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## **Powers of the Gun: Process and Possibility in Global Small Arms Control**

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**Mike Bourne**

**POWERS OF THE GUN: PROCESS AND POSSIBILITY IN GLOBAL SMALL  
ARMS CONTROL;**

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## **POWERS OF THE GUN: PROCESS AND POSSIBILITY IN GLOBAL SMALL ARMS CONTROL<sup>i</sup>**

**Mike Bourne**

Small Arms and Light Weapons (SALW) are the mundane material of armed violence. Firearms, for instance, are used in approximately 200,000 killings in crime and conflict each year (Geneva Declaration Secretariat, 2015). SALW control is central to Humanitarian Arms Control (HAC) yet while this includes strong bans on anti-personnel landmines, cluster munitions, and even nuclear weapons, the SALW ‘regime’ merely seeks to regulate (often minimally) rather than prohibit these weapons, with the reduction in the illicit trade (rather than the trade or use overall) being the principal aim.

Global SALW control is not a single unified regime but a complex of overlapping global and regional agreements and processes. In terms of the framework of this book it could be situated somewhere between the ‘weak regulatory regime’ and the ‘nonregime’ as it combines elements of both. Little is explicitly prohibited (with the exception of some provisions of the Arms Trade Treaty); and much of the shape of global action derives from attempts to cut off possible prohibitions. In many ways it is not even strongly regulatory – in the sense of enjoying significant ‘legalization’ since it is unevenly binding, frequently imprecise, and lacking much formal delegation to organisations (Bilkova, this volume). Yet it is not a non-regime either: rather it is an evolving rearticulation of disagreements and agreements and practices through which sovereignty is reasserted as SALW and their flows

are made amenable to governing as a global politics of guns is made. In this chapter I argue that the politics of global SALW is best understood in terms of an assemblage of processes in which different modes of power are formed. That is, rather than seeing power as the explanation of regime strength and weakness, I seek to explore how different modes of power emerge within the processes of constructing the assemblage of practices and instruments concerned with governing guns at the international level. As such my argument resonates most closely with emerging aspects of what Hynek (this volume) calls the third wave of regime theory. By drawing on ‘new materialism’ and process philosophy, I use the notion of assemblage to draw attention to the ways in which unity and diversity co-exist and co-constitute each other. Indeed, one of the key features of the SALW process has been the continuous but production of both agreements and disagreements in which the meaning of consensus (as well as the specific commitments agreed) are shifting. The forms of power that constitute the regime are themselves produced as a global collective for action and particular modes of action on SALW are composed.

The making of a global politics of guns began in earnest in the mid-1990s when concerns about both transnational crime and particularly the human costs of intra-state conflict drew attention to weapons that had hitherto been largely ignored in the grander writ of arms control. In parallel with the processes focused on anti-personnel landmines, and building on Boutros Boutros Ghali’s call for ‘micro-disarmament’ in his *Supplement to an Agenda for Peace*. Two governmental experts processes then led to the holding of a UN Conference in 2001 that agreed the Programme of Action (PoA) (See key features box). This is framed around concern with illicit flows of SALW; thereby legitimating state authorised trade and SALW themselves; and implementation reinforces sovereignty by seeking to standardise and enhance states’ ability to control SALW stockpiles and flows. Indeed, the legal trade in small arms and ammunition almost doubled in the decade after the PoA was agreed, from US\$2.38billion in 2001 to US\$4.63billion in 2011 and growing further to at least US\$6billion

in 2014 (Holtom et-al, 2014; Holtom and Pavesi, 2017). Even the 2013 Arms Trade Treaty, which represents significant progress where the PoA failed by seeking responsibility within the legal trade, principally reinforces national decision-making.

### **START BOX TEXT:**

#### **Key Features of Global SALW Regulation**

The central agreement in the UN SALW process is **UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)**. This is a politically binding agreement that covers a wide range of issues but contains few specific commitments, limits, or prohibitions. The framing around the ‘Illicit Trade...in All Its Aspects’ is a deliberate ambiguity with consensus around the focus on Illicit Trade achieved in part by allowing the ‘In all its aspects’ to leave implied space for engage dimensions of the legal trade. The resulting PoA is oriented towards establishing and strengthening basic conditions of control. It fails to cover issues of the regulation of civilian possession, or transfers of arms to non-state actors. It also lacks formal verification and monitoring.

Two important further agreements grew out of the UN Process. 2005 saw the agreement of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (more commonly known as the *International Tracing Instrument (ITI)*). In 2013, in part growing out of the UN SALW Process as well as other initiatives, the global *Arms Trade Treaty* was agreed. This important agreement establishes some standards regulating global legal arms trade, on the basis of risk assessment, and prohibits arms transfers where there is an ‘overriding risk’ of contributing to genocide, crimes against humanity and other war crimes.

There are also over 60 regional and sub-regional agreements and initiatives, concentrated in the Americas (16); Europe (24) and Africa (9) with far fewer and weaker agreements in League of Arab States (3); ASEAN (2); and the Pacific Islands Forum (6). The multilateral Wassenaar Arrangement

that covers export controls among major exporters of conventional arms and dual use goods and technologies has also developed seven best practice guides or agreed elements of common controls.

## END BOX TEXT

While some welcome SALW control and wider HAC as evidence of ‘moral progress’ in international relations (Garcia, 2011); others highlight its conservative effects in preserving the power of western states while rendering pariah weapons and pariah actors (weak states, terrorists etc.) as targets of regulation (Cooper, 2011). Likewise, the processes of forming HAC are interpreted by some academics and participants as a contest between military necessity and morality; or between powerful states and transnational world of NGOs and their middle power allies; in which human security emerges victorious (Garcia, 2011; Wisotzki 2010). The weaknesses of global SALW control are often claimed to arise from the diversity and complexity of issues and the material interests and preferences of powerful states and their exercise of compulsory power (Garcia, 2011; Hansen, 2016). Conversely, others argue that the diversity of global and regional agreements and practices means that the ‘regime complex’ overall is stronger than its constituent parts – especially the PoA and UN process (Greene and Marsh, 2012) and that implementation has tended to be stronger where regional and global frameworks converge (Bourne et-al, 2006). In all of these arguments the strength or weakness of global instruments is explained by particular forms and loci of power. This is the trap identified by Latour (2005) that too often power is deemed the explanation of something, rather than itself being explained: power is deemed a cause but not an effect, thereby diminishing the politics in power politics and contributing to overemphasising the static over the dynamic in regime theory (Strange, 1982).

In this chapter I take Latour's provocation as a point of departure. After a brief sketch of the theoretical shifts entailed in this approach, I then explore the 'global assemblage' of SALW to show how in spite of – indeed through – its inadequacies, global SALW politics constitutes the possibility of governing guns globally. The three registers in which I do this focus on how power emerges as it creates the possibility to disagree by constituting political space; forms how agreement and disagreement are made meaningful and the process is sustained; and constitutes particular modes of action that make guns governable. It is important to note that the global politics of SALW is not posited as a unique case that shows that there are assemblages as well as regimes. The claim is not typological. Rather, the complexity, fragmentation, and unsettled character of global SALW politics presents an opportunity to develop an attunement to the ways in which indeterminate possibilities, meanings and practices constitute modes of governing in ways that might have some resonance for other regimes and non-regimes whose analysis tends to prioritise the significance of large normative shifts and the formation of codified agreements.

## **REASSEMBLING THE PROCESSES OF POWER**

Barnett and Duvall (2005) and Hynek (in this volume) enable recognition of the diversity of powers at work in regimes of various kinds. I want to take the further step of exploring the dynamism that composes this diversity. To do that it is necessary first to sketch and clarify some of the ways in which this builds upon but goes beyond the existing generations of regime theory and power analytics. First, it means moving from a taxonomy of powers in global regimes to a topology of powers. Taxonomy, for Barnett and Duvall, is an attempt to 'carve power at its joints' by producing 'critical, mutually exclusive, and exhaustive distinctions.' (2005: 43). While this highlights the diversity of forms of power in operation, it

cannot answer Latour's invitation to explain power since the production of forms of power is cut off by disjointing power: power forms may interact but not be co-constitutive in a deeper sense. Further, the taxonomy is defined by relations of distance and directness and interaction vs constitution which can downplay the emergent creation of space. In contrast, topology, for Serres, denotes the mapping of nearness and rifts not in geometric space but in the emergent relational space constituted by comings together, flows, modifications, and separations of issues, actors, practices etc. (Serres and Latour, 1995). These dynamic proximities and distances reveal power to be a 'composition': both as verb and noun denoting the process of creativity and the product (Latour 1986; 2005). Thus, we can conceive of forms of power as an emergent effect of numerous comings together, of enrolling different actors, arguments, objects and practices. Power exists *only* within a collective, and it is the collective that creates power and is also created by it.

Second, an emphasis on topology orients this chapter towards assemblage thinking and its underpinnings in process philosophy. A process orientation does not distinguish between process (as negotiation in diplomatic fora etc.) and outcome (the 'norms', instruments, agreements, and settled practices) in the way the colloquial use of the term process may imply. Rather, Whitehead describes the 'principle of process' as 'how an actual entity *becomes* constitutes *what* that actual entity is...Its "being" is constituted by its "becoming."' (1929/1978:23). Here the process of creation and the object created are both processes. No longer do we have the curious end to creation implied by ontologically distinguishing production from product, or object from its movement and meaning, as all are processes. Thus, norms are not stable objects that are built and then 'diffused' but are continuing processes. This helps avoid potentially misleading distinctions such as the claim that 'small states' and NGOs matter in processes but not in regulatory outcomes (Drezner, 2008). They may matter differently, but they are made to matter in the composition of



assemblages. Rather than seeking to explain SALW politics by identifying power (of NGOs versus or with states etc.), this chapter seeks to understand power as it emerges. Here power is always an effect of associations, it is only ever power in action, not a reserve of power that is possessed, stored up and utilised (Latour, 1986).

Assemblages are not merely strategic alliances of actors, through which power operates, nor fully unified wholes that eliminate diversity, but are collectives in which power and actors emerge and become relatively stabilised in their co-functioning (Deleuze and Parnet 2007). Global SALW politics can be understood not just as a complex of clusters of issues, agreements, and practices, but as a ‘global assemblage’ in Collier and Ong’s terms: ‘As a composite concept, the term “global assemblage” suggests inherent tensions: global implies broadly encompassing, seamless, and mobile; assemblage implies heterogeneous, contingent, unstable, partial, and situated.’ (2005: 12). Since ‘the assemblage’s only unity is that of co-functioning: It is a symbiosis, a “sympathy”.’ (Deleuze and Parnet 2007: 69) an assemblage is an achievement that does not need to overcome diversity of complexity, but merely to make co-functioning possible. Thus the strength of unity (effectiveness in tackling the problem is a different question) of regimes and regulations lies not merely in a high degree of specificity, institutionalisation, or normative and epistemic concurrence but in the ability to render functionally coherent still disparate issue frames, priorities, capacities etc. Such a functional unity of disparate elements is an emergent property of the process of assemblage in which controversies remain and indeed proliferate.

Third, therefore, this approach follows not agreements but controversies. Controversies are assemblages in which disagreements are not resolved but moved, enrolled, channelled, and ultimately expanded (Macospol, 2007). They are not just events or debates that occur within a pre-given collective or location but rather produce their own scales, locations, temporalities

etc. that emerge and shift immanently. Rather than following Barnett and Duvall's distinction between powers that operate in interactions of 'preconstituted actors' and those operative in 'social relations of constitution' (2005: 45), the approach here echoes Barad's (2007) notion of 'intra-action' in which entities (here actors and powers) are not simply inter-active but always co-constitutive, becoming together in iterative processes. Thus what is often registered as compulsory power and institutional power (that are relatively stable) is viewed as a circulation of powers whose stabilisation needs to be explained. Likewise, while their taxonomy characterises productive power as the indirect production of subjective identities of human actors, a process/assemblage view registers the wider productivity at play in SALW control: the production of possibilities, powers and modes of action.

Overall, then, this engages how different forms of power are co-constitutive, such that power is not explained by arguing that one form or another explains an outcome but rather that they combine to form each other in composing an assemblage of powers. This allows the chapter to argue that global SALW control, and perhaps other 'regimes', are global assemblages defined not by the presence or lack of settled norms that diminish controversy, but that arise through multiplying and distributing controversies.

### **MAKING DISAGREEMENT POSSIBLE: EXPERTISE, RE-PRESENTATION, AND THE COMPOSITION OF POWERS**

How do SALW become a global political issue? As Garcia argues, while the Ottawa process on APM coalesced around clear goals and strong leadership to form a unified 'norm-building pathway' the SALW process was more fragmented in its goals, leadership and issue framings (2006: 26). If issue complexity, diverse interests and problem framings, resist regime formation then how did it become possible to speak of a global SALW politics at all? It is common to argue that this relates to norm entrepreneurship and awareness raising. However,

the former only asks what how agreement is forged out of disagreement; and the latter implies that agreement is forged within a pre-existing international community who were made aware of a problem. Further, in the SALW case and in much transnational governance, both are commonly argued to arise through the efforts of NGOs, experts, and International Organisations. However, no single actor or power type was the origin of the SALW agenda: The importance of NGOs and researcher expertise has often followed rather than led inter-governmental actions, and many key agreements such as the UN Firearms Protocol or the 1997 OAS convention, had relatively little NGO involvement (Krause 2001).

The approach outlined above reframes this question: How did it become possible to *disagree globally* about SALW? Composing collective action is principally the process of constituting collectives, or even ‘publics’ (Marres, 2007; Walters and D’Aoust, 2015). Indeed, for Barry ‘in politics the collective is not a given, but an entity in process’ (2002: 271). In this sense the composition of a collective and that of a controversy are the same – global SALW politics becomes possible by composing a novel global political space. The key feature of this political space is that it multiplies possibilities for disagreement: As Barry argues, ‘[t]he construction of new forms of transnational governance is not based on a stable infrastructure, but on an informational infrastructure that continues to generate new matters about which it is *possible to disagree*.’ (2012: 333, Emphasis added). Assembling the possibility to disagree, the infrastructure of disagreement as well as its content, is the process of translating distant and particular events (in both time and space) into a global politics. While principally an operation of productive power, it emerges through intra-actions of other powers as it draws together and modifies other controversies and settlements.

This shifting topology of powers can be seen in the co-emergence of issue framings, actor authority, forms of evidence, categories and distinctions that serve as working objects around

which a politics can emerge. In terms of forms of evidence, in some fields experimental data and abstract models (e.g. climate change) or quasi-experimental methods (game theoretic productions of nuclear deterrence) have become influential of the mode of disagreement. In early HAC experimental evidence proved inconclusive and divisive, and for landmines evidence derived from experience (of deminers, doctors, and mine victims) was combined with the ICRC's authority on international law to enable campaigners to overcome abstract models of military experts with the testimony of 'compelling spokespersons who could not be easily dismissed' (Hubert, 2000: 31). Early SALW debates established similar modes of evidence and authority based on experiential rather than experimental evidence or abstract modelling. Notably, however, these were framed in less oppositional terms – not least because the inherent lethality of the weapons themselves was not permitted to become the focus of concern, but rather their abundance and easy portability enabling illicit flows. Early researcher engagement sought to distinguish SALW from major conventional arms both in terms of their categorisation and effects through case study research focussed on conflict (Afghanistan, Colombia, Pakistan, and Somalia) which focused on consequences of violence that resonated with notions of 'flow out of control' (Krause, 2001) and wider geopolitical imaginations centring on failed state problematiqués. Here, however, UN experience and expertise as much as that of independent researchers and NGOs, produced the dominant framing as Boutros-Ghali's call for 'micro-disarmament' in the supplement to the Agenda for Peace, and reports on Mali and the wider Sahara-Sahel, consolidated understandings of what count as SALW, and set out core links (between security and development for instance), fuzzy distinctions (between legal and illicit flows), and foci (emphasis on surplus weapons and marking issues) (Krause, 2001; Laurance 2014). These characteristic relationships and distinctions still persist as a dominant framing.

The construction of the possibility to disagree is not an ex-nihilo creation, but an assembling and recasting of other things. Some studies argue that norm diffusion is shaped by a key measure of their legitimacy and strength: their coherence with the ‘genotype’ of existing norms (Florini, 1996: 376). While such claims focus on later diffusion stages of norm life-cycles, such coherence with genotype is arguably important in the earlier formation of the possibility to disagree. For instance, in APM negotiations coherence with genotypes of International Humanitarian Law produced a common legal vocabulary for disagreement (Mathur, 2012). In SALW, while Garcia argues that there was ‘no previously existing enabling normative framework’ to aid norm diffusion (2006: 23), there were strong genotypes that were drawn in to form the possibility of disagreement on SALW. Indeed, it was through such an inheritance that the category of SALW was produced: The five categories of Major Conventional Arms in the 1980 CFE treaty were utilised and extended in the seven covered by the 1998 UN Register of Conventional Arms; SALW became unified as a residual category in the groups of experts preparing for the 2001 UN Conference (the PoA contains no definition) and then became a further category for UN register reporting in 2003; and the 2013 ATT adopted all eight.

The principal ‘genotype’ of the SALW assemblage, though, was a particular technocratic practice of expert engagement and its connection with established understandings of sovereignty (both well established in arms control practice). Sovereignty sets the limits of the SALW assemblage through explicit and frequent reference to the primacy of the UN Charter right to self-defence in government statements, UN documents etc. within the UN SALW process and the subsequent ATT negotiations. It is also an operative logic in which wider notions of sovereign decision-making and effective authorisation form the dominant understanding of the content of the distinction between licit and illicit flows. This demonstrates the productive power of categories and settled assumptions to establish

operative distinctions, but this became a structural power of hegemonic framing. Indeed, even NGO and researcher expert knowledge, with its ‘seemingly progressive categories and concepts’ (Stavrianakis, 2011: 142) had to be framed to resonate with, and ultimately accept and reinforce, a traditional understanding of armed violence and its management through international cooperation, and broader assumptions of legitimacy of arms transfers and the use of force (Borrie, 2009).

In translating these seemingly settled principles into operative distinctions between types of weapons and flows the assemblage also imports and remobilises *disagreements*. Thus, PoA debates over banning or controlling transfers to non-state actors continuously remobilised and reframed wider tensions between legal principles of territorial integrity and self-determination. Similarly, tensions between understandings of sovereignty, and between IHL and existing arms export deals or defence cooperation agreements produced much debate and uncomfortable compromises in the negotiations of the ATT. Thus the genotype is not a static and stable normative background, but rather is mobilised and rearticulated as a combination of agreements and disagreements enabling proliferating controversies.

Making disagreement possible through the connections and cuts outlined here shifts the question of power away from assessing the relative power possessed by states, NGOs, IO, and researchers towards the ways in which power emerges through establishing proximities, sympathies, through what literature on expertise calls ‘boundary work’ (Eyal and Pok, 2015). This locates power as an effect of and operative within networks of expertise that are themselves powerful. In the SALW assemblage, forms of power operative within the possibility to disagree arise particularly through the circulations and accumulations of information. Since the possibility to disagree is an informational infrastructure it can be argued to be inherently related to the emergence of power, echoing Rose and Miller’s

argument that government depends on information being ‘trans-ported and accumulated in locales’ which makes actors powerful as they can claim ‘legitimacy for their plans and strategies because they are, in a real sense, in the know about that which they seek to govern’ (1992: 185). Such knowledge and information must be materialised, inscribed, to be durable and powerful, and also to circulate. Such inscriptions may have a life of their own: Numbers, such as the estimate that there are 900million small arms in global circulation, do not merely reflect the power of the researchers that produce it (SAS) but also vice versa as experts benefit from the circulatory power of numbers (they are relatively immutable as they move - a function of their universal language, air of precision, and affective capacity) (Hansen and Porter, 2012).

The centralisation of technical knowledge, information, and legal authority is often seen as a source of the ‘autonomous significance’ and ‘compulsory power’ of International Organisations (whereas the use of compulsory power by NGOs derives from normative authority in ‘shaming’ states) (Barnett and Finnemore, 1999; Barnett and Duvall, 2005). However, in the SALW assemblage circulations and accumulations of information have produced relations of mutual authorisation rather than ‘autonomous significance’. The circulation and accumulation of inscriptions (numbers, anecdotes, case studies, best practices, draft outcome documents etc.) enabled the emergent assemblage of ‘sympathetic’ relations of mutual authorisation between researchers, NGOs, particular states, and the UN. The Small Arms Survey (SAS) has become a central authority of research expertise (its publications are among the only sources cited in UN resolutions and documents) by producing and contracting expert researchers and consolidating and circulating research outputs into annual yearbooks and a series of other publications. Conversely, the UN SALW process has shaped the agenda and contributed to the professionalization of small arms research (Laurance, 2014). The influence of the research community has been greatest on issues that the UN

process prioritises (tracing, illicit brokering, stockpile management) and significantly less on issues of control of ammunition, regulating civilian possession, and monitoring implementation that have proven controversial. Similarly, power hierarchies within NGO networks, such as the International Action Network on Small Arms (IANSA) were significantly shaped by the UN Process, and those closest to major states and UN bodies (receiving funding and support for their research and informal diplomatic activities: such as SAS and the Biting the Bullet project) gained greatest influence – thereby contributing to framing the agenda of NGOs in terms of conflict and downplaying domestic gun control organisations (Grillot et al, 2006). Some explicit articulations of these relations of mutual authorisation are also assertions of institutional power. For instance, upon the adoption of the ATT in 2013 UN Secretary General Ban Ki-Moon highlighted the ‘expertise and enthusiastic support’ of NGOs and that it demonstrated that ‘great things that can be achieved when Governments and civil society work together through the United Nations.’ (UN, 2013). Such mutual authorisation is also a feature of anti-control movements such as the US National Rifle Association (NRA) attempt to discursively connect UN processes concerned principally with conflict to domestic gun regulation agendas in campaigns enhanced by NRA representatives being part of the official US delegation to the 2001 conference and drawing from differing sources of moral and legal authority.

Overall, the actors and forms of power that are important are not pre-given but emerge with the topology of an assemblage, in particular as expertise and authority and working objects (categories, distinctions, forms of evidence) are constituted by forging or cutting off particular connections. These constitute the possibility of disagreement in a continuous process, co-emergent with the circulations and sympathies that make agreement possible and the status of agreement and disagreement meaningful.



## **MAKING AGREEMENT POSSIBLE: CONSENSUS, TECHNICS, AND THE MEANING OF DECISION**

Assembling agreements may not be production of homogenous consensus but an emergent functional unity premised on the proliferation of controversies (Barry, 2012). It may be thought, at this point, that by following the circulations and accumulations of information and authority a picture emerges in which some actors (researchers and NGOs) *inform* and others (states) *decide*. Certainly, while a particular configuration of states, International Organisations, researchers and NGOs was important in calling for a UN Conference on SALW, it was the Panel of Governmental Experts (1997) and Group of Governmental Experts (1999) that were able to make this recommendation. It is states, within institutional contexts, that agree or fail to agree on outcomes of negotiations; and it remains via states' claims to authority and expertise that the SALW assemblage was created. However, a process orientation also reveals a set of functional symbioses which neither operate on the basis of this divide nor entirely erase it. In this view, the word decision is engaged not only as conscious choice but 'in its root sense of a "cutting off"' (Whitehead, 1929: 43). This gives a broader connotation to the consolidation of decision-making procedures and trajectories that Barnett and Duvall consider as part of institutional power.

The act of decision is not simply an action of compulsory power within procedures established in institutional power but rather an emergent effect of the combination of forms of power. On the first day of the 2001 UN Conference, US representative John Bolton appeared to enact compulsory power when he drew a 'red line' against any coverage of civilian possession or transfers to non-state actors. This move dramatically limited the conference negotiations and weakened the PoA. Yet in enacting such a decisive cut Bolton assembled

numerous powers: In seeking to restrict scope to ‘military’ SALW he invoked and unified a combination of a national ‘cultural tradition of hunting and sport shooting’, a domestic legal position by quoting U.S. Attorney General Ashcroft that ‘the Second Amendment protects an individual right to keep and bear arms’; and the recommendation of the 1999 UN Panel of Governmental Experts to argue that such matters are ‘properly left to individual member states’ (Bolton, 2001). If this particular action corresponds most closely to compulsory power (directly asserting power over the possible outcomes of the process), it did so by translating the productive power of the UN Panel, the NRA, and existing national law in a setting characterised by the absence of clear international law. More importantly, what gave this translation of powers its force was a key aspect of institutional power at work in the UN SALW process: the consensus rule.

Multilateral arms control, unlike International Humanitarian Law, tends to operate on the basis of a consensus rule. This may be written into the rules of procedure, or operative due to precedent and common expectations within the ‘community of practice’ of arms control diplomats (as in the Convention on Certain Conventional Weapons (CCW) framework) (Borrie and Thornton, 2008). Through consensus rules structural and institutional powers combine to produce (productive power) the conditions of possibility for particular configurations of compulsory power. In principle, the consensus rule diminishes the relativity of compulsory power, or of majoritarian imposition, by enabling every state a de facto veto (that is accompanied by an unwritten rule that vetoes will only be used in extreme situations (Caughley, 2012)). This procedural inheritance can prove limiting and in HAC institutional shifting (a different decision) out of the CCW framework and into fora unencumbered by the consensus rule (the Ottawa and Oslo processes) gave a different tone to negotiations, helped shift the burden of proof to anti-control positions, and allows the exclusion of proposals that

would have weakened the agreements – even though formal voting was not actually used (Goose and Williams, 2004; Rappert and Moyes, 2009).

The UN SALW process was shaped by this experience but has maintained its fragile unity by inhabiting the indeterminate space between consensus and majority. Indeed, the ability to oscillate between consensus rules and voting procedures (rather than inherent characteristics of either) gave the operations of institutional and compulsory power their particular character and demonstrates their co-constitution. The 1997 Panel of Governmental Experts that called for the 2001 UN Conference was split between those wishing to be within the UN system and those inspired by the rapid success of Ottawa. Rather than being set by the boundaries or character of the issue itself, it was the potential for a precedent being set by taking disarmament issues outside of the UN as well as a preference for consensus that ultimately pulled the conference towards the UN. Anticipating the need for consensus within this framework led to the removal of controversial language in draft PoAs during the three preparatory committees. The 2001 Conference proceeded on the basis of consensus, but the rules of procedure allowed for voting (which required a two-thirds majority for substantive issues and a majority for procedural issues). These rules of procedure have been adopted, verbatim, in later meetings, including six Biennial Meetings of States (BMS) (2003, 2005, 2008, 2010, 2014, 2016), two Review Conferences (2006, 2012) and two Meetings of Governmental Experts (MGEs) (2011, 2015).

Outcome documents have mostly been agreed by consensus – though they are usually weaker for it. However, consensus was nearly abandoned in the 2005 Open Ended Working Group (OEWG) that negotiated the International Tracing Instrument (Batchelor and McDonald, 2005); and collapsed in the latter part of the 2006 Review Conference when US redlines reappeared (allowing other objectors to be more muted) and prevented agreement of an

outcome document. In the latter, important developments had achieved wide support and were reinstated by votes in the UNGA First Committee (on the continuation of a series of BMS and a review conference; conventional ammunition stockpiles; and the negotiation of an ATT) each of which passed with only one vote against (the USA). After consensus rules generated this failure that appeared to jeopardise the continuation of the UN SALW process voting became more common with the outcome of the 2008 Biennial Meeting of States adopted by a vote. By 2009 consensus returned in the unanimous adoption of that years 'omnibus' SALW resolution in the UNGA and has remained – though often as a fragile and last minute achievement in subsequent meetings. Overall, then consensus holds sway as the preferred principle of the SALW process with strategic use of voting procedures used principally to stabilise and protect the process. It is not, however, set in stone and Ambassador McLay (2014), chair of the 2011 MGE, argues that many states wishing to pursue legally binding agreements still consider moving beyond the consensus rules of the UN framework.

Similar oscillations between consensus and voting rules characterise the assembling of the legally binding 2013 ATT. The momentary abandoning of consensus in 2006 enabled the US blocking moves to be overcome; but when the US position began to shift with the Obama administration in 2009 it made its participation conditional upon negotiations operating on the basis of consensus. Likewise, Russia and China, which had abstained from the 2006 First Committee vote and the 2009 resolution that began the ATT process, were brought in to the process through the agreement of consensus rules and the shift in US position (though ultimately neither signed the treaty) (Wood, 2012). Indeed, China softened its position on issues of IHL and Human Rights but was resolute on the need for consensus (Stavrianakis and Yun 2014).

In oscillating between vetoes and voting, and in the ways different forms of power are used to reinstate and enact others, the meaning of consensus was itself opened to contestation. This was particularly explicit in the fourth ATT preparatory conference in February 2012, where some states supported a rigid consensus rule while others argued that in UN practice ‘consensus is not synonymous with unanimity’ and thus that it does not necessarily imply a veto power (Sears 2012: 45). Similarly, at the end of the March 2013 negotiating conference the Mexican delegation attempted to head-off blocking moves by Iran, Syria, and DPRK by arguing that an overwhelming majority of states stood ready to adopt the treaty text as it was and that it should be adopted since ‘there is no definition of what consensus is in the United Nations’ (Gomez Robledo, 2013). This move failed, but a number of key states (including the US) took the text to a vote in the General Assembly which passed overwhelmingly. Thus both the oscillation between consensus and voting and attempts to posit an ambiguity in the meaning of consensus, have been central to maintaining momentum in the SALW and ATT processes.

The SALW process has also been maintained by shifting between more overtly political and more technically framed engagements that may represent structural power. After the acrimonious failure of the 2006 Review Conference, and amid disappointment that the first round of meetings in the PoA process (BMS 2003, BMS2005, and 2006 Review Conference) were utilised for basic reporting with no substantive outcomes, later BMSs adopted more issue-specific foci on brokering and stockpile management that enabled elaboration of conditions for effective implementation. More broadly Panels, Groups, and Meetings of Governmental Experts feature significantly and have enabled elaboration of issues such as brokering, ammunition, and the ATT. Such expert groups have been a creative site of action on issues central to the PoA but that did not achieve consensus or strong elaboration within the main process. For instance, while the US consistently blocked the inclusion of

ammunition in the PoA process and expressed scepticism about a proposal for a separate UN process; the EU and others were able to support progress on ammunition through a 2008 GGE and parallel practices of technical standardisation. Further, since 2009 a number of Open-Ended Meetings of Governmental Experts (MGE) have been convened to address implementation challenges beyond the cycle of BMS's and Review Conferences. Such shifts of framing and focus towards technical issues, and thus to parallel political spaces based on technical expertise (authorised and populated by governments) rather than full UNGA consensus, has been essential to shifting operations of power to maintain coherence and trajectory of the process.

A shift to technics should be viewed as a move to a different constellation of politics rather than entirely depoliticising. GGEs, for instance, enable greater time for discussion. They also contribute to the reinforcing of sovereignty within the process: GGEs are formally the preserve of states, though NGO personnel and researchers have been included in national delegations both the broad UN process and the variety of GGEs. Since GGEs are often tasked with elaborating responses and assessing feasibility of the constitution of regulatory action this shapes which actors may claim authority on particular questions: For some NGOs it is principally questions of the *problem* to be solved; for others (industry for instance) it is questions of the *feasibility* of controls (as in the UN process on Marking and Tracing small arms, and others). However, only states (and some inter-governmental organisations) speak with seeming authority on all of these issues. Thus, GGEs combine the productive power of expertise, the structural power of sovereignty, and the institutional power of decision making rules. As with the meaning of consensus, within these processes what counts as a technical or a political issue is produced through contestation.

Regime theory and studies of transnational governance often assume that the development of transnational or international governance proceeds through and has the effect of reducing degrees of disagreement and establishing procedures and rules through which issues are managed. Indeed, this Weberian rationalisation underlies claims that issue complexity resists regime formation. However, ‘consensus’ is an ambiguous concept whose meaning and necessity is formed through powerful controversies at multiple scales. The SALW assemblage, then, is not simply a site of homogenisation but the formation of a ‘shifting surface on which disputes can foment and acquire significance’ (Barry, 2012: 328).

#### **MAKING ACTION POSSIBLE AND GUNS GOVERNABLE: MODES OF ACTION AND THE PROLIFERATION OF OBJECTS FOR COOPERATION**

It is common to think that there must be agreement before action. How, then, is this shifting topology of proliferating disagreements, emergent powers, and partial stabilisations productive of governing guns? The classic problem of action at a distance comes into play here as it underlies taxonomies of powers (Barnett and Duvall, 2005), regime theory and studies of SALW. The question of how the SALW assemblage makes guns governable is often engaged through questions about norm diffusion (Garcia, 2006). Thus, it is argued that some norms – such as surplus weapons disposal through destruction rather than export - gain ‘independent momentum’ (Karp, 2008: 77) while others change as they move, with change being a function of local resistance and reformulation (Capie, 2008) or the context specific ways in which they enter complex contestations about state-society relations (Tholens, 2013). This captures dimensions of the diversity and mutability of SALW ‘norms’ but what constitutes their stability? How are they translated into forms of action on guns? I argue that norms are not just ideas that are agreed and then diffused since, as Walters (2002: 92) notes,

‘ideas are not always strong enough or persistent enough’ to produce actions. Rather they are materialised, translated into sets of practices. The SALW assemblage cannot be the triumph of an idea, nor only the creation of a set of ‘norms’ but must be a set of materialised practices that compose particular modes of action.

In part this translation occurs by combining different logics of governing – particularly, as Krause (2011) argues, the combination of sovereignty and governmentality. As noted above the process of producing the disagreements and agreements that constitute the SALW assemblage strategically reframed issues and for a in technical terms. This shifting between technics and politics is also at work in the translation of action. In particular, if somewhat paradoxically, the most obviously political implications of SALW control are often achieved through anti-political forms of technocratic engagement framed in terms of risk management. Risk has become the dominant governmental logic throughout HAC, though it takes very different forms: When HAC centres on the weapon itself it has tended to adopt a precautionary approach that leads to clear prohibitions for APM and Cluster Munitions. However, as an effect of the genotype and forms of power of the SALW assemblage, a permissive logic (focussing on the illicit trade, or enacting some limited grounds for prohibition and restraint on the basis of ‘overriding risk’ in the ATT) channels action into risk management through ensuring the governability of weapons stocks and flows (through stockpile management, marking and tracing, DDR etc.) while reinforcing sovereign decision and systems of trade and use.

In addition to looking at how norms cross geographical or temporal distance the problem of action at a distance can be engaged topologically, since in topology spatiality is an emergent and shifting set of relational (rather than geographic or temporal in the usual sense) proximities and distances. How are geographically distant actors and weapons rendered



functionally proximate within the SALW assemblage? Perhaps the most common mode of action, across global and regional agreements and processes on SALW, is standardisation and harmonisation and associated technical and financial assistance. Standardisation practices are constituted through, and extend, the relations of mutual authorisation, expertise, and technopolitics explored earlier: that is ‘productive power’ can be seen to operate not only through the creation of ‘subject positions’ (Barnett and Duvall, 2005) but of wider modes of action that tie together new spatialities of governing.

Such technical practices have been a more consistent and extensive feature of the SALW assemblage than some classic dimensions of arms control politics such as verification since this has been largely excluded from formal outcomes – though some NGO’s took inspiration from the *Landmine Monitor* and produced PoA monitoring reports such as the Biting the Bullet project/IANSA ‘Red Book’ reports (Bourne et-al, 2006); and analyses of reporting by UNIDIR and SAS. Such initiatives have largely been discontinued due to lack of funding. Instead, a set of relations more attuned to developing functional rather than overtly political information infrastructures have been developed through baseline assessment frameworks for ATT implementation, and the development of indicators for assessing the SDGs – thus becoming more attuned to functional standardisation as a mode of action.

The primary function of international standards is to enable power to act at a distance. They are productively powerful, creating ‘objects for cooperation’ (Bowker and Star, 2000:16) that do not need to eradicate the diversity of issues and positions; but reduce them and their tensions in a functional unity (an assemblage). That is, they are ‘boundary objects’ which draw together action across boundaries and distances forming part of the unifying topology of powers in the SALW assemblage. As Bowker and Star argue of standards more generally, they:

‘inhabit several communities of practice and satisfy the informational requirements of each...they are objects that are able both to travel across borders and maintain some sort of constant identity across sites. They are weakly structured in common use and become strongly structured in individual-site use.’ (2000: 297).

Standards are productive of novel spaces, that Barry (2006) calls ‘technological zones’, where differences in technical practices and procedures (rather than political positions) are diminished. The practice of rendering issues as technical rather than political, as we saw above, is extended in this way. Standardisation operates through inscriptions to render SALW governable but also sustain the relative autonomy of sovereign decision. Inscription here is literal not metaphorical: Governing depends on writing, making marks, and circulating them in particular ways to render phenomena governable (Rose and Miller, 1992). Thus, the 2005 International Marking and Tracing Instrument (ITI) standardises the markings placed on weapons and the associated recordkeeping and information exchange thereby rendering weapons and their circulation governable globally (if not necessarily well governed). Indeed, international assistance to provide marking machines and inventory software extends this capacity to make inscriptions.

Standardisation also enables the development of the assemblage beyond the minimal letter of the lacklustre PoA. Many standards, such as Best Practice Guidelines produced by the OSCE and the Wassenaar Arrangement, or a detailed procedural ‘users guide’ for the EU Common Position, are not simply ‘implementation’ of norms and commitments agreed in global fora, but rather specific techniques of international action that have been extended and framed by that global process. The development of International Small Arms Control Standards (ISACS) draws upon these as well as experiences of diverse UN agencies. As above, it is

mutual authorisation and a shift to technics that produces potentially powerful objects for cooperation – including in areas resistant to wider global political agreement. For instance, the 2008 GGE on ammunition fed into the development of the UN SaferGuard programme for ammunition stockpile management that combines the political authority of UNGA mandates with empirical research evidence from the Small Arms Survey, and technical expertise from ammunition experts who vetted the guidelines.

Once assembled the power of such standards lies in their circulation, in this case again reinforcing the power of the UN who provide training, software and other assistance. Likewise, the UN gains authority in channelling NGO and researcher advice and resources alongside UNODA and other organization materials in the PoA Implementation Support System and emerging resources for the ATT (<http://www.poa-iss.org/Poa/poa.aspx>; <http://www.un.org/disarmament/ATT/>). National implementation in many countries features the conduct of national small arms assessments by NGOs and research organisations to inform national strategies, and now more globally distributed software-based assessment tools from ISACS. Similarly, practices of legislative reform, are held together through the production of model laws such those developed by the OAS or the 182 page Model Law on firearms trafficking produced by the UNODC that incorporates standards and commitments from a wide range of other agreements and best practices. Such models provide elaboration and meaning to notions of risk– even on issues of civilian possession that proved impossible to agree in the formal PoA process as some ISACS standards.

Overall, standardisation combines both agreements and disagreements and the mutual authorisations and intersections of forms of power by further shifting the spaces of contestation and information. Rather than seeing such materialisation of standardisation as an indicator of the prior strength (or weakness) of the norm, I argue that materialisation is the

process of norms becoming strong (durable, mobile, extensive etc.). The implications of the production and circulation of technical standards for understanding power would be missed if they were viewed simply as attempts to implement wider norms. Assemblage thinking, however, speaks of functional symbiosis rather than normative uniformity. Thus, a regime as an assemblage becomes a question of co-functioning and co-production. The proliferation of standards does not merely compensate for the lack of detail in the UNPoA or other multilateral agreements, but rather is the process through which the forms of power forged in (dis)agreement are productive of global spaces and possibilities of action.

## **CONCLUSION**

Viewed in the traditional sense of a 'regime' global SALW politics is frequently disappointing in its scope, strength, and capacity to address armed violence. This disappointment should not disappear with the view developed here. Rather, it is given a different register in which instead of working through linear cause and effect of norm creation, diffusion and action the approach seeks the achievement of possibility and power. Assemblage thinking is inherently more indeterminate than much regime thinking, but this indeterminacy is an ontological condition worked through rather than a reflection of the weakness of normative cause or the strength of structural and compulsory power. In working through this I have shown that the strength of the SALW assemblage lies not initially, nor even predominantly, through forging normative agreement, but in making a political space constituting and constituted through the creation of possibilities, modes of power, (dis)agreement, and action.

Rather than explaining the possibilities of global SALW control through forms of powers with given properties, powers and possibilities are co-emergent: Powers emerge within composing assemblages. For instance, compulsory power assembles and translates rules,

preferences, forms of evidence, associations of mutual authorisation normally viewed as part of other forms of power. Differences in forms remain important, but as they are mobilised in process: The oscillation between consensus and voting, or traditional politics and technics, shows that the assemblage functions – and is sustained - through enabling controversies, channelling and shifting between frames, and proliferating objects for cooperation. In this process the content and meanings of agreement and decision are co-emergent. Both disagreement and agreement operate through inscriptions that pull together and shift between different settings; and thus so does the mode of action through which the SALW assemblage has reproduced itself and has sought to make the world in its own image to make guns governable.

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