Western arms transfers, the tension between an ethical foreign policy and national interests

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Abstract:

The post-Cold War era has been marked by a surge of conventional arms regulation initiatives, driven by logics of Human Security and the will for global improvement of human rights and the human condition worldwide. Western states, carried by new ethical foreign policies, but also internal pressures from civil society, greatly contributed to the inclusion of humanitarian considerations in world politics. These have spread to enter the real of arms exportations, until then part of every states' sovereign right. In addition to treaties banning the use and exportation of certain inhumane weapons, the most remarkable innovation was the creation of an Arms Trade Treaty in 2013, with the aim to regulate the trade of all conventional weapons. Under this regime, states are expected to apply caution and restraint when engaging in this business. In particular, risk assessment regarding the conflict and humanitarian condition in the receiving state must be conducted before exportations can be authorised.

These developments of arms regulations correspond with the policy discourse adopted by Western states during the same period, which would imply that they would be the first to join, apply and promote them. However, there is a gap between discourse and practice, highlighted particularly by NGOs, which are trying to hold states accountable, as there is no inspection body provided by the ATT. But, as was pointed out by various studies, there is a plurality of reasons why states are both promoting international regulations and failing to respect them.

Content

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The international arms trade represents big business, with the total value of the exchanges for 2017 estimated at $95 billion by the Stockholm International Peace Research Institute (SIPRI) (sipri.org). These exchanges of weapons carried out between states contribute to the build-up of national arsenals, a sovereign right of states recognised by international law. However some of the equipment transferred also fall victims to a lot of diversion and trafficking. As a result, many of these weapons legally transferred end up fuelling conflicts and arms violence, as lamented by NGOs (International Committee of the Red Cross, 2013). However, despite multiple campaigns and a range or regional and international agreements, states continue to engage in this high-profit business. Indeed, the arms trade is considered part of normal state activities (Cooper, 2011); more so because every state has the sovereign right to produce or acquire weapons in order to guarantee its national security (United Nations, 2013). The fact that these expensive transfers are more often than not conducted away from the public eye does not contribute to reinforce transparency and accountability in the conduct of this dangerous trade. As a result, arms transfers as a practice, its motivations and the logics it answers to remain very little studied (Krause, 2011). Yet, there are trends, actors and behaviours within this particular aspect of international relations that deserve attention, given the impact this trade can have on peace, security but also economies and development (Kytömäki, 2015).

Despite the lack of "theory or paradigm of arms control practices" (Krause, 2011: 20), a diverse range of academic research has been conducted on arms transfers and their regulation. Studies include the history of norm creation in this field, the challenges met during negotiations, the effectiveness of these norms and the limitations they face, including states' motivations for noncompliance. The latter has been the object of different explanations. It is important to notice that these motivations differ between supplier states and buyers, but also across different regions and in particular between developed and developing states.

This research will focus on how Western states approach the regulation of the trade in conventional weapons. The choice to study Western states has two reasons. First, they contribute majorly to the international arms trade. In the SIPRI's list of top 25 exporters over the period 2014-2018, more than half are Western countries. Second, Western states make a lot of their data on arms exports, but also parliamentary debates, policy papers and other relevant documents available to the public, which facilitates the realisation of case studies to

illustrate findings. The research will only focus on conventional weapons, as opposed to weapons of mass destruction (WMD). WMDs are a category of weapons that can cause immense damage to large populations in a single strike. Because of their special nature, they are subject to specific regulations and prohibitions, and are always considered separately from conventional weapons. WMDs include nuclear, biological, chemical and radiological weapons. Conventional weapons for their part, include every other types of weapons, including combat vehicles, aircrafts, small arms and light weapons, ammunitions, and many more (UNRCPD.org).

The research will try to answer the following question, in which way is the issue of arms trade regulation being framed in Western politics? It will attempt to provide an explanation as to why the Western states support the regulation of the arms trade at the international level, yet they do not reflect the changes they support in their behaviour. Through the consideration of two case studies, this work will try to show that the motivations behind arms transfers are multiple and complex, and they often come in contradiction with one another. There exists a plurality of narratives and interest that conflict with each other. As a result, states display behaviours that are inconsistent with their policy discourse. In the case of the arms trade, there are two major competing narratives. On the one hand, Western states have increasingly adopted ethical considerations to their foreign policy, and in particular, concerns with human rights and human security (Neumayer and Perkins, 2016). On the other hand, national interests, and in particular national security incites states prioritise self-interested considerations over international engagements. This internal conflict and opposition is also reflected in international norms of arms regulations, which are torn by these competing narratives, thus undermining their effectiveness.

After introducing the methodology used for this research and the review of the relevant academic literature, the dissertation will present the main theoretical concepts used for the analysis. These concepts are namely Human Security and securitization. Human Security is part of a trend of new challenges to the traditional conceptions of security, which introduced what is known as the widening and the deepening of security. The former describes an opening of security concerns to new issues beyond those solely military. The latter involves a change in the object of study, the unit whose security needs to be guaranteed, from the state to the individual human being. The fourth chapter will demonstrate how both the widening and deepening of security have had consequences on the arms trade and the way its regulation is apprehended. The growing popularity of Human Security has led to multiple campaigns, led

by NGOs, calling for the limitation of non-discriminatory weapons and the regulation of the arms trade overall. Indeed, the negative consequences of these exchanges, such as the prolongation of conflicts and authoritarian repression, are increasingly perceived as unacceptable by the international community. These efforts have culminated in the creation of the Arms Trade Treaty in 2013. The treaty prohibits the transfer of weapons if there is a risk they could be used in breach of human rights and international humanitarian law. However, through different processes of securitization, states have emphasised alternatively human security or national security, in order to divert the norm in the way that best suits their interests. In the subsequent chapters, the two case studies, the United Kingdom and Canada will be presented, followed by a discussion on their relevance to the research.

Methodology

The aim of this dissertation is to study the contradictory behaviour of states that promote human rights and international humanitarian law on the international scene and support the development of humanitarian arms control but also maintain weapon transfers to countries with poor human rights records and which do not observe international humanitarian law. The motives and justification for these behaviours will be analysed notably through the analysis of two case studies. The two countries that will serve as case studies were chosen because they constitute practically ideal types of the behaviour demonstrated. Both the United Kingdom and Canada were praised by the international community for their contribution to humanitarian arms control. Meanwhile, they also received, at a domestic level and in recent years particularly, extensive criticism for some of the arms export decisions they made. The arguments they used to justify these decisions correspond to those identified in research.

The choice to focus on only two case studies rather than a large number of states makes this research a qualitative one. The reason for this choice is first and foremost because there are not enough Western exporting states likely to display this contradictory behaviour to constitute a suitable pool of subjects for quantitative research. Moreover, qualitative research provides more flexibility than structured quantitative research, in order to elicit meaning of a complex phenomenon (Corbin and Strauss 2008).

This research was conducted using a desktop-based documentary analysis for methodology. "Document analysis is a systematic procedure for reviewing or evaluating documents [...]. It requires that data be examined and interpreted in order to elicit meaning, gain understanding,

and develop empirical knowledge" (Bowen, 2009: 27). This method was therefore chosen to produce qualitative research based on the content analysis of relevant material.

Documentary analysis can draw upon a variety of sources, not only written ones but also images (Bowen, 2009). For this research, sources were all written but of different types. These include scholarly articles, newspaper articles, think tank and NGO reports but also transcripts of parliamentary debates, policy documents, and legal texts. The great majority of sources were acquired online, through the university's library website or official international and state organisations websites for example. These sources were found through a broad research process, in order to find documents that related to the main themes of the dissertation, that is human security, human rights, securitization, and humanitarian arms control. The sources acquired were then organised according to this themes in order to understand trends, evolutions, and thus draw relevant conclusions.

Document analysis served two purposes in this research. First, it provided contextual data for the topic. Scholarly articles retracing the developments of arms trade regulations through time helped to define the framework within which the Arms Trade Treaty came into being. For their part, official documents from Foreign Affairs and Trade ministries, as well as newspaper articles or NGO reports gave the required background information for the case studies. Secondly, the purpose of document analysis was to collect research data for the analysis. Because the topic touches on states' behaviour and narratives and has a broad approach, this data could not be collected through other qualitative methods such as interviews or surveys, which convey personal opinions. Instead, the study built on previous existing research and looked at current official state positions for the case studies.

As stated by Bowen, "document analysis is a low-cost way to obtain empirical data as part of a process that is unobtrusive and nonreactive" (Bowen, 2009:38). It is low cost because the sources are part of the public domain and therefore easily accessible. Moreover, unlike interviews, the resulting data is not obstructed or influenced by the research process or the researcher's bias. Results are also not influenced by the subject's personal opinions, as can be a natural reaction in other qualitative research methods.

However, the method also has some limitations. When it comes to official documents in particular, the information provided can be biased as it is aligned with a government's specific policy or agenda. In addition, it can also be incomplete or insufficient, as it was not made for the purpose of research (Bowen, 2009). However, in the case of this research, the lack of certain

information in documents can represent a form of data in itself. The choice to omit certain details can be telling of a government's agenda. Although this is to be mitigated by the fact that weapon transfers are a sensitive issue, and therefore certain information is not public for security reasons.

Literature Review

While scholars point out to the lack of theory or paradigm for arms control practices (Krause, 2010), this area of international relations remains a topic of extensive research, from trends of the regulated arms trade to the workings of illicit trafficking. There is a vast body of literature studying the different channels of transfer, the changing dynamics between suppliers and clients, or the challenges posed by unregulated trade and its negative externalities. This review will limit itself to literature that looks at the development of arms control norms, in relations to human security, or international humanitarian law, and states' application of these new forms of regulations. Indeed, scholars attribute the recent developments in arms control practices to the rising popularity of the concept of Human Security, and the refocus of security, from the state to the individual human being. However, we will see that these concerns have not necessarily resulted in behavioural changes.

Prior to the creation of the Arms Trade Treaty, scholars were already arguing for the possibility to limit arms sales to countries with poor human rights records through the application of existing norms. Maya Brehm (2008) makes such an argument, using humanitarian and human rights law as a foundation. Humanitarian Law does not limit the transfer of weapons per se. However, its main component, the Geneva Convention does call upon states to ensure the respect of its principles regarding the right treatment of civilians and non-combatants, and to take all steps to avoid violations. Using a broad interpretation of the law, Brehm suggests that this could be taken to mean that states should refrain from transferring weapons to states in a situation of conflict or with poor human rights records, as this would deteriorate the situation and favour further violations. However, she recognises that such a broad interpretation would be difficult to enforce in an international jurisdiction, and only a specific arms trade treaty with such terms could really limit states' rights to transfer weapons to this type of destinations. She also points out to another limitation, which applies both to her interpretation of humanitarian law and to the current Arms Trade Treaty. States are asked to stop transfers when they can identify a risk that the weapons will be used in violation of humanitarian and human rights law. However, effectively assessing the risk and its probability can prove to be a difficult and

subjective task and therefore represents a limitation to the good intentions of the treaty and the liability of states.

Lerna Yanik (2006) points to the continued unregulated supply of weapons to countries with poor human rights records prior to the creation of the Arms Trade Treaty, which was only at its inception at the time. He identifies two reasons that contribute to the perpetuation of these export practices. First, while most Western countries have national export laws, both these and international norms use vague language in their texts. This allows for interpretations and loopholes, which states use in order to pursue transfers that may violate their international obligations but serve the national interest. Second, with the end of the Cold War and the decrease in national procurement, Western supplier countries have needed to find new markets in order to sustain their defence industries' production levels and ensure their sustainability. As a result, they have conducted aggressive export policies, sometimes finding illegal or illicit alternatives.

More authors have looked into states' conflicting relations with arms regulations and the significance of recent evolutions. These authors include Neil Cooper (2011), who, by applying the concept of securitisation shows how weapons, which are by nature a security issue, can be more or less securitised along a spectrum. Indeed, the trade in conventional weapons has become so bureaucratised that, although it is subject to special measures and represents high stakes, it is not at the forefront of public debate. He uses his model to explain why some weapons have become "pariah weapons" at the centre of debates and subject to strict regulation or even a ban, while others have become by opposition, virtuous weapons or regular trade goods. Finally, he explains how arms regulations are not a new phenomenon but more often than not, have reflected power relations more than humanitarian concerns. While the Cold War represented a concern of maintaining an East/West divide with regimes such as the Coordinating Committee for Multilateral Export Controls (CoCom), according to Cooper, recent efforts have been targeted at the South, and in particular, regimes perceived as rogue, in a Western effort to impose international norms and its liberal model.

Jennifer Erickson (2007) provides some explanation as to why the trade of conventional arms has so rarely been the object of international regulations. Primarily, conventional weapons are considered legitimate in ensuring national security, and therefore their production and acquisition should not be restricted. This security concern has created a lot of resistance in negotiation processes of potential regulations, such as the one for the Arms Trade Treaty. In addition, considerations for the economic implications of limiting such a large trade are crucial

for states with fragile but vital defence industries. The ATT itself, in its principles recognises "the legitimate interests of States to acquire conventional arms to exercise their right to self-defence and for peacekeeping operations; and to produce, export, import and transfer conventional arms" (Arms Trade Treaty, 2013: 3). However, progress was made possible following the end of the Cold War, and in particular following the Gulf War. Many Western countries had sold weapons to Iraq in the 1980's, and faced the humiliation of both fighting against their own weapons and being associated with the regime they were combatting. Supported by calls for transparency from NGOs, these events led to talks on the possibility to restrain the arms trade at the international level.

Keith Krause (2010) also argues that the post-Cold War era has seen a development in control measures, from a sovereign conception of regulation (trying to manage the security relations between independent competing powers) to governmentality, which ambitions to regulate societies within states themselves and introduce moral restraints from the use of armed violence. Throughout history, arms control agreements were aimed at maintaining the hierarchy of power in the international system, and the military advantage of certain states over the others. This is the case for example of the Non-Proliferation Treaty, which denies the possibility of a nuclear arsenal to all states except the five permanent members of the Security Council, who already had the weapon before the treaty. Throughout the Cold War, progresses are made in terms of transparency, but these measures are mostly aimed at limiting the risks of unregulated military competition between the global powers. However, they mark the beginning of governmentality in arms control. The post-Cold War period sees the explosion of this phenomena with multiple treaties banning the use of certain weapons or encouraging states to exercise self-restraint in the use of violence. Krause concludes that humanitarian arms control treaties fall within a broader set of techniques and efforts from the same period aimed at managing the use of force in international relations.

Simone Wisotzki (2009) also presents changes in the international community, which have made the creation of new norms possible. In her article, she identifies the major characteristics of arms control in the post-Cold War period. These include the increased role of NGOs and small states promoting the creation and diffusion of these norms, in a form of new diplomacy. There is also, as mentioned by many authors, a refocus of security around the individual human being with the development of the concept of Human Security. Another important aspect of the context in which these new arms control norms develop is that of a "new humanitarianism". The rising moral conviction that the international community should strive to eliminate

injustice has translated into the urge to protect innocent people and civilians who were caught in conflicts they were not involved in and suffer numerous casualties. This has led to military interventions in response to grave violations of human rights and international humanitarian law, for example in Rwanda or in Bosnia in the 1990's. In spite of this favourable context, progress is still slow. An obstacle that all new arms control norms studied in the article have had to face was the impossible reconciliation of the principles of justice demanded by NGOs and civil society, and the protection of national interests, and in particular of sovereignty, which states remain attached to. Wisotzki demonstrates how this limitation is displayed by the chaotic implementation of arms control norms.

Indeed, moral considerations in discourse may not have a significant impact on reality. The fact remains that states still have national interests they try to prioritize and protect over any other consideration. Richard Perkins and Eric Neumayer (2011) point out how the increased considerations for ethics and moral in foreign policy after the Cold War has not translated in a change in behaviour. They carried out statistical research to demonstrate that, in spite of their commitment to human security in discourse, major weapons exporter, namely France, Germany, the United Kingdom and the United States, transfer arms to countries with poor human rights records or autocratic regimes on a regular basis. They attribute this result to Krasner's organised hypocrisy theory. In this model, states favour decisions that will maximise their domestic economic and security interests based on rational calculations. Therefore, they chose the recipients of their weapon transfers based on existing strategic alliances, economic benefits or their immediate national security, without taking human rights conditions into account. However, they still rhetorically embrace ethical norms, which they perceive to be their moral obligations. Their commitment to these norms, however, is symbolic but does not turn into changes in practices.

The role of Human Security in arms control and its limitations are also pointed out in collective works such as the one led by Mark Bromley (2012). Bromley and his co-writers retrace the history of international arms trade regulation initiatives. The research points out to the fact that these initiatives had a better chance at succeeding when they were brought forth by suppliers or when they reinforced hegemonic powers. This explains why previous attempts at creating something similar to the Arms Trade Treaty often proved limited or unsuccessful. Either their scope was limited or they did not gather enough support from large powers to come to life. What allowed for the ATT to come to life was the increasing importance gained by the concept of Human Security in arms control, particularly under the influence of numerous NGO

campaigns. However, all members of the United Nations do not universally accept the concept. Therefore, the negotiation process had to accommodate strong states such as China and Russia in order to give the treaty the scope and weight it needed to become effective. According to the authors, this shows the limits of pushing the Human Security agenda in multilateral agreements.

Upon its signature, many advocates of the Arms Trade Treaty have praised it as being a great advancement for human security. Yet, many of the scholars who study arms control and the motivations of states for entering in such regimes have a more mitigated view on the positive effects the ATT can have on arms regulations.

Elli Kytömäki (2015) condemns the negative externalities of unregulated arms transfers. In a century where internal and asymmetric conflicts have overtaken intrastate ones in number, the illicit and unregulated arms trades are fuelling and perpetuating armed violence, of which civilians are the main victims. The Arms Trade Treaty, which was designed with Human Security ambitions, compels states to conduct risk assessments prior to authorising transfers, including assessments on the risk that violations of human rights and international humanitarian law might be committed with the weapons exported. This measure has the potential to advance the Human Security agenda by introducing new means of accountability, responsibility and transparency. This new regulated arms trade can in turn have an indirect impact on poverty, health and education in developing regions. However, the real strength of the treaty can only be realised through its proper diffusion and implementation, which are still both lacking.

Yet, some scholars question this potential strength. Jamil Balga (2016) carried out qualitative research on the content of the Arms Trade Treaty and the impact it is likely to have on the protection of human rights. The careful analysis of the vocabulary used in the different articles of the treaty text leads him to conclude that, although the ATT keeps the protection of human rights as its core preoccupation, it comprises many loopholes and flaws that will limit its actual impact in the real world. First, the treaty lacks any type of enforcement mechanisms or independent body that could carry out an oversight mission and hold states accountable for their exports, even though the provisions of the ATT are mandatory. Second, the reporting system allows for the withholding of information if it is deemed sensitive and related to national security. The biggest limitation yet in terms of human rights lies in the possibility for states to prioritise national security over human rights. Moreover, the treaty only limits transfers when the most serious violations have been witnessed, but the author urges states to include measures of prevention as well. Finally, a last weakness of the ATT is the fact that the world's major

arms suppliers are not parties to the treaty. Neither China nor Russia have signed it, the United States failed to ratify it. This greatly diminishes the impact of the new regulations on the international arms trade, as the largest flows of weapons remain not subjected to regulations.

Another prominent author in the field of arms control studies is Anna Stavrianakis (2016), who also disagrees with the idea that the Arms Trade Treaty represents a great victory for Human Security. Instead, she argues that Human Security has accommodated, and become a form of militarism itself. The treaty creates a system through which states are expected to evaluate risks of human rights violations, but are still allowed to weigh them against security interests, as already pointed out earlier. States have the possibility to declare that they have properly assessed risks when making a transfer decision, but have found that security interests were superior, thus dismissing possible criticism. The treaty contradiction is therefore inherent, as it promotes a form of demilitarisation, by prohibiting the sales of weapons that might be used to in human rights violations, but at the same time, it also supports militarisation in its recognition of states' right to sell and acquire weapons, without attempting any form of disarmament. The author reinforces this statement in another article published more recently (2018). She goes on to add that the flaws and weaknesses in the ATT not only do not serve the human rights agenda fully but also perpetuate neo-imperial North-South relations, building on Neil Cooper's work. The treaty is promoted "by liberal democratic states primarily to legitimise their arms transfer practices" (Stavrianakis, 2018: 5).

In a more recent article, Jennifer Erickson (2017) argues that big supplier states are not supporting "responsible" arms exports control for ethical reasons when they do. Their concern is not with the limitation of conflicts or human rights violations but rather selfish motives drive their interest in regulations. The increase in humanitarian arms control initiatives after the Cold War is the result of political and social pressure, notably coming from NGOs and civil society, rather than a change of heart from states. The main self-interested reason for which a state would choose to take leadership on the creation and diffusion of new arms regulations is what Erickson calls "levelling the playing field". On the one hand, by diffusing norms more broadly, states can share the cost of its implementation with the international community, rather than bear this cost alone. On the other hand, they become accountable for complying with the restrictions emanating from the norm, where non-party states are not. Both of these factors place these participating states in a competitive disadvantage. While it might be an incentive to reject the norm, it is also one to become a leader in its creation and diffusion to ensure the content serves one's interests and gather as much support from other states as possible, in order

to share the burden. Erickson shows how this self-interested calculation applies to arms exports control. By placing themselves ahead of the process, states are hoping to maximise their gains while responding to increasing pressure from civil society to address humanitarian arms control.

There is a shared consensus among scholars in the study of arms trade control that, while considerations of Human Security and human rights have gained increasing importance in this area, states are still reluctant to see their rights to export weapons restricted by international rules. Those that do agree to these regulations find the discourse they adopt choose to adopt publicly in contradiction with their export behaviours, as selfish motives push them to continue sales to regions in conflict and countries with poor human rights.

Human Security and Securitization

Security studies in the post-Cold War era have been marked by two dominant new trends, which have challenged more traditional conceptions of the field. On the one hand, security has been deepened, meaning that new school of thoughts have questioned the primacy of the state as the sole referent object of security studies, and have instead suggested that new actors should be considered. Human Security in particular put forward the individual human being as the new referent object of security. According to this new concept, ensuring the wellbeing of individuals is the key to global security. On the other hand, security has known a widening. That is, new themes, which were not traditionally part of security concerns, have entered the field. These include notably economic, environmental and social issues among others. There again, Human Security has contributed to this phenomenon. Many scholars advancing this concept have identified and promoted new issues that they deemed should be considered as security concerns. While Human Security has contributed to the recent evolutions of security studies, it has the particularity of not coming from the academic field. Instead, it first started as a new policy agenda, supported by United Nations, before being taken over by scholars for academic studies.

Other school of thoughts have attempted to explain the process by which these new concerns enter the security realm and the consequences. This is the case of the Copenhagen school, with the concept of securitization. Their concept shows how issues are conceptualised as threats through the discourse of powerful actors. In this understanding, nothing is inherently a security issue but becomes one through the action of these securitizing actors.

Human Security or the deepening and widening of security

Mainstream International Relations studies were dominated for most of their history by Realism. This school of thought is founded on the study of state, understood in terms of a sovereign territory, as the central referent object of security, which was itself conceived primarily as military in nature. The security of individuals was directly derived from that of the state, which is in charge of protecting its territory and its people from internal and external threats (Waisova, 2003). These conceptions dominated International Relations for decades and in particular during the Cold War.

The first challenges to Realism came in the 1970's with the two energy crisis that occurred in the decade. For the first time, the importance of economic security was considered as powerful states found themselves weakened by the petrol shocks. The power relations between states was no longer understood solely in terms of military strength, which proved useless to solve these crises. International Relations scholars such as Robert Keohane and Joseph Nye suggested that instead, there were different sources of power that states could rely on to impose themselves in the world order and defend their national security (Waisova, 2003).

Further challenges to the traditional conceptions of International Relations was introduced the late 1980's by the Copenhagen School, whose main contribution to the field will be discussed in more details later. One of the lead scholars of this school, Barry Buzan, initiated the debate on the referent object of security. He argued that, while the state could be the source of security for the individual, it could also become a source of threat (through internal repression for example). This relationship is reciprocal, as citizens can also threaten the stability of the state from within (Waisova, 2003).

However, in spite of these evolutions, the state remained the primary object of security studies. That is, until the 1990's and the arrival of Human Security. Scholars critical of ethnocentrism denounced the fact that the concept of national security was based on a Western definition of the state, which did not match the reality of the Third World. Building on the work of Barry Buzan, they developed the idea that individuals should benefit from universal rights, independently from the state they live in and their status as citizens (Waisova, 2003).

This notion set the foundation for Human Security, a concept that very quickly gained interest in the policy sphere. The 1990's was a period of numerous intrastate conflicts and civil wars, which caused the displacement of many refugees. These humanitarian emergencies have urged the United Nations to seize the Human Security concept and discourse and develop new policy

(Waisova, 2003). It first became part of the UN policy in 1994, with the Human Development Report published by the UN Development Programme, which adopted the main tenets of Human Security:

"*For too long, the concept of security has been shaped by the potential for conflict between states. For too long, security has been equated with the threats to a country's borders. For too long, nations have sought arms to protect their security. For most people today, a feeling of insecurity arises more from worries about daily life than from the dread of a cataclysmic world event. Job security, income security, health security, environmental security, security from crime-these are the emerging concerns of human security all over the world*" (UNDP, 1994: 3).

As it embraced the Human Security concept, the United Nations also became its main promoter and strongly contributed to its dissemination. In fact, the concept was developed as a policy approach before being studied as a research concept in academia (Waisova, 2018). Today, the United Nations' definition remains the most commonly used (Paris, 2001).

There exists several varying definitions of human security, although the core elements remain the same. These elements challenge the traditional conceptions of International Relations.

First, Human Security objects to the state as being the referent object. Instead, proponents of the concept choose to focus on the individual human being. Rather than studying the threats faced by states, it proposes to look at those confronted by single citizens. It is argued that addressing the threats to individuals worldwide is key to ensure global security everywhere (UNDP, 1994, Bernard, 2006).

Secondly, and a direct consequence of the first change, security is not understood solely in traditional military terms but is divided in different categories, which had never before been considered as part of the security realm. There is no consensus however, either in academia or policy-making, as to which these categories are precisely. Their number and type vary between scholars and governments (Paris, 2001). They can include not only economic and political security, but also environmental, social, health and food security among others. This widening of the potential sources of insecurity can be summarised in two general types of concerns, freedom from fear and freedom from want. Freedom from fear is primarily concerned with physical security, the protection of life, of individuals from corporal harm but also from repression. Freedom for want includes more broad concerns, such as economic and food

security (UNDP, 1994). The focus is on anything that can impede human welfare and fulfilment.

The change in referent object and the widening of security concerns make up the two central tenets of Human Security. However, the concept is marked by some divisions. There are three main interpretations, more or less broad, which are the cause for debate among proponents of the concept (Hampson and Penny, 2008; Hampson, 2013).

The first approach focuses mainly on human rights. Security in this understanding consists in the guarantee and protection of basic universal human rights and the respect of the rule of law. Under this appoach, states have an obligation to promote and preserve these rights worldwide. Scholars with this inclination include Philip Alston, Paul Gordon Lauren, or Johannes Morinsk (Hampson, 2013).

The second view takes a more humanitarian approach. Emphasis is placed on the security of individuals during conflicts, in particular civilians and non-combatants. From this strand of Human Security came the development of humanitarian international law and the first treaties of humanitarian arms control. Mary Kaldor, Jonathan Moore and Boutros Boutros-Ghali are among its main proponents (Hampson, 2013).

These two interpretations focus primarily on freedom from fear, unlike the last one. The last interpretation of Human Security advocates for the inclusion of a wide variety of concerns that might impede individual wellbeing as a whole, freedom from want. Scholars such as George Kent and Jorge Nef support it. This is also the interpretation supported by the United Nations Development Programme (Hampson, 2013).

The last interpretation is also where the Human Security concept attracts most of its criticism. Indeed, one of the major limitations of this concept is the excessive widening of issues that can be considered as part of security concerns. Critics point to a dilution of the concept of security, which becomes anything and everything. As a result, it loses meaning and becomes difficult to apply in policy or in research (Hampson and Penny, 2008; Hampson, 2013; Paris 2001). The lack of consensus over a common definition, whether wide or not is also a point of weakness (Paris, 2001). Human Security brings forward a large number of issues to consider without one having any kind of priority over the other. In this manner, not only does it seem like security could be anything and everything, but the concept becomes hard to put into practice, whether as a policy or an analytical concept (Paris, 2001). However, this lack of clear definition is not without purpose and is partly due to the importance of the concept in the policy domain. Even

within academia, Human Security studies have been policy oriented, with scholars even taking part in policy debates (Waisova, 2018). The concept brought together a large group of different political actors, with different interests, who have used it to gain prominence in international institutions. This coalition of middle powers, NGOs and development agencies have supported a large and vague definition, which encompasses and brings together all of their interests. The narrowing of the definition would weaken the strength of their association, as it would narrow the common denominator and not correspond to the agenda of certain members. On the contrary, the coalition has been using its solidarity to gain attention. The use of the term security in particular attracts public attention and financial resources to the issues they bring forward (Paris, 2001).

This political interest in keeping the definition of Human Security vague does pose problem to academia. The plurality of definitions that identify different aspects of security results in a concept too broad to be applicable to research. Yet, attempts at narrowing the concept have done so without being able to justify choosing certain categories above others (Paris, 2001). In terms of empirical research, the diversity of factors and the inclusion of certain social and cultural aspects results in the impossibility to measure the level of security enjoyed by a society. Only economic and development factors are measurable, but the concept as a whole is too complex and wide for measurement (Waisova, 2003).

To counter this weakness, Roland Paris has suggested that Human Security should not be considered as a concept but as "a label for a broad category of research" (Paris, 2001: 96). In this way, it could be used to describe a group of work in security studies that focuses on non-military threats and the safety of individuals. In this larger sense, there is no need for a precise definition of Human Security (Paris, 2001).

Securitization, a tool to understand the widening and deepening phenomena

The concept of securitization is attributed to the Copenhagen school, which refers to a group of scholars working at the Copenhagen Peace Research Institute (COPRI) at the time (Floyd, 2007). The concept was developed in an effort to understand how issues are conceived into threats and enter the realm of security. This new research has allowed both to contribute to the widening trend of security studies that occurred in the post-Cold War era, while also providing a limit to what constitutes security, thus answering some of the criticism faced by the widening movements (Emmers, 2013; MacDonald, 2013). Ole Waever was the first to define securitization in 1995. Other prominent authors include Barry Buzan and Ralf Emmers.

Waever defines securitization as the process through which an actor frames an issue as being an existential threat to a particular referent object. The securitizing actor performs a speech act, that is, the use of specific language relating to security and threat, a "grammar of security" (Cooper, 2011: 135). In theory, a securitizing actor could be anybody. However, in practice, a certain amount of power and authority is required to be able to construct an issue as a threat (Floyd, 2007). Securitizing actors are therefore usually government representatives, who benefit from a certain legitimacy, in particular when democratically elected (Emmers, 2013). This is because the process of securitization also relies on the relationship with the audience. If the targeted audience accepts the definition of the new threat, the securitization will then be successful; otherwise, it will fail (Emmers, 2013). If the audience involved accepts the new securitized issue as a threat, then special emergency measures will be permitted and adopted to address it. The issue is then dealt with outside the realm of normal politics, and the way in which it is addressed will not be part of the public debate (Emmers, 2013; Floyd, 2007). Under the Copenhagen School definition, security is no longer inherent to certain issues. Instead, security is a social construction, and any issue can potentially be considered in terms of security if an actor declares it so and performs a successful securitization (Floyd, 2007). This opens up the possibility for the widening of security to other aspects than the traditional military focus.

According to the Copenhagen school, an issue can have three different states. It can be non-politicised, and therefore not fall within the sphere of public debate at all. Otherwise, it can be politicised and be part of regular political debates. Finally, an issue can be securitized. It is then beyond regular political deliberations and requires emergency measures (Emmers, 2013).These three states are not pre-determined and fixed. Issues can move between them in both directions. In fact, Ole Waever advocates for what he calls desecuritization. This is the process by which an issue is returned to the realm of normal politics. (Emmers, 2013; Floys 2007). Indeed, the securitization state maintains issues outside of the democratic process. In the Copenhagen School conception, security is a negative state, resulting from a failure to address issues through the normal political process (Floyd, 2007).

The concept of securitization is not without limits. Critics of the Copenhagen School point to several flaws in the concept. The major point of criticism is that of the focus on the speech act as the sole process through which a new issue can be securitized. The reliance on language as the only conveyor of meaning is reductive. It does not account for the possibility that ideas can be communicated through non-verbal operations, such as images or behaviour (Cooper, 2011; McDonald, 2008). The Paris School, and in particular the works of Didier Bigot, take a more

sociological approach to securitization. They do not look at the speech acts but rather at the bureaucratic practices of security professionals and how these, in their evolution over time, affect the perceptions of threats and security.

Time is in fact another limitation of the Copenhagen School. Tied to the speech act is the notion that securitization occurs at a particular moment when a security actor is bringing a new threat forward, or when the audience is accepting the issue as a threat, based on different interpretations of scholars (MacDonald, 2008). However, either of these are rather limiting. It does not account for example for securitization through the slow changes of bureaucratic behaviour. Changes in threat perception can but do not exclusively appear overnight, and pointing to a clear before and after can be challenging if not impossible in some cases of slow evolution. Moreover, the concept of the speech act seems to remove securitization from the social, historical or political context that might affect it (MacDonald, 2008). Another limitation, which stems from the focus on the speech act, is the silencing of those unable to speak for themselves, in favour of dominant voices. Although in recent years, NGOs have served the role of speaking on the behalf of those who cannot, an approach like that of the Copenhagen School does not take into account how marginal populations approach the threats they face (Cooper, 2011).

One last limitation of the securitization concept is the focus on threats and their construction. The understanding of security as only the negative designation of threats is problematic because it is only partial. Matt MacDonald (2008) has argued that security cannot only be limited to a referent object and the existence of threats or not. There can be variations in the way values to be protected are perceived. In this way, changes in security discourse can occur, without actually going through a process of desecuritization (MacDonald, 2008).

The concept of securitization as developed by the Copenhagen schools knows numerous limitations, but it remains a useful tool to understand how security is constructed. For instance, Human Security can be explained as a form of securitization. Proponents of Human Security, who have chosen the individual as their referent object, identify and bring forward new threats. United Nations advocacy and NGO campaigns can be interpreted as the speech acts by which these actors securitize issues concerning human welfare, bringing them to the forefront of international concerns. Securitization can also shed light on the process by which states modulate their position regarding the regulation of the arms trade (Cooper, 2011). Due to the special nature of this trade, states remain the principal drivers of changes in the way it is conducted. Even considering the increasing role of NGOs in bringing the issue forwards, the

arms trade is still the domain of powerful and authoritative securitising actors. Moreover, the description of security as a process relying on speech acts is consistent with the way arms trade regulation is constructed in international institutions.

The widening and deepening of security applied to the arms trade

Both Human Security and securitization provide useful tools to understand the recent developments of new regulation measures for the arms trade. First, the concept of Human Security has known great policy resonance. Certain states adopted Human Security as part of their foreign policy and strived to promote it worldwide. These countries include Canada, Norway and Japan, who together founded the "Human Security Network" in 1999 (Bosold and von Bredow, 2006).

What truly enshrined the concept in the practice of international relations is its endorsement by the United Nations in the United Nations Development Programme (UNDP) 1994 Human Development Report. The document emphasises the fact that Human Security and development go hand in hand. "There is, of course, a link between human security and human development: progress in one area enhances the chances of progress in the other. But failure in one area also heightens the risk of failure in the other, and history is replete with examples" (UNDP, 1994: 23). In total, the UNDP recognises seven main categories under which threats to human security are classified[1].

NGOs have relied on the UNDP definition to bring forward the issue of the arms trade and its negative impact on individuals and security, asking for intervention from the international community. They supported the creation of new measures of regulation to prevent the use of weapons transferred in breach of international humanitarian law and human rights law, and played a key role in the negotiation of the Arms Trade treaty (Bromley et al., 2012).

For its part, the securitization model helps to understand how the issue of the arms trade is going through different levels of securitization, with the use of a different referent objects. It is particularly relevant to the range of speech acts carried out by state actors.

The development of Human Security in the 1990's was accompanied by the multiplication of humanitarian arms control initiatives. While there had been different forms of international arms regulation agreements in the past, the motives for creating new norms evolved to move

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[1] The seven categories are Economic security, Food security, Health security, Environmental security, Personal security, Community security, Political security (UNDP 1994).

from an imperialistic logic to a humanitarian one. However, the establishment of new international norms did not necessarily result in a change of behaviour from the same states that had promoted them. Research has shown that, in spite of progress in the international community, states still behave according to self-interested logics.

The development of humanitarian arms control

Throughout history, there have been several examples of arms control norms that have attempted to restrict the use certain weapons or their export to certain destinations. However, the rationale behind such regulations was hardly human rights or humanitarian concerns. On the contrary, they were generally motivated by the ambition of colonial states to assert their military power and reinforce the superiority of dominant states in the international order (Erickson, 2017; Krause, 2011).

An example of an international arms regulation treaty can be found as early as 1890, in the Brussels Conference Act. Only limited to the African Continent, arms limitation was not the only scope of this treaty, which in its full name is called The Convention Relative to the Slave Trade and Importation into Africa of Firearms, Ammunition, and Spirituous Liquors. This treaty is the product of the Anti-Slavery Conference held in Brussels by King Leopold II of Belgium between November 1889 and July 1890. The treaty prohibited the trade of firearms in sub-Saharan Africa (Yakemtchouk, 1992). Today, the convention is considered as an imperialistic attempt to maintain the region under Western domination and dependence. The cut in weapon supply ensured the subordination of independent states and prevented the rise of revolts in the colonies (Brehm, 2008; Bromley et al., 2012).

The scope of arms trade regulation treaties changed from imperialistic domination to the limitation of armed conflicts and the protection of civilian populations only after the First World War. Following the traumatic experience of the conflict, leaders of the victorious countries agreed that all should be done in order to keep history from repeating itself. It became generally accepted that the accumulation of weapons, combined with secrecy, had brought on tensions, military build-up and eventually resulted in the conflict. Transparency in arms transfers became the new goal of arms control treaties, largely accepted by the international community (Bromley et al. 2012). The League of Nations made several attempts at multilateral arms control agreement but the lack of consensus among members produced no successful treaty. The 1919, Saint-Germain Convention for the control of trade in arms and ammunition remains worth mentioning as it brought to the control of the arms trade innovative ideas. It was

the first to introduce the use of export licences granted by official state authorities before transfers could take place. Moreover, in order to promote transparency, signatory states had agreed to publish a yearly report on the number of export licences they granted (Yakemtchouk, 1992). Although it was innovative, the Saint-Germain Convention never came into force as the United-States refused to ratify it (Bromley et al. 2012).

During the Cold War, the tension between the two superpowers put a hamper on discussions of arms regulations. The focus was instead on nuclear weapons. Even there, agreements followed the logic of power hierarchy or the limitation of violence. Treaties such as the Nuclear Non-Proliferation Treaty (NPT) for example, banned all countries from developing or purchasing nuclear arsenals, except for the five states which already possessed these weapons, incidentally, the five permanent members of the Security Council (Krause, 2011). For their part, agreements such as the Strategic Arms Limitation Treaties (SALT I and SALT II), which limited the nuclear arsenals of the two superpowers aimed to avoid an escalation in military competition which might lead to violent conflict (Krause, 2011).

Following the end of the Cold War, moral and ethical considerations began taking a large part of the foreign policy discourse for Western states (Neumayer and Perkins, 2010). The universality of human rights as conceptualised by Human Security implied that countries can and should feel responsible for the wellbeing of distant and foreign populations, in contradiction with traditional notions of selfish national security (Neumayer and Perkins, 2010). While the push was mostly made by civil society, the domestic pressure forced states to embrace these concerns (Erickson, 2017). Today, seven of the top ten arms suppliers around the world have adopted national regulations that include considerations of human rights in the licence system (Yanik, 2006).

The end of bilateral tensions changed the focus of the international community's attention from interstate wars to the intensification of internal conflicts (Erickson, 2017) and the role of the arms trade in perpetuating them (Gutterman and Lane, 2017). The stakes of the arms trade for international peace were securitized primarily by NGOs and civil society. The pressure caused states to take the issues into consideration.

In 1997, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction represented a major advancement for Human Security and Humanitarian Arms Control. It was followed in 2008 by the Convention on Cluster Munitions. These two norms target the use of non-discriminatory weapons. These

weapons, due to their firing range or their targeting system, cause harm to combatants and civilians without any distinction. For example, anti-personnel landmines are left on the battlefield but will explode regardless of the status of the person who steps on it. Following these regulations of specific types of weapons, more initiatives were taken to control the trade of conventional weapons, and in particular, small arms and light weapons (SALW), which are the most prone to illegal trafficking and fuel internal conflicts or terrorist groups (Yanik, 2006).

The most important tool developed by the United Nations to control the international arms trade prior to the ATT is the UN Register of Conventional Arms (UNROCA), established in 1992. Member states are requested to provide information on the imports and exports of seven categories of conventional weapons[2] they carried out during the previous calendar year, on a voluntary basis by filling up a standardised form. The information collected is available for consultation to all member states in order to foster transparency. However, participation to this initiative remains voluntary, and contributions have been irregular and incomplete, if not inexistent in some regions (Wezeman, 2019).

The last initiative introduced by the United-Nations before the Arms Trade Treaty dates back to 2001. The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) was, like the ATT, the product of a civil society campaign calling for the regulation of Small Arms and Light Weapons (SAWL), which have the most devastating effects in internal conflicts (Bromley et al. 2012). The PoA includes measures such as stockpile management (the improvement of accounting, storage, transportation and handling procedures), marking of weapons to improve traceability, destruction of surplus and illegal weapons to avoid diversion, and export controls (Bromley et al., 2012). However, the PoA suffers from similar limitations to the UNROCA as it is not legally binding and participation is only voluntary (Bromley et al., 2012).

The efforts to control the circulation of conventional weapons reached its culminating point with the 2014 Arms Trade Treaty. As early as 1995, Nobel Laureates under the leadership of Dr Oscar Arias called upon the international community for a multilateral agreement that would regulate the trade of all conventional arms. After a decade of lobbying, the United Nations General Assembly voted in October 2006 Resolution 61/89, initiating an investigation process into the feasibility and desirability of an international arms treaty. This resulted in a first session

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[2] The seven categories are: battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircrafts, attack helicopters, warships, missiles and missile launchers (Wezeman, 2019).

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of negotiating conference between states in 2012. However, the parties failed to reach an agreement on the treaty draft. The next negotiating conference took place a year later, and this time, the text was presented to a vote by the General Assembly. The Arms Trade Treaty was adopted on April 3rd 2013 and entered into force a year and a half later, on December 24th 2014 (Armscontrol.org).

The text recognises the negative impact of the arms trade on both peace and security and human welfare.

"The object of this Treaty is to:

–Establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms;

–Prevent and eradicate the illicit trade in conventional arms and prevent their diversion; for the purpose of:

–Contributing to international and regional peace, security and stability;

–Reducing human suffering;

–Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties" (Arms Trade Treaty, 2013: 3).

For the first time, a treaty concerning conventional weapons and not weapons of mass destruction, which regulates their transfer but does not limit their use or ban them, introduces notions of human rights protection. This shows how the prominence of Human Security has allowed for more intrusive norms that reach within the domestic export policies of states (Krause, 2011). This change translates into the prohibition of certain transfers based on the protection of human rights:

"A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party" (Arms Trade Treaty: 5).

Two decades after the end of the Cold War and the first institutionalisation of Human Security; human rights, development and human welfare entered the realm of conventional weapons.

This was not an easy task, as military force remains one of the most traditional assets of power in international relations and a sovereign right. In fact, one of the limitations of the Arms Trade Treaty is that it not only recognises the right of states to maintain national arsenals, but also "the legitimate political, security, economic and commercial interests of States in the international trade in conventional arms" (Arms Trade Treaty, 2013: 1). While Humanitarian Arms Control aims to reduce the destructiveness of war and the negative impact of illicit trade, it does not aim for complete disarmament. (Krause, 2011).

The self-interested interpretation of the norms

Neil Cooper (2011) uses the securitization model to explain how weapons, as issues of security, benefit from extraordinary measures and not the normal conduct of politics, leaving a lot of freedom for states to pursue their transfers with liberty and secrecy. However, even though they enjoy special circumstances, arms exports are conducted by bureaucracies in a routine manner (Cooper, 2011). The vast majority of the time, the export decisions they make go unnoticed by the public. This plays to the advantage of powerful states and the "organised hypocrisy" they sustain (Neumayer and Perkins, 2010). Yet the ability of these administrations to make objective judgments when authorizing transfers is arguable. In certain occasions, NGOs have called out states for export decisions that were in violations of their international engagements or even their own national policy.

Taking the use of the securitization concept further, Cooper (2011) adds that the form taken by arms transfer regulations correspond to the way security is conceived in a specific era. The post-Cold War era corresponds to a conception of security focused on the individual and therefore on the negative externalities of the arms trade for populations rather than its economic and strategic interests for states, like in previous eras. However, powerful states have shown reluctance to the creation of restrictive norms that come in contradiction of their national economic and security interests (Neumayer and Perkins, 2010). Yet, bigger states are better suited to promote the application of new norms. Indeed, their hard and soft power give them the tools to influence others. They show other large states that compliance is not contrary to prosperity and power, and they give an incentive for smaller states to join in order to continue cooperation. Powerful states' participation to international regulations is therefore necessary to their success (Erickson, 2017).

The recent progresses in the arms trade regulations do not exclusively convey the progress of Human Security concerns under public pressure. Some motivation for compliance include

selfish motives, while both international and national norms contain vague language in order to allow for interpretation.

The cost of applying new norms, especially if they do not correspond to already institutionalised cultural values, is heavy. Therefore, an incentive for contributing to and promoting new international regulation is dual. First, active partaking in negotiations allows participators to influence the text that will be decided in order to better match existing national regulation and thus reduce the cost of compliance. Second, promoting a global adoption of the norm allows for a shared cost of implementation, and therefore "levels the playing field" (Erickson, 2017). Most Western states have instated export regulations, to limit exports that do not respond to their strategic interests, but also to preserve their technological expertise, and in most cases, to include human rights considerations to these exports. A notable initiative is that of the 2008 EU Common Position, which imposes on all members of the European Union to bar weapon transfers if there is a risk these might be used in violation of international humanitarian law (Bromley et al. 2012). These types of regulations limit the possibility for Western states to export their weapons to countries that have a record of humanitarian law violations. Therefore, their industries face an unfair competition from countries with little to no regulations concerning where they export their weapons. Creating international norms that apply to all allows Western states to level the playing field for their national industries. As they already apply the highest standards of control around the world, treaties such as the Arms Trade Treaty enables to set the same restrictions for the competition.

While states might adopt Human Security concerns and human rights protections in their discourse, whether for selfish reasons or not, this appropriation of a new rhetoric does not always reflect a change in behaviour. In fact, when it comes to arms transfers, it is quite the opposite. Western states find themselves in an "organised hypocrisy" (Neumayer and Perkins, 2010), in which they advocate for the advancement of norms promoting human rights and Human Security, consistent with the ideas of liberal democracy, but still behave according to their own national interests. Traditionally, the export of arms is disconnected from ethical concerns. Instead, considerations include geopolitical alliances, the preservation of domestic security (by avoiding to arm neighbours who could turn into enemies), or simply trade as an economic motives. These exchanges also remain hidden from public attention, simply part of the normal conduct of bureaucracy (Cooper, 2011). But this behaviour is inconsistent with the new discourse developed around Human Security. However, changing traditional behaviours in order to conform to the new humanitarian agenda requires more than just good will in

international institutions. The limitations that characterise arms regulation regimes attest of the urge to preserve sovereignty from the states that created them.

A key characteristic of both national and international regulations is the use of vague terms, which open the door to various interpretation and subjectivity. States use this ambiguity in texts to find loopholes and justify sales to unstable destinations where the human rights records are poor (Yanik, 2006). Thanks to this lose legislation and by changing the referent object from the individual back to the state, governments can justify or deny sales by calling onto motives of national security. These motives tend the match the ones mentioned earlier regarding traditional considerations for arms transfer: geostrategic alliances, border security and simple economics.

Another criticism can be made against international arms regulations, which is that their narrow aim of their configuration really is perpetuating the very thing they try to prevent. These treaties do not hide the fact that they are not intended to result in complete disarmament. In fact, the Arms Trade Treaty recognises states' right to maintain national arsenals and acquire weapons. The recognition of this right also implies the legitimization of weapons, and authors like Stavrianakis (2016; 2018) argue that a certain form of militarism is actually being promoted. One particular flaw in control regimes like the ATT lies in one of its key components, the risk assessment. The way in which the treaty expects states to review the human rights and humanitarian risks that could result from a transfer before authorizing it actually represents a way for states to clear themselves of responsibilities (Stavrianakis, 2016). Given the vague language used by the norms, there are not specifications regarding what measures the risk assessment should consist in, but neither is there a clear definition of what constitutes a risk significant enough to block a transfer authorisation. States enjoy relative freedom in the way they should comply with the treaty, as they are expected to establish their own national control systems. It is then easy for states to claim they have respected their engagements by conducting appropriate risk assessment when authorizing arms transfer to countries that display poor respect of human rights. Stavrianakis (2016) denounces this practice used by Western States to serve their national interest. With this mechanism, they can hide behind opaque, loosely defined risk assessments to continue justifying sales to countries in situation of conflict or in violation of human rights and international humanitarian law. This practice is further reinforced by the lack of a verification mechanism to control the reports made by states and hold them accountable (Balga, 2016). Without an independent body in charge of supervising the

application of the treaty, NGOs are left to fill that role and denounce states that do not comply with international regulations.

Economic interests have recently become a determining factor for Western arms sales in the post-Cold War era. Following the easing of East-West tensions, Western countries reduced the size of their military budgets, and their spending on equipment specifically (Gutterman and Lane, 2017, Yanik, 2006). However, maintaining a healthy defence industry is deemed vital for national security. Indeed, it guarantees the availability of armaments for the army in case of conflict, and avoids relying on allies who might turn into potential enemies. As Western countries reduced their own spending, they had to find new markets for their industry in order to keep them running, but also not lose their expertise and technological advance. Therefore, they turned to developing countries, which were building up their own capabilities to find new markets (Gutterman and Lane, 2017). In some instances, these sales can be justified and do not violate agreements, as the Arms Trade Treaty recognises the right for every country to build its defences and possess armed forces. However, under allegations that the weapons are used for internal repression and violations of human rights, exporting states defend their transfers by appealing to their own security as a justifying motive to go forward, in spite of sometimes damning evidence.

Arguably, the self-interest of national security could actually dissuade from sales to countries suffering from conflicts and poor human rights records. As pointed out by the Red Cross or NGOs such as Amnesty International, the transfer of weapons to unstable regions often leads to trafficking, which then fuels internal conflicts, extremism and terrorist groups (Amnesty International, 20018; ICRC, 2013). These negative externalities of the arms trade do not only affect poorer regions but can also have an impact on the countries from where the weapons originated. Western countries have strategic and economic interests in various parts of the world, their armies become increasingly involved in regional conflicts and therefore states have an interest in maintaining peace and stability in these regions. The sales can also backfire by supplying terrorist groups who go on to perpetrate attacks on Western soil (Gutterman and Lane, 2017). If looked at from this angle, the transfer of weapons to unstable countries can actually be considered as a threat to the national security of the exporting state, although this factor is seldom considered when exporting to distant clients. The negative impacts of the arms trade are not always directly visible to the exporting states. Short-term political or economic interests interfere with long-term strategic thinking.

United Kingdom Case Study

The United Kingdom is a characteristic example of contradicting narratives when it comes to the ethical export of weapons. On the one hand, it played a key role in the negotiations of the Arms Trade Treaty from the very beginning, emphasising the importance of human rights considerations in exports. On the other hand, the United Kingdom has also authorised controversial sales, notably to Middle Eastern countries, attracting not only criticism but also a lawsuit in which the government had to defend its decision, eventually losing the final trial.

Very early in multilateral talks of a treaty to regulate the international arms trade within the United Nations, voices of the support came from the United Kingdom, from both civil society and the Government. As a result, the UK combined these forces and became one of the driving forces of what would become the Arms Trade Treaty (Duncan, 2013). The country was part of a group of seven supporting states that pushed for its promotion in the United Nations and achieved the opening of negotiations in the General Assembly in 2006 (Duncan, 2013). Throughout the entire process, Great Britain supported the initiative, worked for its promotion and helped reaching an agreement.

The ATT today resembles in many ways the export regulations already previously enforced by British law. Indeed, the treaty was created taking as model existing regimes such as the 2008 EU Common Position on Arms Exports. This is one of the export control regimes, amongst others, of which the United Kingdom was already a part of before the entry into force of the arms trade treaty.

Despite this positive picture, it would appear that Great Britain is not such a model student, as it displays certain contradictory behaviours. In recent years, the data provided by the Government shows the granting of multiple licences for the export of arms to countries with poor human rights records. In particular, recent exports to Saudi Arabia have recently been under scrutiny, as they appear to be in contradiction with the country's own export control law (Calle and Overton, 2018).

This case study shows an example of internal political tensions resulting from the contradiction of actions. On the one hand, the United Kingdom holds itself to high standards regarding the protection of human rights and the respect of its international obligations. On the other hand, recent arms sales to the Middle East seem to show that economic and political interests can trump human rights considerations. This dissension has led to not only criticism from civil society but also discord between the Government and parliamentary institutions. The

disagreements even resulted in the Parliamentary Committee in charge of arms export control ceasing to function for several months in 2016 (Brooke-Holland, 2018a; Lunn, 2017).

Role of the United Kingdom in the negotiation and promotion of the Arms Trade Treaty

The first calls for an arms trade treaty came from civil society, and in particular, a number of British charities and NGOs. The Control Arms campaign was a regrouping of NGOs lobbying states for the creation of an international system of regulation for the arms trade. Many of the groups that took part in this movement have their headquarters in London, such as Oxfam or Amnesty International. The British Government, as one of the first states supporting the initiative began working closely together with these organisations, in order to develop a common national position for negotiations of the treaty (Duncan, 2013).

In 2006, the United Kingdom was part of a group of seven states which brought to the UN General Assembly the draft for resolution 61/89 "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms." Once adopted, the resolution began a research process to determine the feasibility of a treaty, led by a group of Government experts. It also asked member states to submit their views on the desirability and possibility of a treaty, to which 90 states replied (Reaching Critical Will).

In its submission, the United Kingdom emphasised the need to create a treaty that will create "standards to prohibit arms transfers which will […] aid the commission of human rights abuses; aid the commission of serious violations of international humanitarian law" (United Nations General Assembly, 2007: 224). Sixty-one other countries expressed similar sentiments (Parker 2007: 10). The UK even adds, "A failure to address the existing gaps in the control of this international trade would be a failure to take responsibility for the arms we allow to be traded into and out of our States or by our citizens" (United Nations General Assembly, 2007: 224)

Throughout the negotiating process, the United Kingdom retained a role of leadership, acting as mediator, facilitating discussions with actors such as the United States. British diplomats juggled between backing countries that were supportive of its cause and pleasing its more traditional allies, which were displaying reluctance regarding certain dispositions of the treaty draft (Duncan, 2013).

Today, as one of the state parties to the ATT, the United Kingdom is involved in its promotion to non-member states, both at the European level and on a bilateral level around the world. According to Member of Parliament Sir Alan Duncan, the United Kingdom had "contributed

more than £300,000 to the arms trade treaty voluntary trust fund" as of 2018 (Committees on Arms Export Control, 2018: 43). The fund was created in support of the ATT and is dedicated to helping new member states implement the obligations of the treaty, by providing financial, institutional and legal support. The official goal of the United Kingdom is to increase the number of states acceding to the ATT as much as possible, as stated by the Government in its yearly export reports to Parliament (Foreign and Commonwealth Office, 2017, 2018b). The Foreign Office also reported to the Committees on Arms Export Control "The UK believes that greater participation will reinforce the Treaty's influence, strength and reputation. Universalisation is, and will remain, a priority" (Foreign and Commonwealth Office, 2016: 5). To reach this goal, the country funds or participates in various international and European outreach programmes. Multi-level negotiation with the United States, China and Russia, the three permanent members of the UN Security Council not yet parties to the treaty but major arms exporters, is also part of British diplomatic action (Foreign and Commonwealth Office 2017). Although China and the United States have signed the ATT, they have not ratified the text and its obligations are therefore not mandatory for these countries, which take issue with some of the treaty's restrictions.

Domestic policy for strategic exports control

The United Kingdom is among the world's largest arms exporters. In fact, the Stockholm International Peace Research Institute ranked it sixth over the 2014-2018 period, accounting for just over 4% of global exports on its own (Wezeman et al., 2019). In 2016, £5.9 billion worth of military grade equipment was exported, with 49% of these exports destined to the Middle East (Dempsey, 2018). Foreign sales of such magnitude require inspection in order to ensure the government is respecting the country's international obligations.

Although the United Kingdom was one of the early signatories of the Arms Trade Treaty, its domestic arms export policy was already among some of the strongest in the world, and therefore required very little adjustment to implement the treaty once adopted (Foreign and Commonwealth Office, 2016). The regulatory framework is the result of years of development of new laws and instruments, both at the national and European levels, as well as some international engagements.

As Lord Ahmad of Wimbledon proudly states it, "the UK Government takes its arms export licensing responsibilities very seriously and operates one of the most robust arms export control regimes in the world. All export licence applications are assessed on a case-by-case basis

against the Consolidated EU and National Arms Export Licensing Criteria, taking account of all relevant factors at the time of the application" (Lord Ahmad of Wimbledon, 2017).

The first element of any export control is the designation of items that will be subject to regulation. The British Department of International Trade publishes the so-called Consolidated List of strategic military and dual-use items that require export authorisation. The content of this list reflect the UK's participation to multiple international regimes of control. These include the Wassenaar Arrangement, the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Australia Group and the Chemical Weapons Convention (CWC) (Department for International Trade 2018). All the items on the consolidated list require an authorization from the Government, in the form of a licence before they can be exported. The licences allow for multiple shipments or one off sales depending on the type (Committees on Arms Export Control, 2018: 11). They are granted by the Export Control Organisation, which is part of the Department of International Trade. Within this organisation, a set of experts called the Export Control Joint Unit brings together members of different British administrations, who assess together the requests for export licences. In this way, the Foreign and Commonwealth Office and the Ministry of Defence are included in this process and provide input in the decision, for instance regarding human rights conditions or conflict situations in destination countries (Brooke-Holland, 2018a: 5).

The requests for licences are evaluated using what are known as the Consolidated Criteria. This is a list of eight principles issued from the 2008 EU Common Position on Arms Exports. They establish standards that countries must ensure will be respected when they allow new arms transfers (Committees on Arms Export Control, 2018: 27). Two of these are particularly relevant for this research. Criterion Two states the importance of the respect of human rights in the country of destination, as well as the respect of international humanitarian law. In particular, "the Government will not grant a licence if there is a clear risk that the items might be used for internal repression; […] if there is a clear risk that the items might be used in the commission of a serious violation of international humanitarian law" (HC Deb, 25 March 2014: vol. 578, col. 10WS). In contrast, Criterion Five focuses on the preservation of the United Kingdom's national security and interests, as well as that of its allies. This criterion is mainly supposed to restrict the export of weapons to other countries when there is "the risk of the items being used against UK forces" (HC Deb 25 March 2014: vol. 578, col. 12WS). However, it can also justifies the export of weapons to ally countries for the protection of British interests.

The decisions taken by the Export Control Joint Unit are subject to a parliamentary review on a yearly basis. The Committees on Arms Export Controls, which represents Foreign Affairs, Defence, International Trade as well as International Development committees conduct inquiries based on the data published by the Government on export licences (Brooke-Holland, 2018a: 5). This transparency is welcomed to ensure that decisions to grant export licences were taken objectively and in accordance with the Consolidated Criteria. However, there is also criticism. Organisations such as the Campaign Against the Arms Trade (CAAT) argue that the data made available to the public is neither sufficient nor clear and accessible (Campaign Against Arms Trade, 2012). This point of view was shared by the Committees in its 2018 report on exports from 2016. "Reporting and transparency are indispensable elements of a reliable and credible licensing regime. While we welcome the fact that the Government publishes a lot of licensing information, we find it a major failing that such information is in formats that are very difficult to navigate, interrogate and interpret. We note that it is left to a non-governmental organisation with a particular viewpoint (the Campaign Against the Arms Trade) and an academic institution (King's College London) to present the published official data in a user-friendly format. The Government should make clear and easily digestible the information about controlled exports that is provided to parliamentarians and the public alike" (Committees on Arms Export Control, 2018: 41).

Yet another obstacle to transparency is the fact that the Committees on Arms Export Controls has faced multiple disruptions, limiting its capacity to properly carry out its mission. A new committee is supposed to be formed following every new election of Parliament. However, following the 2015 general elections, a new committee was not appointed for over 9 months. This committee did not remain long in place either. Strong disagreements between its various members left it unable to function by late 2016. When inquiring on the possibility that weapons sold to Saudi Arabia were being used in the conflict in Yemen and possibly contributing to violations of human rights, representatives of the various factions failed to reach a consensus. Unable to produce a report, the Committees effectively ceased to function and was not reformed until the 2017 elections (Brooke-Holland, 2018a; Lunn, 2017). The details of the controversy over the sales to Saudi Arabia will be discussed subsequently.

Consolidated Criteria	
Criterion 1	Respect for the UK's international obligations and commitments
Criterion 2	The respect for human rights and fundamental freedoms in the country of final destination as well as respect by that country for international humanitarian law
Criterion 3	The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts
Criterion 4	Preservation of regional peace, security and stability
Criterion 5	The national security of the UK and territories whose external relations are the UK's responsibility, as well as that of friendly and allied countries
Criterion 6	The national security of the UK and territories whose external relations are the UK's responsibility, as well as that of friendly and allied countries
Criterion 7	The existence of a risk that the items will be diverted within the buyer country or re-exported under undesirable conditions
Criterion 8	The compatibility of the transfer with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.

Source: HC Deb, 25 March 2014, cols 9–14WS

Despite strict rules, controversial sales still occur

In addition to a comprehensive system of export controls, the Foreign and Commonwealth Office (FCO) publishes and updates annually a list of countries that raise high human rights concerns, the so called 'Human Rights Priority Countries' (HRPC). As of late 2018, the list contained thirty countries, which have consistently been on the list since 2015.[3] According to Criterion Two of the Consolidated Criteria, these states should not be the recipients of weapons exports as they fail to respect human rights, according to the FCO's own standards. Yet, as pointed out by British charities and the media, the United Kingdom has regularly authorized

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[3] The countries are Afghanistan, Bahrain, Bangladesh, Burma, Burundi, Central African Republic, China, Colombia, North Korea, Democratic Republic of Congo, Egypt, Eritrea, Iran, Iraq, Israel, Libya, Maldives, Pakistan, Russia, Saudi Arabia, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Turkmenistan, Uzbekistan, Venezuela, Yemen and Zimbabwe (Foreign and Commonwealth Office, 2018a).

arms exports to several of the countries present on the FCO list (Calle and Overton, 2018; Sharman, 2018). According to Action on Armed Violence (AOAV), between 2008 and 2017, the UK has authorised exports of weapons to 29 of the 30 countries that appear on the 2017 list. The only exception has been North Korea, under UN embargo since 2006 (Calle and Overton, 2018). All of these exports seem to be in contradiction with the UK's own export policy, which in Criterion Two proscribes the sales of weapons when there is a possibility that they might be used for internal repression or to commit violations of international humanitarian law. However, over the decade 2008-2017, it is £12 billion worth of export licences that have been granted to these destinations. In particular, £10 billion were specifically granted to Saudi Arabia (Calle and Overton, 2018) This data is all the more surprising when considering the fact tha,t when examining a licence request against Criterion Two, the Foreign Office is the lead advisory department. Diplomatic posts as well as legal and human rights advisers from the FCO are consulted to assess whether the proposed destination for the exports is one of concern or not (Brooke-Holland, 2018a: 16). It seems odd that those who deemed the human rights conditions in certain countries worrisome enough to be placed on a watch list should also be the ones to authorise the transfer of weapons to these very countries.

The most recent controversy over British exports is the contract of arms sales with Saudi Arabia. There are suspicions that these weapons might actually be used in violation of international humanitarian law. Not only is Saudi Arabia on the FCO's list of Human Rights Priority Countries for cases of internal repression, in particular over religion and against women, the country is also in conflict with rebel forces in Yemen since 2015. Civil war began in Yemen in 2014, when Houthi forces took over the capital. In the following months, these rebel forces carried out multiple strikes on the Saudi territory, attacking civilians. Saudi Arabia responded with a coalition of 10 allied countries, which joined together to defend its border and restore order (HC Deb, 19 December 2016). As the conflict went on, repeated bombings continued on both sides, and civilian populations suffered greatly. In 2016, a United Nations panel of experts condemned the conduct of the coalition led by Saudi Arabia regarding the treatment of civilians and the respect of humanitarian international law. The coalition's joint assessment team (JIAT) launched an investigation, with a promise of accountability. However, both the UN and human rights groups have questioned the independence and transparency of this initiative (Brooke-Holland, 2018b: 5).

Since then, several countries such as Germany, Sweden and the Netherlands, following internal pressures, suspended their arms exports to Saudi Arabia, in protest of its behaviour in the

conflict (Brooke-Holland, 2018b: 6). In the United Kingdom, multiple calls have been made, asking the Government to cease all weapons exportations that might further fuel the conflict. Allegations have even been made that British made weapons were directly responsible for violations of human rights in the struggle. These sparked a debate that strongly divided opinions. The murder of journalist Jamal Khashoggi in October 2018 fuelled a new flow of accusations.

On multiple occasions since 2016, the Government has attempted to justify its decision to maintain sales to Saudi Arabia, in front of journalists, Parliament or the Committees on Arms Export Controls. Firstly, the suspension of arms transfers was ruled out on the grounds that Saudi Arabia conducted an investigation in response the UN condemnation. The result of said investigation concluded that the coalition was not breaking international humanitarian law. Although, as mentioned before, the objectivity of the inquiry was questioned, the British Government has consistently chosen to trust in the Saudi assessment, and even welcomed the initiative of transparency. "This particular instance shows that, in complete contrast to Russian and Syrian air strikes, where allegations are made, and with our support, the Saudi-led coalition is prepared to investigate thoroughly, to publish the findings and to take action where appropriate" (HC Deb, 19 December 2016: vol. 618, col. 1216). Moreover, members of the Government have also recalled that Saudi Arabia is acting on grounds of legitimate defence, as attacks occurred first against its territory. The need to re-establish peace and stability in its neighbourhood and to secure the border makes the Saudi intervention valid with regard to international law. Middle East Minister Alistair Burt emphasized this fact during a Parliament debate, "the coalition acted in support of a legitimate Government; they are currently having missiles fired at civilian targets in their own state and I do not see the political justification for withdrawing our arms" (HC Deb, 04 September 2018: vol. 646, col. 11). In fact, Saudi security is not the only concern according to the Government. As Secretary of State for Defence Sir Michael Fallon told Parliament, "The United Kingdom fully supports both the coalition and the right of Saudi Arabia to defend itself. Instability in Yemen, where there is a long-standing al-Qaeda presence and a growing threat from Daesh—seen tragically in Aden this weekend—threatens not just the Gulf but our security in western Europe" (HC Deb, 19 December 2016: vol. 618, col. 1215). Therefore, the concern for national security is not just one for that of an ally but for the United Kingdom itself. This in turn allows to justify further support to Saudi Arabia and the continuation of exports, as the security of the UK and its citizens remains the utmost priority.

While the Government has kept a unified position on the question, Parliament remained more divided on the matter. This fact was shown when the Committees on Arms Export Controls was unable to reach a consensus following its inquiry on UK arms exports to Saudi Arabia in 2016. On the one hand, the representatives of the International Development Committee and Business, Innovations and Skills Committee were for the suspension of exports. On the other hand, the Foreign Affairs Committee was against such a decision. The Defence Committee abstained itself. Following this split, the Committees could no longer functioned.

Meanwhile in 2016, the Campaign Against Arms Trade requested a judicial review of the Government's decision not to suspend weapons transfers to Saudi Arabia. The High Court gave its judgement the following year and found that the transfers were legal. CAAT asked for an appeal against the ruling, which was delivered on 20th June 2019. The Court of Appeal judged in favour of the Campaign Against Arms Trade, and declared the process of risk assessment followed by the Government irrational and unlawful. The court reminded that, according to Criteria 2, the Government has to consider the recipients attitude towards international humanitarian law and deny transfers if there is a risk that the weapons be used in breach of said law. The Court found that the Government had conducted no conclusive assessment on Saudi Arabia's history of violations. The judges recognised the United Kingdom's efforts to engage with the Saudi Kingdom in order to avoid breaches of international humanitarian law, but judged these attempts insufficient with regards to the requirements of Criteria 2. The Court's decision does not call for the current licences to be suspended immediately, but urges the British Government to properly assess past violation in order to effectively measure future risks when making new authorisations (Court of Appeal, 2019). Following the judgment, the Government suspended the delivery of new arms export licences to Saudi Arabia but also announced it would asked for another appeal of this ruling (Dearden, 2019).

Activist groups have been calling for a strengthening of the export control system and an improvement of transparency to hold the Government accountable. In its 2018 report, the Committees on Arms Export Controls supported a recommendation from Control Arms UK that the Government apply a "presumption of denial" when assessing export licence requests. Under this regime, exports to countries which are not signatories of the ATT or which appear on the HRPC list should be not be made recipients of open licences, which allow for multiple shipments of weapons, without limits of quantity. Under this system, many of the countries that have been recipients of controversial exports would not be eligible for open licences. However, as underlined by representatives of Control Arms interrogated by the Committees,

this does not mean they would not be eligible for any kind of export. They would be subject to more restricted and controlled types of licences (Committees on Arms Export Control, 2018: 33). One limitation to the suggestion of a "presumption of denial" is the fact that open licences actually represent a small amount of the export licences granted. The United Kingdom has three major types of export licences: standard individual, open individual and open general. General licences are pre-published and can be used by eligible exporters without an application. They apply to predefined goods and destinations. Individual licences are only valid for one determined destination. The distinction between open and standard lies in the number of shipments authorised. Only a one-off for standard licences, whereas open licences not limitative in the amount of goods that can be exported and can sometimes stay valid for several years (Committees on Arms Export Control, 2018: 11). The interest of favouring standard licences over open ones is evident, as they allow to control more closely the amount of material being transferred to another state. However, the most recent report from the Department for International Trade on export licensing decisions in 2018 shows that more than 13 000 applications for standard licences were made, but only about 300 for open licences (Department for International Trade 2018). Therefore, while limiting open licences could prove beneficial to ensure exports of British weapons are consistent with Criterion Two of the Consolidated Criteria, the impact would remain limited. The fact that data published by the Government is expressed in the value of licences granted and not in the number of transfers that actually took place is yet another lack of transparency. Neither details on the specific goods exported nor the quantity are known to the public or the Parliament, making accurate analysis of British arms exports difficult to perform.

Canada Case Study

Since the end of the Cold War, Canada, along with other middle powers, has devoted the great majority of its foreign policy to the promotion of Human Security. One of the most prominent advocates of this concept on the international scene was Lloyd Axworthy, Canadian Foreign Affairs Minister from 1996 to 2000. His years in office saw the signing of a treaty banning anti-personnel landmines and the creation of the International Criminal Court, along with more initiatives pushed by the Canadian Government. Following this decade of progress for international humanitarian law, Canada never changed its position and continued to push for the advancement of human welfare worldwide. To this day, the concern for international peace

and security are stated as part of the official policy: "a key priority of Canada's foreign policy is the maintenance of peace and security" (Global Affairs Canada, 2018: 7).

However, Canada's actions in terms of arms exports do not reflect the diplomatic position presented by the country on the international scene. In recent years, numerous journalistic investigations have exposed a long history of weapons sales to countries with poor human rights records. These revelations have caused public outrage, with a particular focus on a large contract of export for Light Armoured Vehicles to Saudi Arabia, the latest questionable sale approved in date (Vucetic, 2017a, Shiab, 2017). So far, the Government has denied any risks of human rights abuses and maintains that the highest standards of export control have been applied to these decisions. But the real underlying reason for these approvals seems to be the sustaining of the national defence industry, perceived as a necessary pillar of national security (Gutterman and Lane, 2017). Indeed, with an estimated 60 per cent of the arms production intended for export, the Canadian defence sector is more heavily dependent on foreign sales than any other national industry (Vucetic, 2017b).

Another inconsistency in Canada's behaviour is the fact that the country did not join the Arms Trade Treaty upon its creation. While the country was a driving force in the creation of the landmine treaty, it remained the last NATO country to have not signed the ATT, up until accession to the treaty was finally announced in 2017. While Canada boasts about having export control regulations "among the most rigorous in the world" (Global Affairs Canada, 2018: 7), its sharing agreement with the United States calls into question the level of transparency, and will need to be addressed in order to comply with the treaty's rules if Canada is to become an official member of the Arms Trade Treaty in 2019.

A foreign policy centred on the promotion of human security

The Cold War marked the end of tensions between East and West, and the opening of a new era for multilateral relations. Without the rivalry of the two major powers, other countries gained more freedom of action on the international scene. As national security became less of a pressing concern for states, in a time when democracy had won and the world had reached the "end of History" (Fukuyama, 1989), middle powers sought to change the focus of international relations from states to individuals. While national security was not discredited, the welfare of citizens was promoted as being the key to preserving international peace and security (Bernard, 2006). Canada, through its new administration under Prime Minister Jean Chrétien, tried to promote Human Security as an actionable tool for international diplomacy.

In 1999, the Department of Foreign Affairs and International Trade published a concept paper, in which it detailed Canada's view on how Human Security can and should become part of international politics:

"*Human security does not supplant national security. A human security perspective asserts that the security of the state is not an end in itself. Rather, it is a means of ensuring security for its people. In this context, state security and human security are mutually supportive. Building an effective, democratic state that values its own people and protects minorities is a central strategy for promoting human security. At the same time, improving the human security of its people strengthens the legitimacy, stability, and security of a state*" (Department of Foreign Affairs and International Trade, 1999).

Only, Canada did not limit itself to policy documents and turned its declarations into actions. The first enterprise undertaken by Foreign Affairs Minister Axworthy was the 1996 Ottawa Process, which gave new breath to the international movement fighting to ban anti-personnel landmines (Bernard, 2006). Taking the lead on the negotiation process, which had failed at the United Nations, Axworthy managed to generate sufficient consensus and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction was signed in 1997. Within a year, it had enough ratifications for its entry into force. This unprecedented negotiation process put Canada at the front of the international human security agenda, and its efforts did not stop there. In 1998, the county led the so-called Like-Minded Group, bringing together states that wanted to see the creation of an international jurisdiction, one capable of bringing justice for individuals guilty of the international crimes of genocide, crimes against humanity, war crimes, and crimes of aggression. That same year, the Rome Statue was signed which led to the creation of the International Criminal Court (Bernard, 2006).

Canada was not the only country to become known for its active support of Human Security in foreign policy. In fact, from the collaboration with Austria and Norway on the ban of antipersonnel landmines was created the Human Security Network. Today the group counts 13 middle powers that work together to further promote the Human Security agenda in international relations (Bernard, 2006).

Some scholars have argued that Canada was particularly well suited to advance the Human Security agenda, due to some of its national characteristics, which give the country increased soft power (Bernard, 2006; Heinbecker, 1999). Defined by Joseph Nye in 1990, soft power

consists in the capacity to co-opt others to align themselves with one's will not with the use of force but by appealing to them, thus getting "other countries to want what it wants" (Nye, 1990: 166). This co-optive power works particularly by using the attractiveness of a state's culture and values. Axworthy supported the notion that if one sets an example, they are more likely to convince others to do the same, and believed in Canada's capacity to use its own national values as illustrations of the benefits of Human Security. "If we want to promote tolerance and reconciliation, it helps that Canada is a democratic, bilingual, multicultural country. If we want to co-opt other governments to our 'norm-setting humanitarian agenda', a solid record of commitment to multilateralism is an asset" (Heinbecker, 1999: 7).

On the national level precisely, Canada has reflected its engagement in Human Security through the adoption of a domestic arms control policy. Exports of military goods are not only weighted against the threat they may pose to Canada's national security and that of its allies. The Department of Foreign Affairs, Trade and Development, otherwise known as Global Affairs Canada, also controls the export of material to countries where "governments have a persistent record of serious violations of human rights on their citizens" (Global Affairs Canada, 2018: 8). Moreover, "regional peace and stability, including civil conflict and human rights, as well as the possibility of unauthorized transfer or diversion of the exported goods and technology, are actively considered" (Global Affairs Canada, 2018: 8).

Domestic arms control policy

The Export and Import Permits Act (1985) regulates the transfer of conventional weapons in Canada. This piece of legislation states that the export of items on the Export Control List (ESL) is subject to the procurement of a permit delivered by Global Affairs Canada. The ESL is divided in several categories, which for the main part, reflect the control list of different multilateral agreements to which Canada is a member. Much like the United Kingdom, Canada is part of multiple international regimes of weapon control: the Wassenaar Arrangement (1996), Nuclear Suppliers Group (1975), Missile Technology Control Regime (1987), Australia Group (1985), Organization for the Prohibition of Chemical Weapons (1997). To this list will be added the Arms Trade Treaty in 2019.

In addition to its export control regime for conventional weapons, Canada has placed specific restrictions on automatic firearms and their components. This type of material can only be exported to a specific list of countries, present on Automatic Firearms Country Control List. Most firearms produced in Canada are intended for recreational purposes rather than military

use. Therefore, their export is limited to countries which have strong national firearms control laws and a trading agreement with Canada. Today the list contains a total of forty countries. Prohibited firearms and their components fall under the same regulation but in their case, the export permit needs to receive approval from the Minister of Foreign Affairs (Global Affairs Canada, 2018)

Under the Trudeau Government, Global Affairs Canada has published a Report on Exports of Military Goods from Canada on a yearly basis. This document includes data on the type of conventional weapons transferred, their destinations and the value of these transfers. The report does not include yet information on transfers to the United States as the country enjoy a special agreement with Canada, which will be described in details later on.

While the publication of a report demonstrates an effort of transparency on the part of Canadian authorities, the document is not intended for parliamentary review. The export of weapons is controlled by Parliament through Annual Reports to Parliament on the Administration of the Export and Import Controls Permits Act, along with every other type of good whose export is subject to regulation. The lack of specific parliamentary scrutiny on the way export permits for arms transfers are granted has already been the cause of debate in the country. In 2016, MP Hélène Laverdière introduced a motion to create a Parliament committee dedicated to the control of arms exports, based on the British model. However, the proposition was voted down that same year (Parliamentarians for global Action, n.d.). Such control might seem judicious to introduce when considering the fact that Global Affairs Canada grants most of the permit requests made every year. Indeed, as stated in the Report on exports for the year 2017, on a total of 6633 applications for permits made, only 4 were refused, one to Iran and three to China (Global Affairs Canada, 2018).

On multiple occasions, criticism has also been expressed over the lack of control on the end uses of military materials exported by Canada. The purpose of Canadian export control regime is not only to ensure that the sale of weapons to states with poor human rights records be restricted but also "to ensure that the export is intended for a legitimate end-user and will not be diverted to ends that could threaten the security of Canada, its allies, other countries or civilians" (Global Affairs Canada, 2018: 8). However, in cases of certain parts and components, there is no mechanism in place to guarantee that the weapon systems that will be produced using Canadian technology will not then be exported to countries to which Canada would deny an export permit. This is for example the case of aircraft engines being sold to a manufacturer of attack helicopters in China. While these were intended for domestic use according to the

Canadian Government, there is no guarantee that China will respect this engagement (Campbell, 2007). In this case, the Government would have to review its decision to allow these exports. Similarly, criticism was voiced over the export of light armoured vehicles to Saudi Arabia. The discovery that these were used in the conflict in Yemen and for civilian repression, contrary to government claims, resulted in the demand from civil society for more clarity on the end use of weapons transferred (Simpson, 2016).

Export decisions in contradiction with the policy discourse

The Canadian Government, supported by civil society, has worked hard in the last thirty years to establish its place on the international scene as a promoter and defender of Human Security. However, in the background, the Government has also authorised arms exports to various dictatorships or other countries with poor human rights records.

A particular contract caught the attention of the public recently, the sale of light armoured vehicles (LAVs) to Saudi Arabia. The original agreement to sell LAVs over 14 years for a total of CAD $15 billion was signed by the conservative government of Prime Minister Stephen Harper in 2014. However, it was the liberal government of Justin Trudeau that signed the official export permits, causing public discontent (Vucetic, 2017a). Many questioned the choice to maintain the deal coming from a liberal government. However, the history of Canadian weapons exports has shown that the choice to allow transfers to countries with poor human rights records has known a shift over time but was never related to partisan preferences (Gutterman and Lane, 2017; Vucetic 2017a).

Early Canadian arms transfers were directed at Western European countries, following World War II, helping allies rebuild their military capabilities after a devastating conflict (Webster, 2018). However, at the time, Canada still showed some restraint in its export decisions. In 1946, the cabinet of Prime Minister Mackenzie King refused the sale of machine guns and ammunitions to the Dutch army. At the time, the latter was involved in a repressive colonial war in Indonesia (Webster 2018). "We have no reason to believe that Canadian public opinion would support such a sale, nor would it be in the Canadian interest to make the sale," stated a document at the time (as cited in Webster, 2018). The same year, the Government also denied the export of warships to China. Although at the time, the Chinese government was still pro-American and fighting off the advances of communism, the sale was refused for fear that the ships "might be used in civil warfare" (as cited in Webster, 2018).

With these examples, Canada set a precedent for the refusal of weapons exports on grounds that they could be used in a civil war, for internal repression, in an area of conflict, consistent with its export policy and humanitarian concerns. However, it failed to uphold these standards in the long run, and over time agreed to more sales that are questionable. An in-depth investigation carried out by the periodical *L'Actualité* in 2017 revealed that over the past 25 years, Canada had made numerous sales to dictatorships, countries in conflict or practicing political repression (Shiab 2017). The study shows that a third of the total in military sales made between 1992 and 2017 were shipped to 59 countries classified as dictatorships by the independent organisation Freedoom House. A quarter of sales were made with 77 countries showing manifest political repression according to the Political Terror Scale developed by Purdue University. Eleven of these were ranked on the highest level of said scale. Finally, to top it all off, during that period, sales were made to 16 countries that were involved in a conflict causing the death of at least 50 civilians the year preceding the transfer. In 15 recipient states, such civilian deaths occurred the year of delivery. For 16 receivers of exports, a conflict causing civilian casualties was registered the following year (Shiab, 2017).

All of these exports seem constitute violations of the dispositions in the Export and Import Permits Act, which states that when issuing permits particular care should be given to whether the goods "may be used for a purpose prejudicial to peace, security or stability in any region of the world or within any country" (Export and Import Permits Act, 2018: 20).

It seems contradictory that the end of the Cold War and bipolar confrontations, as well as the coming into office of a liberal government promoting Human Security as a foreign policy should coincide with the increase of Canadian weapons sales to countries with poor human rights records.

The end of the Cold War has not only brought changes to the conception of international relations and security but also new trends in the arms trade, which are not entirely compatible. On the one hand, the end of the bipolar confrontation has opened up renewed opportunities for diplomacy and multilateralism. International institutions have been able to address welfare and development issues with more ease. On the other hand, the end of the Cold War has also meant the reduction of defence budgets in the West. The fall of purchase orders from national armies represented a potential threat to defence industries, which saw their revenues decrease. However, most countries are not willing to let these industries disappear. Indeed, for most, the health of the defence industry is directly linked to their national security. Being self-sufficient in terms of weapons procurement ensures the availability of supplies for the armies and the

maintaining of military capabilities in case of a threat to the national security, without having to rely on others. As a result, most Western states have supported and facilitated the export of weapons by their national industries (Gutterman and Lane, 2017). With reduced sale opportunities in the West, industries have therefore looked for new markets to maintain their production at viable levels. Coincidentally, developed countries have increased their military spending, Saudi Arabia currently being the second biggest buyer after India (Gutterman and Lane, 2017). Saudi Arabia was, incidentally, Canada's largest client outside of the United States in 2017 (Global Affairs Canada, 2018: 4)

This might provide some explanation as to why the Trudeau Government chose to maintain the deal with Saudi Arabia, the largest sales contract in its export history. In fact, the economic benefits in terms of both manufacturing jobs and military procurement for the Canadian army were greatly emphasised by supporters of the deal (Gutterman and Lane, 2017). But the sale still has received strong public disapproval. Not only is Saudi Arabia condemned for the conflict in Yemen, for the reasons explained previously, but also there is particular concern in Canada over the use being made of the LAVs. The Canadian newspaper the Globe and Mail disclosed in 2016 video recordings of the Saudi authorities using light armoured vehicles previously purchased from Canada both for internal repression and in the conflict in Yemen (Chase, 2016b). Just like in the United Kingdom, members of civil society decided to question the Government's decisions. Daniel Turp, professor of international law at the University of Montréal filed for a judicial review of the trade agreement in 2016. In January 2017, the Federal Court judged that the Government had assessed all relevant factors before making its decision and was therefore complying with export regulations. The judge added "the role of the Court is not to pass moral judgment on the Minister's decision to issue the export permits but only to make sure of the legality of such a decision" (Federal Court of Canada, 2017). Further appeals by Professor Turp were also denied, closing the case for now.

The lack of engagement in the ATT, a regional issue?

Another surprising behaviour for a champion of Human Security is the fact that Canada had not joined the Arms Trade Treaty after its approval by the United Nations General Assembly in April 2013. In fact, Canada remained the last NATO member that had not signed it. Yet, in its submission to the Secretary General on the desirability and feasibility of an arms trade treaty, Canada was very favourable to its creation and stated,

"Considering the danger posed to States and their populations by the persistent and flagrant misuse of weapons and munitions and at a time when the conventional arms trade has become increasingly global and differential in nature, no individual country is immune from the risk of conventional arms proliferation. States must therefore assist each other in preventing all types of conventional weapons and technology from falling into the wrong hands. A comprehensive arms trade treaty based upon relevant principles of international law and standards should be the cornerstone of such a coordinated international effort." (United Nations General Assembly, 2007: 42).

It is exactly four years later, on April 13 2017, that Minister of Foreign Affairs Chrystia Freeland launched the process for Canada's accession to the Treaty. The 2017 Reports on Exports of Military Goods from Canada reminds that "Canada's existing system of export controls meets or exceeds the majority of ATT provisions" (Global Affairs Canada, 2018: 10), but modifications are required to match the ATT's requirements. To this effect, new legislation, under the name Bill C-47, has been introduced to Parliament in order to create the conditions to comply with the treaty's regulations, notably in terms of brokering. The Government announced it would dedicate $13 million of its 2017 budget to finance the implementation of the new controls and reforms (Global Affairs Canada, 2018, Vucetic, 2017b). If parliamentary debates on Bill C-47, which will introduce the necessary changes to the Export and Import Permits Act, come to an end as planned in June 2019, then following its entry into force, Canada would become an official ATT member by the end of the year.

However, another particularity of Canada's arms export control regime will also prove to be in conflict with the ATT provision. There is a strong limitation in the data presented by the Government to this day. It does not include transfers made to the United States. Indeed, both countries have signed in 1959 the Canada-U.S. Defence Production Sharing Agreement, which allows for the freedom of transfer of most military goods between both countries, without any permits being required. This agreement has allowed for both national defence industries to develop jointly into "an integrated North American technological and industrial base" (Global Affairs Canada, 2018: 4). As a result, today most of Canada's industry is composed of small and medium businesses, which produce parts and components for the giants of the American defence industry. The weapon systems themselves are mainly assembled in the United States and potentially exported from there.

Because of the agreement, the Canadian Government does not collect data on these transfers (Global Affairs Canada, 2018). However, independent organisations have estimated these

exports to represent between one half and two thirds of the total of Canadian exports of military goods. Moreover, Canada considers the United States to be the end user of the material exported (Jaramillo, 2017). In truth, considering that the US is the world's largest exporter of arms, it is likely that Canadian components and subsystems are present in weapon systems sold around the world. However, Canada does not have any control over these exports and cannot authorise or prevent sales to third parties, even if these might contravene to its own regulations. This lack of control over the final end-user has received strong criticism (Jaramillo, 2017; Vucetic, 2017a, 2017b). In fact, it seems to be in contradiction with the national export control policy. Indeed, the Department of Foreign Affairs, Trade and Development asserts that clear identification of the end-user is a "key consideration" when delivering export permits. Controls are carried out "in an effort to ensure that the export is intended for a legitimate end-user and will not be diverted to ends that could threaten the security of Canada, its allies, other countries or civilians" (Global Affairs Canada, 2018: 8). Although the security interests of Canada and the United States are likely to coincide, the current situation does not leave any control to the Canadian government.

Complying with the Arms Trade Treaty will bring many changes to this system. Under the ATT regime, the special agreement between Canada and the United States would no longer be possible. As the Treaty calls for more transparency and control, every transfer would have to go through the process of registering for a form of export licensing, including those to the United States.

Bill C-47 is meant to address this issue, by introducing a General Export Permit. When applying to this permit, companies would only have to report to the authorities twice a year on their permanent exports, rather than applying for individual export permits for every type of item. In turn, this would allow the Government to collect data on exports to the United States in order to provide accurate data on its arms exports, as required by the ATT (Government of Canada, 2019). This provision was found as a compromise between more transparency and the maintaining of open exchanges between the two North American countries. Indeed, as far as the Government and businesses are concerned, tight regulations such as the ones applied to other countries would burden trade flows and represent a threat to the national defence industry, as it is heavily dependent on the American market.

Yet, Canada will also have to address the issue of end users control, particularly because the United States may be a signatory but is not party to the ATT and therefore is not bound to its regulations. As a result, in order to respect its engagement to ensure that the military goods

exported, including parts and components, will not undermine peace and security as provided by the treaty, Canada would need to establish new forms of controls. However, there is a fear that Canada will preserve the current Agreement and set a precedent for bilateral special arrangements. This could encourage other states to sign similar agreements, and ultimately, would greatly weaken the purpose and effectiveness of the Arms Trade Treaty (Jaramillo, 2017).

Discussion

The two case studies of the United Kingdom and Canada provide great examples of the conflicting narratives that surround Western arms sales. Both countries are liberal democracies that have taken leadership roles in different humanitarian arms control initiatives. Both have contributed to peace and development around the world, and yet, both states have also made arms sales to regions and countries that do not correspond to the human rights standards they hold up and promote. The reasons behind these contradicting behaviours also seem to match the different motives suggested by research conducted on humanitarian arms control.

The United Kingdom's active participation to the creation and spreading of the Arms Trade Treaty appears to correspond to the selfish interest of norm diffusion, as developed by Erickson (2017). The spreading of the norm would allow the UK to reduce the cost of implementation and uphold the competition to similar standards. This idea was in fact expressed by British state representatives following the adoption of the treaty:

"We welcome the [ATT] wholeheartedly. The arms export licensing regime operating under this Government and the previous Government is one of the most rigorous in the world and ensures that we will comply with the treaty's obligations. It is good for British defence contractors, as it establishes a level playing field at a higher standard. We will have no difficulty implementing the treaty" (HC Deb, 15 April 2013: vol. 561, col. 7).

The United Kingdom was already subject to strict regulations since the 1998 EU Code of Conduct on Arms Exports. As a result, the export control process it was applying was among the most rigorous in the world. This provides an incentive for a leading arm producing country relying on export to create and disseminate similar restrictions to its competitors, so that the British industry would not be disadvantaged when competing for new markets. Moreover, in a world where all states are members of the Arms Trade Treaty, Western states are at an advantage regarding these markets. Their strong institutions give them the credibility to assert

they have conducted properly the risk assessments required, where other countries will need time to create and implement these processes after accession to the treaty.

Another advantage which also plays in favour of exporting states is the fact that both national and international arms export regulations are written with ambiguity, which opens the possibility for interpretation of the rules, as there is no clear certainty about how the regulations should be applied (Yanik, 2006). The use of phrases such as "a clear risk" ((HC Deb, 25 March 2014: vol. 578, col. 10WS) or "assess the potential" (Arms Trade Treaty, 2013: 5) are very subjective and lack clear definitions. This allows states to deny any responsibility if the weapons they transferred end up being used to commit violations of human rights. They can defend themselves by asserting that they conducted the appropriate assessments and could not find any warning signs prior to the export. This reality was expressed by Professor Andrea Charron to the Globe and Mail. She explained that this lose language in regulation comes from the fact that "Canada and other NATO countries have found that when they have very, very restrictive arms controls, all of the sudden it means they can't actually arm people they want to arm" (Chase, 2016a). It is therefore not surprising that the Arms Trade Treaty contains similarly vague language (Balga, 2016). The consequences of this vague terminology was exemplified by the multiple legal battles that both Canada and the United Kingdom faced. Only in one instance did a court find grounds to accuse the state of not conducting a thorough assessment of the risks posed by an arms transfer. Up until the ruling of June 2019, courts had not found either state in violation of their export regulations. Courts are not competent to judge the morality of exports but only to ensure that the process required by law is respected. As the rightful conduct of this process if very vague in legal documents and left to the discretion of the state, there is little grounds for a possible condemnation. Moreover, the possibility that Canada may keep its special agreement with the United States, which would allow it to override such risk assessment for every single authorization to this destination, might set a precedent, which could be reproduced by other states. This would further weaken the standards set by the Arms Trade Treaty.

This situation reinforces Stavrianakis's argument that states can hide their militarist behaviour behind the risk assessments provided for in the Arms Trade Treaty. It is particularly well exemplified by the trials Canada and the United Kingdom faced. In both cases, NGOs or private citizens were accusing the state of being negligent when estimating the human rights conditions in Saudi Arabia. During these trials, both states defended their assessment mechanisms, assuring that they were up to regulation standards. For most courts, this argument was

sufficient, as the treaty requirements remain vague. As criticised by Stavrianakis, the governments of the United Kingdom and Canada were not held responsible for the consequences of their arms sales on the conflict in Yemen and the violations committed by Saudi Arabia. The only exception, which marks an important turning point, is the 2019 decision of the British Court of Appeal. For the first time, the court condemned the conduct of the risk assessment, pointing out an oversight on the Government's part.

These two cases also provide a striking example of what Perkins and Neumayer called "organised hypocrisy" (2010). Both the United Kingdom and Canada have fully embraced a rhetoric of humanitarian arms control, and are parties to the relevant international treaties. However, their exports to Saudi Arabia in particular, which have garnered a lot of criticism from civil society as being in violations of the international engagements they made, display the contradictory behaviour that characterises the hypocrisy presented in the work of Perkins and Neumayer (2010). As the researchers have argued, it seems that the international engagements and commitments to the protection of human rights and international humanitarian law were merely symbolic but did not translate into actual behaviour change. Of all the factors identified by Perkins and Neumayer as significant when making export decisions, the economic factor seems to be the most prominent one in these two cases of questionable arms exports to Saudi Arabia. In both cases, the contracts represent large and non-negligible incomes for the slowing national industries.

As states representatives often point out, the defence industry is deemed an invaluable asset for both national security and the economy. It provides strategic independence to the army as well as jobs and incomes for the country. However, when looking at numbers and modern trends, the necessity of maintaining one's own national defence industry becomes questionable. When Canada boasts its CAD $10 billion revenues in 2014 created by its 700 different defence companies, the number needs to be compared to the size of the national income. In reality, this number only represents less than 0.4 per cent of the gross domestic product (GDP) for that year (Gutterman and Lane, 2017). Moreover, Canadian industry is integrated with the American one, thanks to the Canada-U.S. Defence Production Sharing Agreement. In fact, most of Canadian production is parts and components rather than complete weapon systems, which would directly equip the armed forces without this additional external intervention. In addition, Canada has little borders to protect except with its ally and neighbour, the United States, which is the world top military power, reducing the risk of threats. Under these circumstances, it seems arguable that the national defence industry is so vital to Canadian security. Numbers

show that it is certainly not as essential to the economy as politicians make it seem when they try to gain support for the large sales they are pushing with controversial buyers like Saudi Arabia. On the other side of the equation, Canada's arms exports are contributing not only to destabilization in regions where it carries military operations, but also to the worsening of human condition in poor regions, by fuelling corruption and armed violence, which Canada's Human Security agenda hopes to tackle. The negative externalities of the arms trade in this case seem to outweigh the benefits and let us question whether maintaining a defence industry at the cost of selling to dangerous regimes is a rational choice for the state (Gutterman and Lane, 2017). In the dominant Realist school of thought, states are presumed to always be making rational decisions aimed at maximizing their power and serving their interest, in a logic of survival. For decades, it was assumed that this objective would be better fulfilled by the accumulation of military power, the only way to ensure one's security. In the modern globalised and interconnected world, military strength no longer is sufficient to rely on, in order to guarantee national security. Economic but also environmental and social aspects have entered the realm of legitimate sources of threats. Therefore, calculations of interests can no longer be based on the strategic and military considerations that used to suffice. Long-term thinking and the balance of different interests need to be made before a decision can really be deemed rational.

Concluding remarks

The post-Cold War era has been marked by a surge of conventional arms regulation initiatives, driven by logics of Human Security and the will for global improvement of human rights and the human condition worldwide. Western states, carried by new ethical foreign policies, but also internal pressures from civil society, greatly contributed to the inclusion of humanitarian considerations in world politics. These have spread to enter the real of arms exportations, until then part of every states' sovereign right. In addition to treaties banning the use and exportation of certain inhumane weapons, the most remarkable innovation was the creation of an Arms Trade Treaty in 2013, with the aim to regulate the trade of all conventional weapons. Under this regime, states are expected to apply caution and restraint when engaging in this business. In particular, risk assessment regarding the conflict and humanitarian condition in the receiving state must be conducted before exportations can be authorised.

These developments of arms regulations correspond with the policy discourse adopted by Western states during the same period, which would imply that they would be the first to join,

apply and promote them. However, there is a gap between discourse and practice, highlighted particularly by NGOs, which are trying to hold states accountable, as there is no inspection body provided by the ATT. But, as was pointed out by various studies, there is a plurality of reasons why states are both promoting international regulations and failing to respect them. On the one hand, the global regulation of the arms trade is a particular interest for Western states. Not only does it correspond the humanitarian discourse they have adopted in their foreign policy, it allows to "level the playing field" (Erickson, 2017) between their regulated industry and the unregulated competition. On the other hand, Western states want to preserve sovereignty over the way they conduct arms transfers. Of particular concern is the preservation of national industries, deemed essential for an autonomous national security. Therefore, Western states employ vague language in regulatory texts and assert the reliability of their risk assessments to cover for the contradiction of their behaviour and match their official discourse. Whether this behaviour is really serving the national interest remains to be seen, as the arms trade may bring short-term benefits but might result in more long-term negative externalities; as conflicts persist and extremist violence is allowed to endure, with the risk of spreading to other regions and compromising other national interests.

The "organised hypocrisy" ((Neumayer and Perkins, 2016) of Western states and its different motivations were illustrated by the two case studies of the United Kingdom and Canada. Both countries have been active contributors to recent arms regulation mechanisms, and have boasted foreign policies with a high concern for human rights around the world. Yet, like a number of other Western states, both have also concluded large arms sales contracts with Saudi Arabia. The Kingdom is currently involved in a conflict in Yemen, a conflict in which the humanitarian conditions have been deplored by the United Nations and NGOs. In fact, both the United Kingdom and Canada have faced trials challenging their decisions to maintain military exports to Saudi Arabia. Both countries have justified themselves by emphasising their commitment to human rights, the quality of their export controls and by reaffirming that the correct risk assessments were conducted before authorising the transfers. However, both civil society activists and scholars question the truthfulness of these claims. Until national interests and the desire for the improvement of human condition are reconciled, the contradictory behaviour of Western states will continue.

Beyond the contradiction between discourse and behaviour, there are more things regarding the trends in Western arms transfer regulations that need consideration. First of all, humanitarian arms control initiatives such as the Arms Trade Treaty or the landmine treaty

might contribute to the reduction of violence and of the destructiveness of conflicts (Krause, 2011). However, they do not solve the problems of the negative externalities of the arms trade. The Arms Trade Treaty offers too many loopholes, which impede the efficient tackling of trafficking and violations of human rights. The only effective way to achieve this would be to work towards arms reduction and eventually global disarmament. Another think to consider, which has been suggested by some scholars, is the possibility that these new regulation norms, under the guise of a new humanitarianism, are actually perpetuating North South power relations in a neo-imperialist manner (Cooper, 2011; Krause, 2011, Stavrianakis, 2018). The measures introduced correspond to a new form of governmentalitiy, meant to restrain the trade of weapons from within states. This is done through the construction of a legitimate, stable state, based in the Western model (Krause, 2011). According to Neil Cooper, this results in the construction of the developing world as a source of threat. These countries have to conform to Western standards or they will be designated as rogue by dominant powers, in a process of securitization (Cooper, 2011: 154). The construction of international arms regulations as a form of neo-imperialism is a further way state motivations can be apprehended and further studied.

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