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Race, Sovereignty and Free Trade: Arms Trade Regulation and Humanitarian

Arms Control in the Age of Empire

This paper examines arms trade regulation in the late 19th century and contributes to the literature on norms, arms regulation, humanitarian arms control and arms control as governmentality. I begin by examining the 1890 Brussels Act as an example of the first ‘Matryoshka doll’ of arms trade governance, a specific humanitarian initiative focused on regulating a particular class of weapons in a specified area. I suggest the Act represented an attempt to graft a regulatory arms trade norm onto an established anti-slavery norm and that it was more extensively implemented than has been recognised. I then locate the Act within the second Matryoshka doll of arms trade governance, the broader approach to prohibition operating in the era. In contrast to representations of the period as one of free trade in arms I demonstrate the extensive efforts to restrict the transfer of firearms to colonial subjects. Finally, I demonstrate how mechanisms of prohibition *and* permission constituted the practices of *arms control as governmentality* – the third matryoshka doll - where the concern was to define and manage which gradations of people could legitimately own, trade and use which gradations of weapons in what contexts. Overall, the paper challenges the optimistic assumptions in much of the literature on humanitarian arms control and arms trade norms. Instead, I suggest the merger of humanitarianism and arms control can reflect the influence of both good and bad norms; is not necessarily incompatible with colonialism, racism or imperial violence and can be congruent with liberal militarism.

Introduction

The post-Cold War era has witnessed a proliferation of non-proliferation initiatives aimed at regulating the trade in small arms and light weapons (SALW). Indeed, Greene and Marsh (2012, 170-4) have identified four separate agreements within the UN framework on SALW control, six multilateral agreements, forums and organisations that address SALW outside the UN framework; two regional mechanisms established specifically to deal with SALW; and 13 pre-existing regional organisations that have developed documents or agreements. The most notable of

these initiatives include the 2001 Programme of Action to Eradicate the Illicit Trade in Small Arms and Light Weapons and the recently ratified Arms Trade Treaty (ATT), which lists SALW as one of several categories of defence equipment within its purview. All of these initiatives have emerged since the 1990s.

One of the themes in the literature on the SALW control agenda is the fact that research in this field has been predominantly policy-orientated (Greene and Marsh 2012, 3; Bourne 2007, 15) and thus also ahistorical (Grip, 2015,1; Enomoto, 2017, 5). Even when scholars do locate current initiatives in the longer history of arms regulation this is generally done in passing as the concern essentially remains to analyse contemporary developments (e.g. Maslen, et al. 2016, 3-4; Brehm 2008, 363; Bolton and James, 2014: 441). There is, of course, a literature examining the history of the arms trade (Cippola, 1965; Stoker and Grant 2003; Grant 2007; Chew 2012; Harkavy 1975; Krause 1992; Grant 2015, 71-90) but this is principally concerned to delineate the drivers of production and trade. Of the limited literature specifically focussed on attempts to control the trade in arms much of this tends to range over many centuries (Krause and MacDonald 1971; Burns 2013, 80-101; Grip 2015, Enomoto 2017, 3-20). Thus, the period under consideration here – the late 19th century and early 1900s - is only covered relatively briefly in such studies and even work specifically concerned with this era tends to focus more on the post-1900s period (Ball 2012; Stone 2000; Krause 2017). Moreover, much of the material that does exist on regulation in the late 19th century appears as elements in publications with a different focus (e.g. anti-slavery, smuggling) produced by historians, social geographers, sociologists or economists rather than the arms control community (e.g. Miers 1975; Storey 2008; Tagliacozzo 2005; Mathew 2016). Consequently, one way in which this paper makes an original contribution is by bringing together this

fragmented secondary literature to delineate the contours of arms trade regulation (ATR) in the late 19th century. The paper also draws on extensive archival research undertaken in the UK National Archives at Kew and the British Library. It is also informed by broader research undertaken at the US National Archives in Washington DC and at College Park, Maryland. This has been further supplemented by extensive key word searches in the British Newspaper archive and the online archives of *The Times* as well as the use of selected German archival material.

The paper also makes an original contribution to the contemporary literature on the relationship between norms, humanitarian arms control (HAC) and *arms control as governmentality*. My key contention here is that the work of the optimistic school on norms, arms regulation and HAC is incomplete because it is ahistorical, tends to focus only on good norms, discrete initiatives (e.g. the landmines ban) and operates with an inadequate conceptualisation of power. Instead, the paper will use a case study of the 1890 Brussels Act to illustrate how a specific humanitarian initiative to restrict the trade in arms is better understood as one of three 'Matryoshka dolls' of arms trade governance. The first consists of a specific prohibitory initiative, in this case the arms elements of the Brussels Act. Although principally a multilateral agreement to eliminate the slave trade in Africa, the Act also included qualitative restrictions on the import of modern firearms into an area extending from the middle of the Sahara to present day Namibia and Zimbabwe. As such it has been described as 'the first significant multilateral agreement to restrict the arms trade' (Krause and Macdonald 1992, 712). I argue that, in part, the arms elements of the Act represented an attempt to graft a regulatory arms trade norm onto an established constitutive transnational anti-slavery norm. I also suggest implementation was more effective than generally acknowledged.

The second 'Matryoshka doll' consists of the broader approach to prohibition within which a specific humanitarian initiative is located. In this case, the Brussels Act formed part of far wider efforts to manage the flow of modern firearms throughout the spaces of Empire. These efforts were driven by the concern to maintain a qualitative military advantage in what were viewed as cutting edge military technologies crucial to the maintenance of Empire. Thus, rather than being an era of free trade as often claimed, the period was actually characterised by a dual regime of regulation: the application of a liberal export norm for peacetime arms exports from imperial metropolises combined with extensive attempts to manage arms flows in colonial spaces.

Finally, I will show how these broader attempts at prohibition were part of a much larger temporally bound assemblage of norms, laws and logics that constituted the practices of arms control as governmentality – in this case, the third Matryoshka doll of arms trade governance. This meant that mechanisms of proscription *and* permission *both* operated as technologies of social control designed to manage which populations could legitimately use what kinds of weapons in the spaces of Empire. Overall, the paper will demonstrate how an understanding of regulation in the late 19th century undermines the claims of norm optimists that HAC is inherently transformational and progressive in its promotion of good norms and a benign logic of human security. Instead, I will demonstrate how HAC in the late 19th century was consistent with colonialism, racism and militarism. This is not to discount the notion that there are important differences between contemporary HAC and its late 19th century variant. Rather, it is to highlight the need for a more thoroughgoing and historicised genealogy of HAC and for recognition of the 'limits of possibility' inherent in the pursuit of humanitarian 'disarmament' without demilitarisation.

From Good Norms and Discrete Initiatives to Arms Control as Governmentality

The proliferation of post-Cold War initiatives to regulate the arms trade has prompted a discussion about the relationship between norms, humanitarian arms control and arms trade regulation. In this section I will provide a brief review of the relevant literature and identify different schools of thinking that have emerged. This includes norm optimists who are positive about the impact of HAC and sceptics who are more dubious. The latter can be further subdivided into those who suggest humanitarian arms trade norms are trumped by material interest and those who, alternatively, see 'good' norms balanced by 'bad' norms. In addition, some critical sceptics have emphasised the need to locate both good and bad arms trade norms within the broader practices, logics and power relations expressed in what has been labelled as arms control as governmentality (ACaG). I will conclude this section by delineating the elements of ACaG relevant to this paper.

Norms are commonly understood as 'collective expectations for the proper behaviour of actors with a given identity' (Katzenstein 1996, 5; Finnemore and Sikkink 1998, 89). Norms can be promoted by a variety of means and by a variety of actors but adoption of a new norm can be facilitated when it is nested within (Bower 2015) or grafted on to existing norms either through 'manipulative persuasion' or 'the contingency of genealogical heritage' (Price, 1998: 617). Indeed, the presence of mutually reinforcing and consistent norms works to reinforce each set of norms (Finnemore 1996, 161). Norms can be either prohibitive (constraining behaviour) permissive (allowing behaviour) or prescriptive (requiring behaviour) (Glanville 2006, 155).

Norms can also be subdivided into regulative and constitutive norms. The former establish standards for the proper enactment of an already defined identity (Björkdahl 2002, 20). For rationalists in particular, norms operate at this shallow level creating consequentialist logics in which actors essentially adhere to norms for instrumental reasons (Farrell 2005, 8-9). For constructivists, norms can also be constitutive in the sense that they actually create new identities and interests for actors whilst also being shaped by pre-existing identities and interests. Norms, ideas and interests thus interact recursively, leading some to argue that the attempt to separate norms from interests is 'fundamentally flawed' (Björkdahl 2002, 20). As will be indicated below, this suggests claims about policy reflecting state interests might more usefully prompt a search for alternative norms and ideas shaping particular conceptions of interest. In addition, critical IR scholars such as MacKenzie and Sessay (2012) have criticised liberal constructivists for assuming norms such as those on transitional justice emerge from equal exchanges and relationships rather than reflecting profound economic and political inequalities. Indeed, they suggest the emphasis on norms as signals of appropriateness 'should be viewed as practical sirens warning of imperialism' (ibid, 147).

The arms trade norms debate is characterised by a division between optimists and pessimists. Interestingly, optimists include those who claim the mantle of constructivist (Garcia 2015; Wizotski 2009) or critical IR/Security Studies (Borrie 2014; Bolton and Minor 2014) just as much as the pessimists do. The optimistic school argues the post-Cold War era has witnessed the *novel* introduction of inherently benevolent humanitarian or human security norms into the regulation of the arms trade (e.g. Axworthy 2001, 20 and 23; Centre for Humanitarian Dialogue 2003; Borrie 2006; Kytömäki 2015, 2 and 4). This, in turn, it is argued has resulted in

the creation of new prohibitory arms trade norms that imply either a more restrictive approach to arms exports or, at the very least, a more restrictive approach to 'irresponsible' arms exports. For example, the ICRC has noted of the ATT that 'states have *never before* [my italics] signed an international treaty that aimed to regulate the arms trade, with the express purpose of reducing human suffering' (ICRC 2013). As will be demonstrated below, such claims are just historically wrong. Although far more sophisticated in her analyses, Garcia (2015, 7) has not only argued initiatives on small arms can be understood as part of a series of 'novel' humanitarian security regimes, but that these are different to traditional arms control instruments that 'took a purely regulatory approach'. Instead, these new regimes have established new international norms driven by altruistic imperatives, are 'about everyone's security' and have 'restructured' conceptions of national interest (ibid.:61). In this view then, post-Cold War 'norm-mongers' have not just circumscribed the 'warmongers' but have established new constitutive norms with far-reaching effects on international actors understanding of their identities and interests. Others acknowledge humanitarian campaigns extract specific initiatives on individual weapons from the broader complex of war and militarism but suggest this is a strategic campaigning device that can hide more radical agendas (Bolton and Minor 2016). In this variant of optimism, action on small arms can be understood as part of an incrementalist, 'one technology at a time' (Stavrianakis 2016, 844), route to disarmament and anti-militarism. The reconstruction of identities and interests is, therefore, just around the corner.

Such optimistic assessments have led to a small but burgeoning literature on the phenomenon of post-Cold War 'humanitarian arms control' (HAC) or 'humanitarian disarmament' (HD) a label used to not only cover action on small arms but initiatives

on landmines, cluster munitions and even recent humanitarian initiatives to ban nuclear weapons (Thakur and Maley 1999; Borrie and Randin 2006; Wizotski 2009; Wizotski 2013; 3; Borrie 2014, 626; Ritchie 2014; Bolton and Minor 2014; Minor 2015). Historicising the drivers and outcomes of early examples of humanitarian arms control therefore has implications for our understanding of the transformative potential inherent in present day HAC/HD initiatives.

The pessimistic school encompasses a number of different positions. First, it is suggested arms trade policy may be better characterised as a form of organised hypocrisy under which declaratory commitments to prohibitory norms and/or the socially constructed reputational concerns of states are frequently trumped by material interests (Perkins and Neumayer 2010; Hansen and Marsh 2015; Hansen 2016; Erickson 2013, Erickson 2015; Efrat 2012, 289-91). In this perspective, state policy reflects the outcomes of clashes between relatively weak regulative arms trade norms and material interests.

An alternative pessimistic approach takes more seriously the constructivist claim that norms are not just regulative but can also be constitutive of identity and interests. It therefore shares some similarity with optimists such as Garcia but reaches different conclusions. In particular, it is suggested that what may look like a clash between humanitarian principle and base self-interest actually reflects the influence of competing foundational and constitutive norms such as sovereignty, self-defence and free trade (Grilot 2011, 540; Capie 2008; Legro 1997, 33, Avant 2013, 741). This has resonance with a broader literature discussing the tensions between market liberal norms and cosmopolitan liberal norms (Orbie and Khorana 2015). Regulation therefore reflects the outcome of clashes (or indeed overlaps) between so-called 'good' (e.g. humanitarian) norms and 'bad' norms, or more precisely, emerges as the

outcome of particular norm hierarchies or systems of norms (Wunderlich 2013, 23). I will argue that an analysis of policy in the late 19th century not only provides support for this perspective but also illustrates the historically contingent nature of permissive and proscriptive arms trade norms – in this case, norms grafted onto foundational constitutive norms of anti-slavery, free trade, sovereignty, colonialism and the standard of civilisation.

A third strand of literature has drawn on thicker understandings of critical or postcolonial theory to critique contemporary practices of arms control. Where the optimists focus on, and celebrate, the success of discrete campaigning initiatives – the first Matryoshka doll of arms trade governance - critical pessimists also aim to contextualise such initiatives within the broader fields and logics associated with the inter-related governance of arms, security, economy and people. In this context action on landmines or cluster munitions has been depicted as part of a ‘devils bargain’ (Krause 2011, 23) in which the protection of some people from some weapons is achieved at the expense of legitimising other arms, forms of violence and ways of war – in particular, liberal militarism (Stavrianakis 2016). Even more fundamentally, some critical pessimists, drawing on Foucault, (2003; 2007) have argued that initiatives on landmines or small arms can only be properly understood as part of what has been labelled as ‘arms control as governmentality’ (Krause, 2011; also see Mutimer, 2011). It is not my intention here to provide a full exploration of the concept of governmentality or its application to colonialism (on the latter see for example, Scott, 1995; Larner and Walters, 2002) but rather to use it to highlight particular themes relevant both to the study of ATR in the late 19th century and current debates about norms, HAC and ATR.

The first theme is reflected in the work of Sending and Neumann (2006; 2007) who emphasise a reading of governmentality as concerned with the changing practices and rationality (or *mentality*) of governing and how these reflect and produce particular relations of power. Thus, for them, adding in a governmentality perspective to the examination of both good and bad norms provides for a more complete analysis by situating them in the broader relations of power, rationalities and practices that produce certain forms of behaviour as appropriate and certain actors and identities as superior (Neuman and Sending 2007). For example, rather than viewing the landmines campaign as illustrative of a civil society realm empowered at the expense of recalcitrant states, they suggest it is better understood as indicative of a governmental rationality in which political power operates *through* NGOs, and one in which they are not so much opponents of power as agents or even products of power (Neumann and Sending, 2006; also see Lipschutz, 2005, 247).

In some perspectives, when applied to the field of international relations governmentality requires a concern with elaborating the techniques aimed at regulating the behaviour of states and governments particularly in a context of unequal power relations between North and South (Joseph, 2009). For example, Mathur (2016) has critiqued the 'colonialist governmentality' of arms control, evident in the practices of technology denial, forcible disarmament and counter-proliferation employed by the West and laundered through a new standard of civilization mantra. Alternatively, Krause has placed more emphasis on Foucault's distinction between sovereign and governmental power. The former is concerned with securing a given territory through the exercise of direct power whilst the latter is exercised through the wide-ranging regulation of economy and society and particularly associated with liberal techniques of government (Krause, 2011, 21). Here, the distinction between

the two does not imply a rejection or displacement of sovereignty (Joseph, 2009, 415) but its recasting within the concern for population (Sending and Neuman, 2006, 657). Equally, there always remains the possibility that governmental power can give way to the exercise of more direct forms of sovereign and disciplinary power (Joseph, 2009, 426).

Applied to the field of arms control this implies a distinction between a *sovereign* conception of arms control and *arms control as governmentality*. The former is focussed not only on securing the states monopoly of force but on reducing the risk of war between states and its practices are shaped by formal adherence to notions of sovereign equality (Krause 2011). The latter is focussed on managing populations, represents a technology of social control and is concerned with '*who could legitimately use what kinds of violence against which people or groups...under what circumstances* (ibid.,31). Both types of arms control can be identified in the practices of earlier eras but sovereign approaches to arms control were more characteristic of the Cold War era. In the post-Cold War era arms control as governmentality is characterised by initiatives such as the ban on landmines and post-conflict disarmament demobilisation programmes (ibid).

At one level therefore, this paper functions as a work of history that aims to delineate the norms, logics and practices that constituted a particular period of the operation of arms control as governmentality. As already discussed, however, the analyses of the *governmentality* of arms trade regulation in the late 19th century also provides a basis for critiquing the ahistorical and uncritical assumptions of the norm optimist literature on ATR.

Contextualising Arms Trade Regulation: Imperial Metropolises and The Liberal Export Norm

A common feature of works on the late 19th century is the claim that it represented an era of free trade in arms when 'peacetime exports were not subject to regulation' (Stone 2000, 14) and when there was 'a high degree of laissez faire in the international arms trade' (Grant 2003, xiv; also see Bothe and Marahuhn 1993, 24). The late 19th century was certainly characterised by a substantial and globalised trade in firearms characterised by exports from centres of production such as Birmingham and Liege to key arms trade hubs around the world (e.g. Singapore, Muscat, Djibouti) for onward distribution via capillary trade routes to the sub-region (Chew, 2012). The arms trade to Africa was no exception. Indeed, Beachey (1962, 467) has estimated that between 1885 and 1902 1 million firearms and over 4 million lb of gunpowder entered the British and German spheres in East Africa.

Analysts have acknowledged there were also attempts to control the trade in arms to Africa via the 1890 Brussels Act. However, Harkavy (1975, 213) has suggested the arms elements of the Brussels Act were 'never effectively implemented' being 'thwarted almost at will by rapacious gun runners and their Arab accomplices'. Betts (1980, 83) has lumped it in with the 'innocuous failures' and 'fiascos' of previous attempts at international limitation of the arms trade. Others have stated the Act represented an exception that 'underlined a more general freedom to trade' (Stone 2000, 215). Although studies by Chew (2012) and Grant (2007) have acknowledged attempts at arms trade regulation they have principally focussed on the massive arms supplies going to arms entrepots such as Muscat or to polities such as Ethiopia. It is easy to conclude from this that the era was characterised by a highly

permissive approach to the transfer of arms. I do not want to completely resile from this notion but it does need qualifying.

First, the exigencies of war often led states to impose restraints on arms exports. Indeed, the French Revolution and Napoleonic wars actually spurred widespread efforts to restrict arms to enemies.¹ Second the principles of neutrality were usually interpreted to require states themselves (but not private citizens) to refrain from supplying arms to belligerents (Hyneman 1930; McLaughlin 1938). Third, prohibitions on arms sales were sometimes introduced as a result of pre-existing obligations incurred in what were essentially treaties of friendship/alliance.² Fourth, there are also examples of restrictions imposed on the export of sensitive defence technologies. For instance, in 1878 Britain prohibited the export of torpedoes, torpedo-boats and torpedo apparatus and machinery (Atwater 1939, 295, ftnote 16). Finally, the major powers had different attitudes to the *promotion* of arms exports abroad. In Britain, the commitment to *laissez faire* meant officials tended to be more inclined to 'leave private firms to their to their own devices' (Grant 2007, 232), whereas German, French and Austrian officials were more willing to actively lobby for overseas armaments orders (ibid.; 23;Yorulmaz 2014, 8).

However, the approach to arms *exports* from imperial metropolises was certainly influenced by a liberal free trade norm that emphasised minimal state restrictions on peacetime private arms exports even to potential enemies and other states at war (Krause and Macdonald, 1992). This liberal export norm contrasted with the approach to arms exports adopted in the era of mercantilism (Cippola 1965, 45) and

¹ Krause, 1992: 39, 55, 41-2; *Derby Mercury*, 'London. August 30', 2 Sept 1790; *Caledonian Mercury*, 'House of Lords. January 1', 5 January, 1793; Order in Council, Prohibiting the Exportation or Carrying Coastwise or Gunpowder, Salt Petre, or any Sort of Arms or Ammunition for Two months from The Date of the Said Order, 6th April 1803.

² For example, see: *Kentish Mercury*, 10 June 1848, *Liverpool Mail*, 10 June 1848, 5; Atwater, 1939, 295 ftnote 16

even more so with the consolidation and expansion of peacetime export licensing in the Cold War.

However, whilst export restraint from the metropole may have been largely precluded, in all other respects colonial powers were engaged in a constant global battle to contain the proliferation of modern firearms to unacceptable actors in the spaces of Empire. This provided a particularly conducive environment for the emergence of the restrictions agreed in the 1890 Brussels Act. At the same time, however, the Act also stood out for the way in which its genesis was linked to a transnational humanitarian campaign that drew on and further consolidated an established anti-slavery norm.

The First Matryoshka Doll: The 1890 Brussels Act, the humanitarians and the anti-slavery norm

In this section, I will present a case study of the arms elements of the 1890 Brussels Act. The Act was an example of the first Matryoshka doll of arms trade governance – a discrete prohibitory initiative applied, in this case, to a particular category of weapons in a specified region. Although never as benign as supporters suggested, it was certainly understood at the time as the outcome of a Europe-wide humanitarian campaign to control the evils of slavery, including the use of arms to prosecute the slave trade.

In November 1889 diplomats convened to negotiate what would become the 1890 Brussels Act aimed at preventing the African slave trade and its attendant evils, the

trade in liquor and arms. With regards to the trade in arms there was a certain historical irony at work given that exactly this same relationship between the trade in guns and slaves had been used in earlier eras as the basis for exempting companies from even war-time restrictions on the export of firearms and ammunition (West 1991).³ By the late 19th century, however, the slavery norm had been overturned in favour of a foundational and constitutive anti-slavery norm (Nadelmann, 1990). In this context, a narrow (but incomplete) interpretation of the Brussels Conference would be that it represented an attempt to both consolidate an established anti-slavery norm and to graft prohibitory norms on the provision of arms and liquor to Africans onto this established norm. As far as firearms were concerned this meant formalising the transformation of trading arms for slaves from a compelling national interest to a venal activity.

However, the anti-slavery campaigners of the late 19th century were certainly not expressing 'cosmopolitan visions of universal equality and progress' but a world view characterised by 'paternalism, prejudices and the compulsion to proselytise Africans' (Forclaz 2015, 29). For instance, *The Pall Mall Gazette* (Jan 30, 1890), in commenting on the Brussels Conference, noted: 'We have heard the African native spoken of often as a child. We ought to realise that to allow firearms and gin to pass freely into Africa is literally as mischievous as to allow them to circulate in a nursery'. Equally, whilst anti-slavery was certainly pursued at some cost (Kaufmann and Pape 1999) it was also consonant with liberal market assumptions idealising wage labour and the toleration of local practices that sometimes looked little different from slavery (Nadelmann 2015, 497).

³ Also see: PP. Order in Council, for Permitting Ships and Vessels Trading in Africa to Take on Board and Export Gunpowder, Arms and Ammunition for Trade There; and also to Take on Board Gunpowder, Arms and Ammunition for the Defence of the Said Ships, in Certain proportions and Under the Conditions Mentioned in the Said Order, 11 May 1803.

More immediate factors also created pressure for the Brussels Conference. The extension of European influence in Africa in the 1880s produced a backlash from Arab traders, particularly in Central and East Africa where life became more dangerous for missionaries and colonial settlers (Miers 1975, 257; Finlay 2016). Thus, the marauding Arab slave trader was deemed to be placing the beneficent and civilising work of Christian missionaries under threat. At the same time, the increased European presence in Africa combined with the efforts of campaigners to discredit the slave trade resulted in numerous accounts of the horrors perpetrated by Arab slave traders (Bade, 1977). For instance, in a speech to the Royal Geographical Society in 1888, the German, explorer Herman von Wissmann described slave traders as the 'wholesale destroyers of human life' (1888, 529) and recounted the use of captured slaves for target practice and cannibalism (ibid., 525-31; also see Laqua 2011, 717).

This mix of moral abhorrence of slavery and concern about the threat to European settlers found its most influential tribune in the shape of Charles Martial Allemand-Lavigerie the French-born Cardinal and Archbishop of Algiers and Carthage. With the support of the Pope, Lavigerie toured Europe in 1888 preaching about the horrors of slavery in a series of talks in Brussels, Paris, Rome and London. Like his supporters, Lavigerie was at pains to highlight the intersection between Arabs, Islam and slavery in Africa. He not only campaigned for action to end the slave trade but called for armed volunteers to stop the traffic in slaves and pressed for restrictions on the trade in firearms deemed to be sustaining the operations of Arab slave traders (Miers 1975, 206).

Some commentators were more than a little dyspeptic in their reaction to Lavigerie's efforts. In Britain, *The Graphic* (4 August, 1888, 4) warned that 'compassion for

Sambo is quite compatible with earth-hunger for tropical possession, and with the desire of an energetic Church to expand its spiritual domination'. In Spain (which had only abolished the transatlantic slave trade in 1867) the longstanding abolitionist Sanromá reflected on the irony of those who had so recently resisted abolition becoming fierce converts to the fight against Muslim slavery (Schmidt-Nowara 2016, 149).

More generally, however, Lavigerie's campaign energised popular opinion. The *Anti-Slavery Reporter* (July 1888, 85) compared Lavigerie to 'a second Peter the Hermit' who had 'arisen to preach a Crusade in the cause of humanity'. In London he met Salisbury and the Prince of Wales and addressed a meeting at Prince's Hall chaired by Earl Granville, a former foreign secretary and attended by Cardinal Manning the Archbishop of Westminster (Cameron 1888). This concluded by passing a resolution, forwarded to the government, proclaiming the slave trade 'a crime against humanity' and calling for a Conference of the Powers to consider the issue of slavery (*Anti-Slavery Reporter*, November and December, 1889, 242). Lavigerie's campaign prompted the creation of anti-slavery societies in several European countries including Belgium, France, Italy and Germany (Laqua 2011, 707) and in 1889 both the Reichstag and the House of Commons called for action by the colonial powers (Miers 1975, 229-30).

In the run-up to the Brussels conference Lavigerie also declared his intention to hold a week-long alternative meeting of activists in Lucerne and, at the instigation of King Leopold, the date of the Brussels Conference was put back to permit delegates to take account of this alternative conference. As part of the planning for Lucerne preparatory commissions were established to report on the state of the slave trade and the means to be taken to end the trade. The latter was to include support for

religious missions, control of arms sales and the possibility of armed intervention (Renault 1994, 380). Ultimately, the Lucerne meeting was cancelled but a meeting eventually convened in Paris in September 1890 with some 800 delegates drawn from sixteen different countries (*The Morning Post*, 24 September, 1890, 5; Laqua, 2011, 710). One point of tension concerned Lavigeri's call for military action against the slave traders. As he noted in an interview given to Charles Allen, the secretary of the British Foreign and Anti-Slavery Society, critics saw in this a call for 'a crusade to put down the Mohammedan religion'. This accusation he rejected by suggesting 'actual hostilities would be confined to the disarming of Arab or negro slave traders' (*Northern Echo*, 4 Oct 1888, 3).

However, the Paris meeting ultimately settled on a public preference for pacific action (*The Morning Post*, 24 September, 1890, 5). This was certainly the position of British anti-slavery campaigners who tended to draw support from Protestant, Quaker and Methodist groups rather than the Catholic heritage that was often a feature of anti-slavery on the continent. The former also figured prominently in the numerous letters of support for the Brussels conference sent to the British government. This included letters from well-established anti-slavery organisations such as the Aborigines Protections Society but also groups such as: the Band of Hope Union, the Church Missionary Society and the Cambridge University African Slave Trade Committee.⁴ The YMCA (Young Men's Christian Association) of Great Britain and Ireland also sent a memorial to the President of the Brussels Conference on behalf of their 61,000 members (*Northampton Mercury*, 22 February 1890, p. 2), as did the Foreign Missions Committee of the Free Church of Scotland (*The Scotsman*, 3 Feb 1890, 10). Notably, some groups sent messages of support in

⁴ See: Correspondence Respecting the Conference Relating to the Slave Trade Held at Brussels, 1889, FO 881/5981.

direct response to feedback from British delegates that they were 'disappointed' at the low number of memorials they had received. This included a memorial from the Yorkshire Society of Friends (*Leeds Mercury*, 1 Feb 1890, p. 4) and another drafted at a meeting at Birmingham Council House convened by the Lord Mayor (*Birmingham Daily Post*, 11 January 1890, p. 5). The Foreign Office also noted in October 1889 that various societies and associations had announced their intention to send delegations to Brussels whilst the Conference was sitting.⁵ This included representatives of the Presbyterian Alliance (*Daily Telegraph and Courier*, 14 Feb 1890, 3), the Aborigines Protection Society and the British Anti-Slavery Society. The latter pressed the Conference to declare slave traders as pirates and as 'enemies of the human race' (*Anti-Slavery Reporter*, Nov/Dec 1889, 247; Mulligan 2013, 157).

In total, the secretariat of the Brussels Conference received 155 petitions from different groups of which two thirds called for prohibitions on the trade in firearms (Laqua 2011, 716) and at one point the negotiations were temporarily halted so that memorials from Britain, France and Switzerland could be read out to the delegates.⁶ In addition, Lavigerie compiled a volume of 'Documents Concerning the Foundation of the Anti-Slavery Campaign' and sent a copy to each of the participants at the conference (Renault 1994, 382-3).

At the Conference itself there was a notable consensus between diplomats, humanitarians and sympathetic journalists on the benign and civilising effects of the European presence in Africa, the primitive state of the natives and the inhuman practices of Arab slavers. The Conference President, the Belgian Baron Lambertmont told the journalist Flora Shaw that two civilisations were contesting for Africa, Islam

⁵ No 113, Foreign Office to the Treasury, Nov 1 1889.

⁶ British Plenipotentiaries to the Marquis of Salisbury, Brussels Feb 25 1890, in F.O. 881/6197, Part II: Further Correspondent Respecting the Conference Relating to the Slave Trade held at Brussels, 1890., No 111 p. 111.

“which was spreading from the North like a stain of oil” and Christianity, representing the civilisation of the West. They would “decide their quarrel by force” but the West would triumph, not least because it promised to rescue Africans from the vicissitudes of the slavery that trailed in the wake of Islam (cited in Schneer 2001, 135). The Belgian Minister of Foreign Affairs opened the Brussels Conference by informing the delegates:

The work which you are about to undertake is great and pure – it is generous, it is disinterested. For it does not entail the gratitude of those races oppressed and decimated with the most revolting barbarity, whose safety it is your mission to organize.⁷

Baron Gericke de Herwynen of the Netherlands observed, ‘our presence here is the best proof of the unanimous desire of our Governments to co-operate in ...[a] great humanitarian work’.⁸ The British representative claimed ‘the work which we are carrying on is purely humanitarian; it has no connection with politics’.⁹ In a speech at Guildhall in November 1889 Salisbury observed: “I do not think any Conference in the history of the world has ever met for the purpose of promoting a matter of pure humanity” (*Anti-Slavery Reporter*, Nov/Dec 1889, 238). Writing in the Wesleyan-Methodist magazine, the Rev. Joseph Rhodes (1890, 912) simply described the agreement as ‘the Magna Carta of the negro’, one designed ‘to protect the negro by disarming his Arab-enemy’.

In this context, civil society actors were merely refracting the ideology of liberal imperial states back onto the representatives of these states, rather than

⁷ Africa No 8a, Translation of Protocols and General Act of the Slave Trade Conference held at Brussels, 1889-90, London: HMSO, C.6049-I, 1890, p.2.

⁸ Ibid, p. 2

⁹ Ibid., p. 128

fundamentally challenging them. At the same time, however, whilst the humanitarians and the diplomats may have shared the same assumptions about the benefits of European colonialism the latter were also moved by more prosaic concerns. With regard to arms, this meant preserving supplies to local allies whilst also negotiating a regime that ensured colonial authorities maintained a qualitative military advantage over native populations. The challenge was neatly set out in a note to the Marquis of Salisbury of a meeting with the Belgian king immediately prior to the Brussels conference. The King considered:

it would be dangerous to supply the Arabs or the natives with modern firearms it might be possible to allow the limited importation...of flint and steel guns, reserving the supply of modern fire-arms for Europeans only.¹⁰

Sir John Kirk, the British plenipotentiary to the Brussels Conference was even more forthright:

...If Europeans wish to retain in their hands the advantage given them by the possessions of modern fire-arms, there is no time to be lost in at once stopping absolutely the sale of rifles [and] breech-loaders ...this will have no effect upon the slave-hunters...in whose hands the old flint muzzle-loading gun is sufficiently...deadly.¹¹

Kirk was equally forthright in the years following the agreement at Brussels, noting in an 1896 report on the Niger Coast protectorate that: 'the disarmament of the country' was 'a matter of policy *apart from* [my italics] the Brussels Act'.¹²

¹⁰No. 48. Lord Vivian to the Marquis of Salisbury, Brussels, Sept 29, 1889, FO 881/5983, Part 1, Correspondence Respecting the Conference Relating to the Slave Trade Held at Brussels, 1889, pp. 525-531.

¹¹No 118, Memorandum by Sir John Kirk on Proposed Conference Programme, Nov, 4, 1889.

¹²PP. Africa No 3. Report by Sir John Kirk on the Disturbances at Brass, London: HMSO, 1896, p. 26.

Implementation of the Brussels Act.

The Brussels Act was agreed in July 1890 and formally came into effect on 2 April 1892 (Miers 1975, 294). The Act imposed restrictions on the import of firearms and ammunition in the 'slave trade zone', a region defined as between 20°N and 22°S. All imported arms and ammunition were to be deposited in public warehouses under government supervision. Crude trade guns and powder could be sold for use in places where there was no slave trading. Modern firearms were not to be released but individuals in possession of appropriate guarantees from their government might be allowed them for personal use provided the weapons were stamped, registered and licensed (Miers 1971, 577).

As already noted, some commentators have suggested the Brussels Act was widely flouted. In this perspective, a weak regulatory arms trade norm was superseded by hard colonial and commercial interests and/or the global operation of a free trade in arms norm. However, this view has been somewhat skewed by the focus on the arms trade to Abyssinia and Somalia where the Act was largely ineffective (see below). Elsewhere, colonial powers went to great lengths to ensure their commitments at Brussels were translated into local legislation. In West Africa alone examples include a French decree in November 1890 on Gabon and the Congo prohibiting the sale of modern rifles to natives. This was quickly followed by a further decree prohibiting the import of modern rifles for resale to natives in the rest of French West Africa. Both decrees followed the guidelines established at the Brussels Conference (Cooke 1973, 43), even though France had yet to ratify the agreement (Yakemtchouk, 1977, 161). In German Cameroon restrictions on the supply of modern firearms to natives had already been imposed five years before the Brussels

Act came into force¹³ but in 1893 the colonial authorities introduced regulations specifically to conform with the Brussels Act. In the following years a dizzying array of further regulations were passed (Rudin 1938, 311-14). This included regulations issued in 1906 requiring anyone wishing to use a shotgun to submit a written application and present their gun to the nearest District Office where it would be stamped and the manufacturer, factory number and number on the stamp recorded.¹⁴ A further edict in 1908 prohibited the transfer of arms (including gifts) to natives - albeit with an exception for native hunters assisting white hunters (Rudin 1938, 311-14).

The British in West Africa introduced legislation to implement the Brussels Act in the Gold Coast and Ashanti as well as Sierra Leone.¹⁵ In the latter colony six ordinances relating to the importation and traffic in firearms were passed from 1892 to 1905 and then consolidated into Law No 10 ensuring modern firearms were treated as required by the Brussels Act (Gray, 1910, 383-4). In the region under the control of the Royal Niger Company, a system of total prohibition of modern firearms had been in force since the granting of its charter in 1886.¹⁶ In the Crown Colony of Lagos the Act was applied in 1892.¹⁷ With regards to the Niger Coast Protectorate an Ordinance for application of the Act was approved in London in 1894 and further initiatives to restrict the sale of arms were pursued in subsequent years.¹⁸ The creation of the Northern Nigeria Protectorate in 1900 was swiftly followed by the passage of legislation that not only implemented the Brussels Act but prohibited the possession

¹³ PP. Report by Sir John Kirk, op. cit, p. 23

¹⁴ 'Verfügung des Gouverneurs von Kamerun, betreffend Waffenkontrolle, Vom 1 März, 1906' in *Die Deutsche Kolonial-Gesetzgebung*, Zehnter Band, Jahrgan 1906, Berlin 1907, p. 122-3

¹⁵ PP, Colonial Report – Annual, No 96. Sierra Leone: Annual Report for 1892, London: HMSO, 1894, C-6857-46, p. 3; 'Memorandum by Sir Hugh Clifford, Governor of the Gold Coast, 25th January 1917', Committee of Imperial Defence, Sub-Committee on Arms Traffic: Report, Proceeding and Memoranda, CAB 16/44; No 346.

¹⁶ PP. Report by Sir John Kirk, op. cit., p. 23

¹⁷ Ibid

¹⁸ Ibid, p. 24

of modern 'arms of precision' already existing in the Protectorate except by permit and registration.¹⁹

More generally, by 1908 British officials at least considered that 'on the whole' the Brussels Act had 'been of considerable service in keeping the [arms] traffic within bounds'.²⁰ Looking back on the Act in 1929 Lord Lugard (1929, 4) could note that despite the grand claims about defeating slavery, its only practical effect was to render 'the African more powerless than ever to resist conquest by Europeans'. Thus, notwithstanding some notable failures of implementation (see below) the Brussels Act probably stands comparison with contemporary agreements on the arms trade that have been equally variable in their effectiveness.

The Second Matryoshka Doll: Arms Trade Prohibition in the Periphery

Whilst the Brussels Act was certainly notable for the way it emerged out of a humanitarian campaign that drew on and consolidated an anti-slavery norm, in other respects it was consistent with the broader approach to arms trade restrictions adopted by the major powers in *all* the spaces of Empire – the second Matryoshka doll of arms trade governance.

Further initiatives to restrain arms flows to Africa included restrictions on the arms trade into Morocco agreed at the 1906 Algeciras Conference;²¹ the 1906 tripartite agreement between France, Britain and Italy principally aimed at restricting the arms

¹⁹ Northern Nigeria: Report for the Period from January 1900 to 31st March 1901 by the High Commissioner of Northern Nigeria, Cd 788-16, London: HMSO, 1902, p. 17; Colonial Office to FO Nov 24 1908, IOR, L/PS/10/158 Arms Traffic, Brussels Conference.

²⁰ Memorandum on the Arms Traffic with the Natives of Africa, in Brussels 'Arms Traffic Conference, May 1908', ADM 116/1046

²¹ *Morocco No 1, 1906, Despatches from the British Delegate at the International Conference at Algeciras Forwarding the General Act of the Conference Signed at April 7, 1906 and Other Documents Relating to the Affairs of Morocco*, July, 1906, London: HMSO, Cd 3087.

traffic to Abyssinia and to a lesser extent Somalia;²² a 1907 Spanish edict forbidding imports into its possessions in the Western Sahara²³ and a 1908 agreement between European powers suspending the import and sale of firearms in Western Equatorial Africa.²⁴ The latter emerged from otherwise failed negotiations to both strengthen the Brussels Act and expand its scope to cover the Persian Gulf²⁵ - an initiative largely devoid of the humanitarian pressure that characterised the original negotiations.

Initiatives to restrict the small arms trade in the Persian Gulf (extracted under British pressure) included an 1898 agreement between Britain and Bahrein prohibiting the import and export of arms; similar agreements with the Sheikh of Kuwait and the Sheiks of Trucial Oman; restrictions announced by Oman in 1891, 1892 and 1898; the naval blockade of the Persian Gulf instituted by the British in 1910 to combat the trade in arms in the region; and the 1913 agreement between Britain and France aimed at curbing the arms trade at Muscat (Busch 1967, 270-303; Lorimer 1986, 2556-93). In South-east Asia, as Tagliacozzo (2005, 265) has noted, 'over time, colonial administration – and colonial opinion....came to the conclusion that it would be better for everyone if local Southeast Asians had as few firearms as possible'. Even in the Western Pacific, colonial powers sought to curtail the supply of arms to colonial subjects. For example, under the 1889 Treaty of Berlin on Samoa Britain, Germany and the USA agreed that 'the sale of arms and ammunition by any

²² Cd. 3299, Treaty Series No 2, Agreement between the United Kingdom, France and Italy, Respecting the Importation of Arms and Ammunition into Abyssinia, Article 2, Dec 13 1906, London: HMSO, 1907.

²³ No 56 From Sir Maurice de Bunsen to Sir Edward Grey, Madrid, April 15 1907, in Traffic in Arms and Ammunition in Africa and the Persian Gulf, 1907, Confidential Print (9185), March 1908, L/PS/20/FO41.

²⁴ Treaty Series No 29. 1908. *Protocol Between the United Kingdom, The Independent State of the Congo, France, Germany, Portugal and Spain Prohibiting The Importation of Fire-Arms, Ammunition, &C Within a Certain Zone in Western Equatorial Africa, Signed at Brussels July 22, 1908*, London: HMSO, Nov 1908, Cd 4320

²⁵ See for example: ADM 116/1046, Brussels Arms Traffic Conference May 1908.

foreigner to any native Samoan subject or other Pacific islander resident in Samoa is prohibited'.²⁶

Consequently, the spaces of empire were increasingly subject to intensive and extensive efforts to restrict the trade in arms via import controls, internal regulation of colonial spaces and export controls instituted at key nodal points in regional arms markets. Thus, rather than being an era of free trade in arms, the late 19th century was characterised by a *dual regime of regulation*: general adherence to a peacetime liberal export norm for arms transfers from imperial metropolises along with intensive and extensive regulation of arms flows into and between the spaces of Empire.

The Third Matryoshka Doll: The Devils Bargain, Constitutive Norms and Arms Control as Governmentality

Calls for arms trade regulation in the spaces of Empire were rarely located in broader critiques of militarism at home. For policy-makers, small arms control in Africa and elsewhere was necessitated by the threat to colonial order and therefore distinct from discussions about armaments policy and armaments competition amongst the so-called civilised powers. Even for the campaigners at Brussels, small arms proliferation was an issue umbilically linked to the questions of slavery, arms and liquor control abroad rather than questions about domestic policy. The Brussels Act was equally distinct from late 19th century attempts to curtail the excesses of war amongst 'civilised powers'. Some campaigners had certainly called for the disarmament of Arab traders and the Act itself cited the need to 'diminish intestine wars between tribes' (Article II(i)) but it was very much rooted in a humanitarian anti-

²⁶ PP, Final Act, 1890, p. 8, Art VII, Section 1

slavery tradition rather than any emerging humanitarian law of war tradition. For example, neither activists nor officials actively sought to frame the Brussels Act in relation to earlier initiatives such as the 1868 Declaration of St Petersburg banning the use of explosive and fulminating bullets or the 1874 Brussels Declaration on the Laws and Customs of War.

This is not to deny there were expressions of discontent from gun manufacturers about the impact of colonial restrictions upon their business,²⁷ but both domestic arms production and the dynamics of arms rivalry in Europe remained largely untroubled by efforts at small arms control in the peripheries. Indeed, in 1889, the British government launched a new programme of military shipbuilding and both France and Russia followed suit. According to Laity (2001, 114) 'a new arms race was underway' – and at the very same moment diplomats were concluding the Brussels restrictions on small arms proliferation.

Of course, a decade after the Brussels Conference, the Tsar called the first Hague Peace Conference to explore a 'possible reduction of the excessive armaments which weigh upon all nations' (cited in Keefer 2006, 7) but in the end the Hague Conference achieved little on this front. Salisbury, who had been so eloquent about the Brussels Conference, observed that the expense and destructiveness of war had worked as a deterrent in solving conflicts (ibid.,10). British military experts also argued any attempt to freeze armament levels risked favouring 'the interests of savage nations' (cited in Cooper, 1991, 125). At the Conference itself, even a call for a ceiling on the growth of armaments met with failure (Keefer 2006, 14) and the best the delegates could agree on was a non-binding resolution noting the restriction of

²⁷ For example, at the Brussels Conference, the Belgians faced protests from arms manufacturers who claimed that Africa was one of their largest markets (Miers 1975, 265).

military budgets was desirable (Best 1999, 631; Keefer 2006, 15). Modest calls for limitations on the development of rifles, gunpowder and explosives were rebuffed, although restrictions were imposed on dum dum bullets and some technologies still in their infancy. The second Hague Conference of 1907 achieved even less (Sidorowicz, 1992, 15). As Sandi Cooper (1991, 132) has noted, 'arms reduction had been entombed again'.

Even more instructively, the first Hague Conference was convened in the very same year as the 1899 agreement between Britain and Egypt establishing a joint condominium over the Sudan. This had been preceded by the battle of Omdurman in which five hours of fighting had left 11,000 Mahdists dead in comparison to just 40 on the British side (Headrick, 1981, 118). Back in Britain, *The Morning Post* (29 September 1898) highlighted the role played by 'the powerful weapons of civilisation – the shrapnel shell, the magazine rifle and the Maxim gun'. Winston Churchill (1902: 300) recorded 'the most signal triumph ever gained by the arms of science over barbarians'. Unsurprisingly perhaps, the advantage provided by the 'weapons of civilisation' was duly recognised in the Sudan agreement. Article 12 noted that 'special attention shall be paid to the enforcement of the Brussels Act of the 2nd July, 1890, in respect to the import, sale and manufacture of firearms and their munitions' (ibid., 373). As this example illustrated, qualitative arms control functioned to underpin the capacity to deploy violence in the service of Empire, not constrain it. The Brussels Act therefore represented an early version of the 'devils bargain' in which a prohibitory humanitarian arms control norm was promoted at the cost of legitimising the logics and practices of liberal militarism both at home and abroad.

However, focussing only on the operation of prohibitory regulatory norms obscures the way arms trade regulation also played itself out as a specific colonial form of

arms control as governmentality, whereby mechanisms of prohibition *and* prescription were *both* put to the service of governing which peoples could legitimately use what kinds of arms. Of course, efforts to manage arms flows to potentially unruly colonial subjects by constantly seeking to balance permission and proscription were neither completely effective nor ever effectively complete. First, efforts at restraint were perennially subject to strategies of evasion undertaken by local actors operating with their own normative and cartographic understandings (Mathew 2016; Tagliacozzo 2005). Second, arms trade regulation was a contested terrain over which advocates of permission and advocates of restraint often clashed. For example, pressures for restraint were offset by pressures to use the provision of arms to secure access to markets and the loyalty or security of allies in a context of intra-European competition to maintain and expand formal and informal Empires (Grant 2007; Chew 2012). Policy on the ground therefore often appeared contradictory. Nevertheless, proponents of permission and proscription both generally agreed on the broad goals of policy – to maintain imperial influence and imperial order– and even more so on the broader logics in which arguments for permission and proscription were to be located.

For example, the Brussels Act certainly failed to prevent a substantial arms trade into Abyssinia and Somalia where, by 1908, British officials considered the Act had ‘completely broken down’²⁸ largely as a result of French support for a profitable arms trade through French-controlled Jibouti. However, it was colonial norms of sovereignty that provided the regulatory space for proliferation. The legal legitimacy of this transit trade was enshrined by Article ten of the Brussels Act which, somewhat ironically, had been vigorously promoted by the British. This affirmed the right of

²⁸ Memorandum on the Arms Traffic with the Natives of Africa,

inland territories 'under the sovereignty or protectorate' of another signatory power to acquire arms via the territory of a coastal power and Italy had previously announced Abyssinia's adherence to the agreement. To compound the irony, at one point in the negotiations the French had actually suggested the Conference had 'no power to impose a right of transit on any Sovereign state'.²⁹ Enforcement of both the arms and slave trade regulations of Brussels were also hampered by French refusal to permit searches of sea vessels flying the French flag. Arms smuggling dhow owners operating in both the Red Sea and the Persian Gulf quickly realized the French flag represented 'a licence to traffic' (Mathew 2016, 35) as it made each dhow an 'island of colonial sovereignty' (ibid., 34) and therefore immune to search. This is not to imply sovereignty norms offered an unfettered licence to trade. The arms provisions of the Brussels Act were ultimately predicated on the fact that European powers exercised 'rights of sovereignty' (Article nine) in their colonial possessions. Thus, the Act and its implementation was suffused with norms of sovereignty that both underpinned restrictions on the arms trade and provided the regulatory spaces permitting their circumvention.

Similarly, both the advocates for free trade in arms in the spaces of Empire and the advocates of restriction crafted their arguments by reference to the shared ideational frames of free trade, development and the standard of civilisation – each heavily imbricated in the other. In Africa, for example, free trade advocates argued the offer of arms was essential for recruiting African labourers and that arms proliferation would speed the depopulation of local wildlife thus hastening the day when natives switched from hunting and alcohol to legitimate trade (Storey 2008, 196). Conversely, proponents of restriction such as Alexander Mackay (1890, 42) of the

²⁹ No. 61 The British Plenipotentiaries to the Marquis of Salisbury, Brussels, Jan 30, 1890, in FO 881/6197 Part II.

Church Missionary Society deplored the fact that ‘in the name of Christianity, free trade and civilization we see firewater and firearms pouring in every port [in Africa]’. However, for Mackay, the solution lay not only in ‘forbidding the import of arms and ammunition’ but in promoting legitimate trade amongst Africans, ‘developing the resources of the country, and ...promoting internal peace’ so ‘the natives will...busy themselves with growing whatever they can get a fair price for instead of fighting’ (Letter to *The Times*, May 8, 1889). In this sense the Brussels Act represented the archetype of regulation in the spaces of Empire, combining restrictions on the arms and liquor trades with calls for the development of ‘agricultural labour and...the industrial arts’ amongst native populations (Article 2). At the same time, the precise ways in which these twin processes of grafting and counter-grafting played out varied from region to region and over time. For example, in Singapore, policy from the 1820s onwards oscillated between permission and proscription, as free trade and merchant pressure on the one hand, and concerns about the destabilising impact of the firearms trade on the other hand, were weighed in different ways at different times (Chew, 174-179; Tagliacozzo 2005, 270). At Muscat, commercial treaties between the Sultan and various powers (particularly the French) enshrining free trade severely hampered Britain’s ability to curtail the trade in the Persian Gulf. This was only finally resolved by the aforementioned 1913 agreement between Britain and France. Thus, free trade norms were constantly exposed to serial processes of grafting and counter-grafting. Nevertheless, as the 19th century merged into the early twentieth century arms trade regulation in the spaces of Empire was increasingly seen as consonant with a dominant imaginary of liberal market norms (Mathew, 2016).

This is not to downplay the pressures for imperial powers to supply arms to local allies, nor the way broader colonial conceptions of economic and geostrategic interest militated against cooperation to limit the arms traffic as at Jibuti and Muscat.³⁰ However, such factors ultimately illustrated the way in which particular assemblages of norms, formal and informal practices, responses to evasions and norm-derived conceptions of interest constituted colonial practices of arms control as governmentality. Understood in this way, oscillations in policy in the same region or between different spheres of colonial interest reflected the attempt (always imperfect) to manage arms flows according to where people were placed in the racially inflected triple hierarchies of civilisation, loyalty and utility to imperial power. - hierarchies that could be either mutually reinforcing or mutually opposed depending on circumstance. They also illustrated how judgements about what constituted interest were predicated on a particular moral economy in which European norms about racial superiority and imperialism framed the standards of appropriate behaviour of the era (Finnemore and Sikkink 1998, 892) and the fluid but always subordinate identities of the other.

This was illustrated in the late 1870s when the Cape Colony in Southern Africa, introduced a licensing system aimed at disarming supposedly disloyal native tribes (Storey 2004, 707. In response, one tribe, the Basuto, proclaimed their loyalty to the Queen and asked whether 'we are to be disarmed because we are black'.³¹ In British India, Acts in 1858, 1860, 1878, and 1909 constantly refined and revised who had the right to own, import, export and produce what kinds of arms, where they could be transferred to and under what conditions. Each act was also regularly amended via a

³⁰ See for example Correspondence Respecting Arms and Liquor Traffic East and West Africa, Part 1 Confidential (8908), 1906

³¹ Enclosure 1 in No. 10, PP, C.2569, South Africa. Correspondence Respecting The Affairs of Basutoland', May 1880, p. 9-12.

series of notifications that led one official reviewing rules on exports to Aden to lament 'it is impossible to say ...with absolute certainty what are now the precise powers of the Government of India under the [1878] Arms Act'.³² This illustrates how such regulations were not just about the effective management of arms flows but also an intrinsic part of the process by which imperial gradations of race, culture and threat were actually produced. Indeed, in this context, adherence to, and refinement of, regulatory processes was as important as actually achieving a concrete impact on arms flows.

In Somalia, imperial policy combined permission with prohibition. Thus, in 1894 Italy concluded an agreement under which the Somali Sultan of the Mjertin adhered to the terms of the Brussels Act (Hertslett 1967, 1119). Further measures, aimed at preventing arms reaching Sayyid Muhamed Abdullah Hassan, the so-called Mad Mullah of Somalia, included the 1902 Aden Sea Traffic in Arms Regulation;³³ the 1905 Ilig Agreement between Italy and a then-weakened Sayyid prohibiting his import of firearms (Hertslett 1967, 1120-23; Katagiri 2010, 38); and the British Somaliland Firearms Regulation of 1905 regulating the import of arms into their Somaliland Protectorate.³⁴ At the same time, however, after 1909 the British combined arms restrictions with a policy of supplying arms to the 'friendly tribes' – a policy that backfired when they turned their newly acquired arms on each other.³⁵ Worse was to follow in 1914 when, in direct contravention of his orders, Richard Corfield, the commander of the Camel Corps, launched an attack that led to the

³² Note by the Secretary in the Judicial and Police Department, 13 Feb 1899, IOR/L/PJ/6/245, File 311.

³³ Memorandum Respecting Traffic in Arms and Ammunition with the Natives of Africa, FO 881/10503, 16 Nov 1907.

³⁴ Memorandum Respecting the Traffic in Arms and Ammunition with the Natives of Africa, 16 November 1907, FO 881/1003X

³⁵ No.1 'Memorandum by the Commissioner on the Political Situation in Somaliland in April 1912', 30 April 1912, in *Somaliland. Correspondence Relating to Affairs in Somaliland*, London: HMSO, 1913, Cd 7006; Jardine 2003, 197.

virtual annihilation of his troops and Corfield's own death. Although a military disaster, back in England, Lord Emmot, Under-Secretary of State for the Colonies observed to the House of Lords that Corfield:

...was what is called in common parlance "white all through", precisely the sort of man one would desire to go tiger shooting with.³⁶

British policy on Somalia therefore illustrates the inadequacy of either humanitarian, free trade or strategic frameworks alone for understanding regulation of the arms trade in Africa (and indeed elsewhere). In this case, imperial motivations were laid bare – both proscription *and* permission were put to the service of making the spaces of Empire safe for traders, administrators, loyal natives and even visiting tiger hunters.

Conclusion

This paper has attempted to both provide a more complete understanding of the dynamics of arms trade regulation in the late 19th century and use this to provide insights into current debates about norms, arms regulation and arms control as governmentality. In this context, the 1890 Brussels Act can be understood as an example of the first Matryoshka doll of arms trade governance – a discrete initiative that, in this case, aimed to regulate the import of a specified class of weapons into a specified area of Africa. From the perspective of proponents the Act was the outcome of a grand humanitarian campaign to restrict the arms (and liquor) trade to Africa. Indeed, it can be understood – in part - as an effort to graft a regulatory arms trade norm onto an established and constitutive anti-slavery norm. At the same time,

³⁶ HL Debates, 20 April 1914, col. 1155

policy-makers were also motivated by a more prosaic concern to maintain qualitative military superiority over colonial subjects in Africa. Nevertheless, judged in isolation the campaign for the Brussels Act can be understood as a relatively successful initiative that managed to merge the requirements of colonial order with a particularly paternalist and orientalist humanitarianism. Moreover, with the exception of the arms traffic to Abyssinia and Somalia, implementation of the Act was more extensive than has generally been acknowledged.

However, the Brussels Act represented just one element in a far larger network of regulation aimed at restricting the supply of arms to colonial subjects in all the spaces of Empire. This constituted the second Matryoshka doll of arms trade governance. Thus, rather than being an era of 'free trade' in arms the period was actually characterised by a dual regime of regulation: the operation of a peacetime liberal export norm for transfers from imperial metropolises combined with widespread efforts to manage arms flows into and between the spaces of Empire. When located in this broader network of prohibitory regulation the humanitarian underpinnings of the Brussels Act are revealed as far less significant than the concerns about the maintenance of colonial order and qualitative military advantage for imperial powers.

Of course, the operation of a 'free trade' in arms philosophy combined with competition for colonies, markets and influence amongst imperial powers are generally deemed to have trumped substantive efforts at limiting arms flows. However, practices of proscription *and* permission were both part of the attempt to delineate who could legitimately use which gradations of weapons according to where they were located in the triple hierarchies of civilisation, loyalty and utility to Empire. This is not to deny that local actors constantly engaged in strategies of evasion or that imperial policies were perennially reversed or amended. Indeed, both

permissive and proscriptive arms trade norms were the site of recurring contestation played out in the form of competing appeals to transnational constitutive norms such as sovereignty, free trade, colonialism and the standard of civilisation. Nevertheless, the oscillations in policy this produced are better understood less as a failure of prohibition and more as constituting the fluid cartography of regulation that was (and is) a defining feature of *arms control as governmentality*. Moreover, the process of serially reinventing the border between legitimate and illegitimate ownership of, and trade in, the means of violence represented an important political project in its own right, irrespective of the actual material impact on arms flows. Indeed, the understanding of arms trade governance as a Sisyphean endeavour was (and remains) central to the legitimising politics of arms control as governmentality. Nevertheless, by the early 1900s colonial powers had actually developed fairly extensive mechanisms of regulation that, in general, were probably as effective as the mechanisms of contemporary arms trade regulation heralded by optimists as signalling a shift to a novel form of global arms governance.

What insights does this offer us into contemporary debates in the literature on post-Cold War arms trade regulation? First, the simplistic claim that contemporary humanitarian arms control initiatives, including those on small arms, are 'novel' just does not stand up to historical analysis. This bears repeating time and time again given the frequency with which the former claim is recycled. What is more useful therefore is to reflect on the ways in which contemporary HAC is or is not novel compared to antecedents such as the Brussels Act and to use this as the basis for evaluating current debates in the literature on HAC

There are some notable differences. The Brussels Act was concerned to restrict what were then considered modern, technologically cutting edge arms whereas

contemporary small arms are generally viewed as a mature technology. Even more notably, the overt racism that characterised the discursive landscape of 19th century humanitarian arms control has largely disappeared. Similarly, a feature of contemporary transnational initiatives on small arms, landmines and the ATT has been the way these have also been actively promoted by key states and civil society organisations from the global South (Bromley, Cooper and Holtom 2012, 1039; Afrat 2012, 66). The global architecture of small arms regulation also includes regional agreements such as the ECOWAS moratorium on SALW that are composed solely of states from the global south. This is certainly indicative of changes in power relations between North and South.

Nevertheless, northern NGOs remain as the primary gatekeepers determining what issues (e.g. landmines as opposed to thermobaric weapons) become the focus of civil society campaigns (Carpenter 2014). Northern actors have also been the largest funders of HAC campaigns on small arms, landmines and cluster munitions whilst northern NGOs have been the largest recipients of this funding (O'Dwyer 2014; Stavrianakis 2011, 208). Moreover, whilst HAC campaigns are certainly framed as expressions of cosmopolitan solidarity they have also drawn on largely uninterrogated 'standard of civilisation' norms and are not immune to the recycling of orientalist assumptions about the legitimacy and motivations of different suppliers, recipients and users of the instruments of violence (Mathur 2014; Stavrianakis 2011). Furthermore, there have been notable moves to liberalise arms exports, particularly with respect to intra-Western transfers (Cooper 2011, 147-9).

This indicates the need to abandon the uncritical assumption of the optimists that the merging of arms control and humanitarianism must, by definition, be both positive and transformative. As demonstrated here, the merging of the two is not *necessarily*

incompatible with colonialism, racism and imperial violence. Moreover, both Brussels and the broader operation of arms control as governmentality illustrate how HAC initiatives may not represent a victory for 'good' norms over 'bad norms' but the regulatory logics produced by both. Indeed, victories for humanitarian arms control may neither challenge nor reconstitute hegemonic practices of security and economy. Instead, they may be achieved because apparently disparate and divergent normative frameworks constitute historically contingent norm hierarchies that produce the conditions of possibility for the emergence of particular modes of arms trade governance and their associated logics of permission and restraint.

Certainly, arms trade regulation in the age of Empire including its humanitarian variants, never challenged the logic of liberal militarism and in many respects was harnessed to it. The Brussels Act in particular represented an early example of the 'devils bargain' in which humanitarian restraint was achieved at the expense of legitimising the arms, forms of violence and ways of war practiced by hegemonic powers. There are notable echoes here with many contemporary HAC campaigns which have been equally focussed on controlling violence in the peripheries and in which key groups such as the ICRC have actively sought to distance themselves from peace activists and antimilitarism so as to make HAC agendas more palatable to policy-makers (Carpenter 2014, 105 and 117). This indicates the need for caution in assuming that successive limited humanitarian initiatives can change the dominant logics of militarism whilst also extracting a critique of militarism from those same initiatives.

Of course, the recent success of the humanitarian campaign for an agreement to ban nuclear weapons might suggest a shift in HAC towards a more effective merging of humanitarianism and anti-militarism. Even here, however, it is notable that

campaigners have attempted to retain the distinction between legitimate and illegitimate weapons, and the distinction between disarmament as an overarching goal and strategy and disarmament as a weapons-specific tactic (Fihn, 2017; UNIDIR, 2017, 10). Moreover, it is notable that the nuclear weapons states have neither signed up to the ban treaty nor abandoned expensive nuclear modernization programmes (Korb, 2017). Thus, both Brussels and contemporary HAC initiatives illustrate the ‘limits of possibility’ inherent in pursuing the empty promise of ‘disarmament’ without demilitarisation.

Indeed, it is worth noting in this context that in historical terms, the Brussels Act and the broader range of initiatives to manage arms flows in the spaces of Empire were essentially transitory – they did *not* produce a lasting change in arms trade norms or in the international system. In part at least, this was because prohibitory arms trade norms emerged as elements in the normative superstructure of the era rather than as constitutive norms in their own right. At the same time, it was also the case that from the 1930s onwards, changes in the substance of transnational constitutive norms pertaining to sovereignty, security, economy and colonialism created the permissive conditions for a new set of regulatory arms trade norms to emerge through new processes of grafting and counter-grafting. There were, of course, elements of earlier approaches in the use of arms supplies to ‘the friendlies’ in the wars of decolonization and anti-communism. More generally, however, arms trade regulation in the Cold War was characterized more by a sovereign approach to arms control that emphasized the creation and expansion of peacetime national export licensing systems and the use of regulation to achieve security between states. Arms trade norms were ultimately at the mercy of these far larger shifts in foundational constitutive norms.

All this should prompt due modesty on the part of the optimists heralding the normative transformations supposedly wrought by humanitarian arms control initiatives such as those on small arms. It also highlights the need for a more thoroughgoing genealogical approach to the histories of both humanitarian arms control and arms trade regulation (governmental and sovereign). This is perhaps more obviously the domain of the critical school of thinking on arms trade regulation. In the case of the optimists, both the evident flaws of humanitarian arms trade regulation in the late 19th century and its essentially transient nature demonstrate why they also need to think more historically about the relationship between humanitarianism and arms regulation. Indeed, despite the differences between 19th and 21st century HAC, it is certainly the case that they still need to do more to convincingly demonstrate why things might turn out differently this time around.

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