses were accessed November 28, 2015).

**3** Haley E. Adams, “Side event report: Transparency in international arms trade and other means to strengthen the Arms Trade Treaty,” Arms Trade Treaty Monitor: Civil society perspectives on the Arms Trade Treaty negotiation process 6, no. 2 (2013) 5, <http://reachingcriticalwill.org/images/documents/Disarmament-fora/att/monitor/ATTMonitor6.2.pdf>.

**4** Maplecroft have since become Verisk Maplecroft.

**5** Ray Acheson, “A critical look at criteria,” Arms Trade Treaty Monitor: NGO reporting and analysis on the second session of the preparatory committee for the United Nations Conferences on the Arms Trade Treaty, 28 February – 4 March 2011 1, no. 3 (2011) 2, <http://reachingcriticalwill.org/images/documents/Disarmament-fora/att/monitor/ATTMonitor1.3.pdf>.

**6** Martha Finnemore and Kathryn Sikkink (1998) for example define “norms” in international relations as “a standard of appropriate behaviour for actors with a given identity.”

**7** Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change” *International Organisation* 52, no. 4 (1998) 895.

**8** “World: Socio-economic Resilience Index 2013.” Czert.info, <http://czert.info/index.php/reliefweb/maps/9981-world-socio-economic-resilience-index-2013>; Sara Gates. “Sexual Violence In Conflict Index 2013 Shows Countries With An ‘Extreme Risk’ Of Sexual Attack During War (PHOTOS).” *The Huffington Post*, Mar 26, 2013; “Human Rights Risk Atlas 2014.” Maplecroft.com. <https://maplecroft.com/portfolio/new-analysis/2013/12/04/70-increase-countries-identified-extreme-risk-human-rights-2008-bhuman-rights-risk-atlas-2014b/>.

**9** “Corruption.” *Armstrearty.org*. <http://armstrearty.org/issue/corruption/>; “Gender-based Violence.” *Armstrearty.org*. <http://armstrearty.org/issue/gender-based-violence/>; “Human Rights.” *Armstrearty.org*. <http://armstrearty.org/issue/human-rights/>; “Socio-Economic Development.” *Armstrearty.org*. <http://armstrearty.org/issue/socio-economic-development/>.

**10** “Corruption Perceptions Index 2014: Results.” *Transparency.org*. <http://www.transparency.org/cpi2014/results>.

**11** Put simply, by “positionality” I mean how the experience, values, biases and perceptions of the producers of the mapping indexes shape and impact the research process.

**12** Many constructivist scholars argue that some countries that aspire to belong to a community are vulnerable to network pressure from that community. See Margaret E. Keck and Kathryn Sikkink, “Transnational advocacy networks in international and regional politics,” [http://isites.harvard.edu/fs/docs/icb.topic446176.files/Week\\_7/Keck\\_and\\_Sikkink\\_Transnational\\_Advocacy.pdf](http://isites.harvard.edu/fs/docs/icb.topic446176.files/Week_7/Keck_and_Sikkink_Transnational_Advocacy.pdf).

**13** Finnemore and Sikkink argue that ‘domestic receptiveness to international norms is a need for international legitimation’. They argue that if this is the main motivation, then one ‘might expect states to endorse international norms during periods of domestic turmoil in which the legitimacy of elites is threatened.’ See “International Norm Dynamics and Political Change” *International Organisation* 52, no. 4 (1998) 906.

**14** Michael J. Gilligan and Nathaniel. H Nesbitt for example test the notion that ‘states are constrained by norms of appropriate behaviour’ and norms actually “reconstitute” ‘states’ understandings of these interests, thereby leading states to adapt their behaviour in accordance with these new understandings.’ See “Do Norms Reduce Torture?” *The Journal of Legal Studies* (2009) Abstract.

**15** See Thomas Risse, Stephen C Ropp, and Kathryn Sikkink, trans, *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press, 1999.

**16** European Union, “The EU in Brief.” [http://europa.eu/about-eu/basic-information/about/index\\_en.htm](http://europa.eu/about-eu/basic-information/about/index_en.htm).

**17** There was no agreement as to what “consensus” meant during the negotiations.

**18** From a number of data sources from Stockholm International Peace Research Institute (SIPRI) and the Small Arms Survey.

**19** SIPRI, “Arms Embargoes Database,” Sipri.org. <http://www.sipri.org/databases/embargoes>.

**20** Chairmen of the negotiations were Roberto Garcia Moritan, 2010 -2012, and Peter Woolcott, 2013.

**21** United Nations, “Central African Ministers Adopt Common Position for Arms Trade Treaty Negotiations,” Un.org. <http://www.un.org/press/en/2011/afr2147.doc.htm>; Text from note22; note23

**22** ECOWAS Position, “ECOWAS Common Position on the Arms Trade Treaty,” Unrec.org. [unrec.org/docs/ATT/positions/ECOWAS%20Common%20Position.pdf](http://unrec.org/docs/ATT/positions/ECOWAS%20Common%20Position.pdf).

**23** African Union, “African Union common position on the Arms Trade Treaty,” Peaceau.org. [www.peaceau.org/uploads/att-common-position-en.pdf](http://www.peaceau.org/uploads/att-common-position-en.pdf).

**24** ECOWAS Convention, “ECOWAS Convention on Small Arms and Light Weapons and their Ammunition, and other related materials,” Poa-iss.org. [www.poa-iss.org/.../ECOWAS/ECOWAS%20Convention%202006.pdf](http://www.poa-iss.org/.../ECOWAS/ECOWAS%20Convention%202006.pdf); Text from note 25

**25** Nairobi Protocol, “The Best Practice Guidelines for the Implementation of the Nairobi Protocol on Small Arms and Light Weapons,” Poa-iss.org. [www.poa-iss.org/.../Nairobi%20Best%20Practice%20Guidelines.pdf](http://www.poa-iss.org/.../Nairobi%20Best%20Practice%20Guidelines.pdf).

**26** Gerry Nagtzaam, *The Making of International Environmental Treaties: Neoliberal and Constructivist Analyses of Normative Evolution* (Camberley, Surrey: Edward Elgar Publishing Limited, 2009) 72.

**27** Peter Wallensteen for example argues that despite there being 122 arms conflicts between 1989 and 2006, there were only 27 arms embargoes imposed by the United Nations. See Peter Wallensteen, “Save the Arms Embargo,” Ciaonet.org. [www.ciaonet.org/catalog/16498](http://www.ciaonet.org/catalog/16498).

**28** Finnemore and Sikkink, “International Norm Dynamics and Political Change” *International Organisation* 52, no. 4 (1998) 888.